



AGENDA

**Committee of the Whole
to be held on Monday March 16, 2020 at 1:00 p.m.**

977 South Maquinna Drive

Call to Order

Introduction of

Late Items

None.

Approval of the Agenda

New Business

1

Draft Zoning Bylaw and Draft Development Procedures Bylaw: Briefing and Discussion

- 1. Urban Agriculture/ Community Care Facilities - municipal comparison table**
- 2. Temporary Use Permit Procedures Draft**
- 3. Development Procedures Bylaw Draft**
- 4. Zoning Bylaw Table of Concordance**

Adjournment

Community Care Facilities

	Cumberland (Pop. 3,753)	Port Hardy (Pop. 4,132)	Lake Cowichan (Pop. 3,013)	Dawson Creek (Pop. 12,980)	Port Coquitlam (Pop. 58,610)
Definition	Community care facility: means the use of building and other structures where a person provides care of three or more persons and is under permit by the Provincial Government pursuant to the <i>Community Care and Assisted Living Act</i> .	Community care facility: means a facility licensed pursuant to the <i>Community Care and Assisted Living Act</i> .	Community care facility: means the same as defined in the <i>Community Care and Assisted Living Act</i> and includes a facility serving any age group, including a senior's assisted living facility.	Community care facility: means the use of premises operated by a licensee under the <i>Community Care and Assisted Living Act</i> to provide residential care to 6 or fewer persons (Class A) or 7 or more persons (Class B) not related by blood or marriage to the licensee.	Community care facility: means the provisions of care, supervision, social or educational training, or rehabilitative therapy to sick, injured, aged, or disabled persons residing at premises licensed under the <i>Community Care and Assisted Living Act</i> .
Additional Regulations	<ul style="list-style-type: none"> In a mixed-use residential zone, the total maximum combined floor area of community care facility uses is 13,900m² and the maximum height is 15m 	<ul style="list-style-type: none"> In a multiple residential zone, the minimum parcel area is 900m² and the maximum height is 11m. 	<ul style="list-style-type: none"> All single-family residential buildings may be used as a community care facility, as licensed under the <i>Community Care and Assisted Living Act</i>, for the purpose of providing: <ul style="list-style-type: none"> A day care for more than 8 persons, or A residence for no more than 10 persons, and not more than 6 of whom are persons in care. 	None.	<ul style="list-style-type: none"> In residential zones, community care facilities are limited to the care of 10 persons per lot and must be located at least 300m from any other such facility fronting the same street measured between the two closest lot boundaries. In institutional zones, community care facilities are limited to a floor ratio of 1.0
Parking Requirements	<ul style="list-style-type: none"> Residential: 1 per dwelling unit Institutional: 1 per bed 	<ul style="list-style-type: none"> Institutional: 1 per 3 employees and 1 per 4 patient beds 	<ul style="list-style-type: none"> Institutional: 1.25 spaces per 100m² gross floor area 	<ul style="list-style-type: none"> Residential: requirement determined by type of dwelling unit 	<ul style="list-style-type: none"> Residential: requirement determined by type of dwelling unit
Permitted Zones	<ul style="list-style-type: none"> Mixed-Use Residential Public Assembly/Institutional 	<ul style="list-style-type: none"> Multiple Unit Residential Institutional Comprehensive Development 	<ul style="list-style-type: none"> Residential Institutional/Public Use 	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential Institutional

Urban Agriculture

	Cumberland (Pop. 3,753)	Port Hardy (Pop. 4,132)	Squamish (Pop. 19,510)	Ladysmith (Pop. 8,537)
Definition	Urban agriculture: means the growing of fruits and vegetables, flowers, native and ornamental plants, edible berries and food perennials for beautification, education, recreation, community use, personal consumption, sales of produce grown on the lot or the donation of vegetables, fruits, edible flowers and berries only. Includes the keeping of honey bees, keeping of backyard hens, and livestock established and operating in accordance with Section 4.13. Excludes agriculture intensive.	Small scale urban agriculture: means an accessory use consisting of the cultivation, on a portion of a parcel, of fruits, mushrooms, nuts, plants, vegetables, or seeds and includes the sale of these items grown on that parcel where home occupation is a permitted accessory use. The cultivation and sale of cannabis is not permitted.	Urban agriculture” means the act of growing food on a lot. In addition to produce grown in a garden, this also includes community gardens, fruit and nut tree production, the keeping of hens and/or bees, and agricultural retail sales limited to 30m ² in gross floor area and provided that at least 75% of goods for sale are produce on site.	Urban agriculture: means growing or producing flowers, native and ornamental plants, edible berries, fruits, nuts and vegetables as well as the keeping of honeybees excluding the cultivation of cannabis for commercial purposes.
Greenhouse Regulations	None.	<ul style="list-style-type: none"> • A greenhouse is subject to the setback requirements for an accessory building for the zone in which it is located and the maximum footprint of the greenhouse must not exceed 28m² • Artificial lighting is permitted within a greenhouse, provided that the lighting is not permitted to spill out onto adjacent parcels. Lighting must be directed downwards and/or shielded to prevent spillage of light onto adjacent parcels. 	None.	None.
Compost Regulations	<ul style="list-style-type: none"> • Must be located at least 3m from any lot line, however, this setback may be reduced to 0m 	None.	None.	None.

	<p>when opaque screening is in place or a solid bin is in use.</p> <ul style="list-style-type: none"> Only consist of plant, plant-based material, or animal manure and cannot utilize any mechanized process. 			
Hen Keeping Regulations	<p>Hen keeping is permitted on all lots where urban agriculture is permitted provided that:</p> <ul style="list-style-type: none"> A coop and run must be located at least 1.5m from all property lines unless there is a solid barrier such as a wall or fence Coops and runs must not be located within a 4.5m buffer of habitable structures on adjacent properties Runs must not exceed 4.5m in height Hens must be located in the rear yard The maximum number of hens is 6 per lot Roosters are not permitted Sales of eggs, manure and other products associated with the keeping of hens is prohibited Coops and runs must be maintained in a clean condition and the coop must be kept free of obnoxious odours, substances and vermin Stored manure must be kept in an enclosed structure such as a compost bin and no more than 	<p>Hen keeping is a permitted accessory use in residential zones subject to the following conditions:</p> <ul style="list-style-type: none"> Up to 4 hens are permitted on parcels that are less than or equal to 450m² in area Up to 6 hens are permitted on parcels that are greater than 450m² in area No roosters are permitted A structure must be provided to house the hens and said enclosure must provide a minimum of 0.37m² per hen A structure used to enclose hens, whether portable or stationary, is subject to setback requirements for accessory buildings and structures for the zone in which it is located, however, if the structure used to enclose the hens is located on a corner parcel, it cannot be located in the side exterior yard Only one structure for the purpose of housing hens is permitted on a parcel and it 	<p>Coops must be:</p> <ul style="list-style-type: none"> No more than 10m² in floor area No more than 2m in height Situated in accordance with the accessory building setbacks No closer than 3m from any door or window of any dwelling Situated in rear yard Located at grade level Constructed to prevent access by wildlife and other animals Surrounded with an electric security fencing at a minimum distance of 1m from coop (must adhere to electric security fencing provisions in Bylaw) 	None.

	<p>3m³ must be stored at any one time</p> <ul style="list-style-type: none"> • Manure must be disposed of in accordance with municipal bylaws and hen waste must be solid and bagged • Home slaughter of hens is prohibited and any deceased hens must be disposed of at a livestock disposal facility or through the services of a veterinarian 	<p>shall not exceed 9.3m² in area or 2m in height above grade</p>		
Beekeeping Regulations	<p>Beekeeping for domestic purposes is permitted on all lots where urban agriculture is permitted provided that:</p> <ul style="list-style-type: none"> • Lots have a minimum lot width of 15m • Lots have a minimum lot area of 550m² • A solid fence or dense hedge, known as a “flyway barrier,” at least 1.8m in height, must be placed along the side of the hive that contains the entrance to the hive, and must be located within 1.5m of the hive and must extend at least 0.6m on either side of the hive. A flyway barrier will not be required if all beehives are located at least 7.6m from all property lines or for hives that are located on porches or balconies that are at least 3m above grade, except if the porch 	<p>The keeping of mason bees is a permitted accessory use in all zones.</p>	<p>Beehives must be restricted to:</p> <ul style="list-style-type: none"> • No more than 2 beehives on all lots under 929m² in size • No more than 4 beehives on all lots over 929m² in size and under 1394m² in size • No more than 6 beehives on all lots over 1394m² in size <p>Beehives must be situated:</p> <ul style="list-style-type: none"> • In accordance with the accessory building setbacks • To ensure the flight path of the bees is up over the neighbouring houses in order to minimize the volume of bees at ground level • So that the beehive entrance faces away from the closest neighbouring property line <p>Beehives must:</p> <ul style="list-style-type: none"> • Be surrounded with electric security fencing at a minimum distance of 1m from beehive (must adhere to electric security fencing provisions in Bylaw) 	<p>A maximum of two beehives are permitted per parcel, except in the Agricultural Land Reserve.</p>

	<p>or balcony is located less than 1.5m from a property line</p> <ul style="list-style-type: none"> • All hives must be at least 6m from any neighboring house, sidewalks, streets and public areas • Honey bees must be housed in hives • Hives must be registered with the provincial authority – BC Ministry of Agriculture and Lands • Only two hives with colonies will be permitted on each lot • Hives must be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife • Hives must be equipped with adequate ventilation and near a water source • Honey production is for personal consumption only • Beekeeping is not permitted in multi-family residential areas, including strata developments, or commercial and industrial areas. 		<ul style="list-style-type: none"> • Have clear, visible signage on the lot warning that bees are present. 	
Livestock Regulations	<ul style="list-style-type: none"> • The keeping and raising of livestock is only permitted on lots greater than 0.4ha 	<ul style="list-style-type: none"> • The keeping of livestock, except on land where the applicable zone permits agriculture as a use and in the case of poultry, where agriculture or the keeping of urban hens is a permitted use, is prohibited. 	<ul style="list-style-type: none"> • The keeping of livestock is only permitted in rural zones. 	None.

Sale Regulations	<ul style="list-style-type: none"> • A roadside stand shall be the only form of commercial sales for an urban agriculture use. • The stand must not have a gross floor area that exceed 5m². • The stand can only allow sales between 7am-9pm. • The stand must be entirely located on the lot on which the produce is grown. • The stand must be located on the property and must not impede sightlines to and from a public road, driveway or laneway. 	<ul style="list-style-type: none"> • One advertising sign is permitted provided it is in the form of a free standing sign located on the parcel on which the urban agriculture use is located, or a fascia sign attached to the dwelling on that parcel, and the sign is not backlit nor illuminate light, and does not exceed 1m² in total surface area. 	None.	<p>A produce stand must satisfy the following conditions:</p> <ul style="list-style-type: none"> • Only one allowed per parcel • Limited to the sale of products grown on said parcel • When located on a parcel within the Agriculture Land Reserve the maximum gross floor area is 300m² • When located on a parcel in a residential zone the maximum gross floor area is 10m² • Cannot exceed 2.5m in height • Limited to one non-illuminated sign, which cannot exceed 0.4m² in area • A produce stand in a residential zone is not considered a home-based business • The stand must be removed seasonally when not in use
Other Regulations	<ul style="list-style-type: none"> • Urban agriculture cannot generate pedestrian or vehicular traffic, or parking, that would be considered abnormal within a given zone. • Urban agriculture cannot generate odour, waste, noise, smoke, glare, fire hazard, visual impact, or any other hazard or nuisance, that would be considered abnormal within a given zone. 	None.	<p>The following regulations apply to community gardens:</p> <ul style="list-style-type: none"> • Community gardens must be serviced by and connected to the municipal water system on the same lot as where the community garden is located • Accessory buildings and structures for community garden use, including but not limited to storage for materials and tools, a composting facility or greenhouse, are permitted. 	None.

			<ul style="list-style-type: none"> • Raised garden beds must be set back a minimum of 1.52m from all lot lines • Community garden compost must only be used for the purpose of composting on-site organics. The compost must be located in a low foot traffic use location, to ensure limited potential conflict between wildlife and people. • Where a lot is developed for community garden use and where such lot abuts a residential use, a fence or landscape screening is required. 	
Permitted Zones	<ul style="list-style-type: none"> • Residential • Mixed-Use Residential • Rural • Institutional • Park and Recreation 	<ul style="list-style-type: none"> • Residential • Rural 	<ul style="list-style-type: none"> • All Zones 	<ul style="list-style-type: none"> • Residential • Rural • Commercial

TEMPORARY USE PERMIT PROCEDURES DRAFT – PROPOSED DRAFT FOR COUNCIL CONSIDERATION

*A procedures document is often used by other municipalities to provide clarity to residents who are interested in acquiring a Temporary Use Permit prior to filling out an application. In this document, the application requirements are purposely comprehensive to demonstrate to council all available possibilities, however it is recommended that the list may be shortened to suit the needs of the Village.

What is a Temporary Use Permit?

A Temporary Use Permit (TUP) is an approval from Council for a temporary land use that does not conform to the Zoning Bylaw. A TUP may be issued for up to three (3) years and can be renewed once by Council for an additional three (3) years.

The objective of TUPs is to:

- Avoid conflicts between different types of uses (i.e. residential, commercial and industrial);
- Provide for temporary approval of transitional uses, or uses where uncertainty exists;
- Respect appropriateness or viability of the use where it is premature to decide upon rezoning and long-term land use rights;
- Not to be considered a substitute for a rezoning application.

A TUP may do one or more of the following:

- Allow a short-term commercial or industrial use not permitted by the Zoning Bylaw
- Specify conditions under which the use may be carried on
- Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued

Do I Need a Temporary Use Permit?

You may apply for a TUP when you want to:

- Undertake a temporary use, including associated construction, demolition or alteration which is not permitted in the Zoning Bylaw;
- Renew an existing TUP;
- Alter an existing TUP.

Temporary Use Permit Approval Process

Step 1: Pre-Application Stage

Prior to submitting an application for a TUP, you may wish to contact the Village to review bylaws, policies, and regulations that may affect your proposal. You will need to consider the following:

- *Zoning and Other Applicable Bylaws:* Each property within the boundaries of the Village of Tahsis is subject to specific regulations. Regulations such as site coverage, setbacks, building height and parking may impact your proposal. It may also be useful to review the applicable Official Community Plan policies for the area.
- *Other Regulations:* It may be necessary to contact other agencies to ensure matters such as adequate services to the site, access to highways and building code requirements are adequately addressed.
- *Specific Requirements:* In some instances, you may be advised to secure the services of a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects, or planners, depending on the location of your property and the nature of your proposal.
- *Provincial Legislation Requirements:* For example, the *Local Government Act* and *Land Title Act*.

Step 2: Application Submission

Once you have reviewed all applicable regulations and completed your project plans, you must complete a TUP application form and submit it to the Village of Tahsis. Staff will be available to assist you; however, you will be expected to provide the following:

- Completed application form including application fee
- Written authorization from the registered land owner(s) of the subject property or authority for an agent to act on their behalf;
- The legal description and municipal address(es) of properties included in the application;
- A Surveyors Certificate prepared by a BCLS Surveyor, at the request of the Village;
- A written outline of the proposed use and the duration of the proposed activity including plans for mitigating potentially harmful impacts on the environment, adjacent lands, and the local community as well as plans for the rehabilitation of the site following the discontinuance of the proposed temporary use;
- Site plans which contain the following minimum information about the subject property:
 - Location map, including neighbouring land uses;
 - Existing and proposed buildings in relation to legal property boundaries;
 - Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - North arrow and drawing scales;
 - Dimensions for all elevations and site plans;
 - Geodetic elevation;
 - Residential unit or building layout and/or comprehensive plan illustrating unit distribution;
 - Existing and proposed roads;
 - Open space.
- Completed "Site Profile" as per the Environmental Management Act, or the subject property of release from the Ministry to proceed;
- And an optional supplemental letter of intent/rationale in support of the application.

Step 3: Application Review

Once a complete application has been received, staff will evaluate your proposed development against any applicable bylaws and zoning regulations that apply to your proposal. The application review process may involve referrals to outside government agencies such as the Ministry of Transportation, Ministry of Environment, Department of Fisheries and Oceans, Strathcona Regional District and the Regional Health Authority. At this time, additional information may be requested from the applicant.

Step 4: Public Notice

Within ten (10) days following your application submission, you must erect a public notice sign on the subject property that is visible by the road and adheres to regulations set out by the Village of Tahsis. In accordance with the *Local Government Act*, the Village of Tahsis will mail or otherwise deliver a notice to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property ten (10) days before the meeting where Council will make a decision on the application. At the meeting the public will have an opportunity to address any concerns or comments in regards to the proposal.

Step 5: Council Consideration

Staff will prepare a report to council outlining your application, including any recommendations from internal committees and outside government agencies and any public submissions received. The report will provide an evaluation of the application and recommendations. Council will then consider the application of the date specified in the notice, in considering the issuance of a TUP, Council will use conditions it deems reasonable which may include:

- The temporary use will operate at an intensity suitable to the surrounding area;
- The temporary use will be compatible with respect to use, design and operation with other surrounding land uses;
- The temporary use will operate on a temporary basis only and includes, plans or a letter of undertaking, to terminate the use prior to the expiry date of the permit;
- A financial security to ensure the temporary use is removed and the site appropriately restored.

Following consideration, the Council may issue the permit, grant the permit with Council amendments, or reject the proposal.

Step 6: Temporary Use Permit Issuance

Approval of a TUP may be subject to certain conditions such as a letter of credit to restore land or to secure landscaping. Once these conditions are met, the permit can be issued. When the permit is issued, staff will file a notice with the Land Titles Office that there is a temporary use permit on the property and it will be registered on the land title. A copy of the permit will be sent to the applicant, to appropriate government agencies, and a copy will be maintained on file at the Village of Tahsis.

During final building or site inspection, the permit may be compared with the actual development to ensure that all conditions of the permit have been met and the property development conforms to the conditions of the permit. When all conditions have been met, any posted securities deposited with the Village of Tahsis will be returned. The TUP conditions will also be reviewed should a renewal of the TUP be requested.

How Long is the Application Process?

The TUP application process requires approximately six (6) to eight (8) weeks to complete. The amount of time is required for staff analysis, contact with outside agencies, public meetings, and preparation of the final report to Council. The process may take longer depending on the complexity of the application.

What is the Cost of an Application?

*The cost of applications differs between municipalities. A low-cost application may require the subsidization of taxes to supplement development costs, while a high-cost application may allow for the permit program to reach full-cost recovery. The chart below demonstrates some examples from other municipalities.

Municipality	Cost of Application
Chilliwack	\$400.00
Smithers	\$600.00
Port Alberni	\$700.00
Gibsons	\$1500.00 (Renewal costs \$1000.00)
Cumberland	\$1850.00 (+ \$1.00 per 1m ² gross floor area of proposed development to a maximum of \$3500.00)
Revelstoke	\$2530.00

BYLAW DRAFT

* Written below is a copy of a potential bylaw provision that may be included in either the existing Zoning Bylaw or the proposed Development Procedures Bylaw if Temporary Use Permits are to be accepted.

4.3 Temporary Use Permits

- 1) All lands within the Village of Tahsis shall be designated as being eligible for consideration for the issuance of temporary use permits.
- 2) A temporary use permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 3) All completed applications shall include the following:

- a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A written authorization from the registered land owner(s) of the subject property or authority from an agent to act on their behalf;
 - c) A copy of the certificate of title;
 - d) A legal description and municipal addresses(es) of properties included in the application;
 - e) A written explanation of the proposed temporary use and the duration of the proposed activity, including the rationale for the permit.
 - f) A plan for mitigating potentially harmful impacts on the environment, adjacent lands, and the local community as well as plans for the rehabilitation of the site following the discontinuance of the proposed temporary use;
 - g) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map, including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;
 - iii. Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - iv. North arrow and drawing scales;
 - v. Dimensions for all elevations and site plans;
 - vi. Geodetic elevation;
 - vii. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution;
 - viii. Existing and proposed roads;
 - ix. Open space.
 - h) A Surveyors Certificate prepared by a BCLS Surveyor, at the request of the Village;
 - i) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed;
- 4) All applications shall be subject to the following conditions:
- a) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
 - b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application which shall be subject to the same prescribed application fee;
 - c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.

- 5) Residents shall be notified of the consideration of a temporary use permit application through the following:
 - a) Within ten (10) days of the application being made, the applicant shall install a public notice sign advising of the application in a location visible from the road of the subject property. If the property has two frontages, two signs may be required. The sign shall adhere to regulations set out in the Zoning Bylaw. The sign must remain in place until the last act of Council and shall be removed within ten (10) days of that date;
 - b) In accordance to Section 494 of the *Local Government Act*, the Village shall provide a notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least ten (10) days before the meeting where Council will make a decision on the application.
- 6) Temporary use permit applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed temporary use permit;
 - b) Advice from internal committees or external government agencies;
 - c) Any public submissions received;
 - d) A review and analysis of the proposed temporary use;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 7) The applicant shall be notified within ten (10) days of Council's decision. Their decision may:
 - a) By resolution, authorize the issuance of the temporary use permit;
 - b) Authorize the issuance of the temporary use permit as amended by Council; or
 - c) Refuse to authorize the issuance of the temporary use permit.
- 8) After Council has approved a temporary use permit, Village Staff shall:
 - a) Register a Notice of Permit against the title of the property(s) at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the temporary use permit as specified within each individual permit as required;
 - d) Conduct inspections, on an as-required basis, to ensure that the terms of the permit are being satisfied
- 9) All major amendments to the temporary use permit which require significant review by staff and Council will require a new application and subsequent fees.
- 10) Temporary use permits shall not exceed three (3) years and may be renewed for an additional three (3) years upon a new application to Council.



VILLAGE OF TAHSIS

DEVELOPMENT PROCEDURES BYLAW NO. XXX, 2020

A BYLAW TO ESTABLISH PROCEDURES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS WITHIN THE VILLAGE OF TAHSIS.

PART ONE ADMINISTRATIVE PROVISIONS

1.1 Title

This bylaw may be cited for all purposes as "Village of Tahsis Development Procedures Bylaw No. XXX, 2020."

1.2 Application

This bylaw is applicable to all lands and surface of the water within the Village of Tahsis that are subject to any permit or application procedure as outlined by this Bylaw.

1.3 Scope

This Bylaw shall apply to the following applications:

- 1) Amendment Applications to a(n):
 - a) Zoning Bylaw
 - b) Official Community Plan
- 2) Permit Applications for issuance of a:
 - a) Development Permit
 - b) Development Variance Permit
 - c) Temporary Use Permit

1.4 Severability

If any provision of this Bylaw is found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

PART TWO INTERPREATION

2.1 Definitions

“AGENT”: means a person, firm, corporation, partnership or society representing the owner by contract with the owner or be designation by the owner.

“APPLICANT”: means any person who makes an application for development under the provisions of this Bylaw as authorized by the owner(s) of the parcel(s) of land subject to the application.

“CHIEF ADMINISTRATIVE OFFICER”: means the person appointed by Council under Section 147 of the *Community Charter* to carry out the duties of this position.

“COUNCIL”: means the Council of the Village of Tahsis.

“DEVELOPMENT PERMIT”: means a permit approved by Council that specifies how development is to occur on a given parcel of land.

“DEVELOPMENT PERMIT AREA”: means an area, identified within the Official Community Plan, that requires 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 or industrial use area. A development permit must be acquired prior to the commencement of any development activities within these designated areas.

“DEVELOPMENT VARIANCE PERMIT”: means a permit approved by Council to vary the regulation(s) of the Zoning Bylaw or Subdivision Control Bylaw for non-conforming development approvals.

“INACTIVE”: means any application that remains incomplete, or during processing, becomes dormant due to an Applicant’s deficiency in fulfilling the requests/requirements of Staff or Council.

“OFFICIAL COMMUNITY PLAN” or “OCP”: means the *Village of Tahsis Official Community Plan Bylaw No. XXX, 2020*, as amended, or its successor(s).

“OWNER”: means the registered owner(s) of the property as cited on the Land Titles Certificate.

“SUBDIVISION CONTROL BYLAW”: means the *Village of Tahsis Subdivision Control Bylaw No. 5, 1970* as amended or its successor(s).

“TEMPORARY USE PERMIT”: means a permit approved by Council to allow short-term commercial or industrial use that does not comply with the Zoning Bylaw and may be utilized where a condition prevails that warrants such a use for a short period of time, but does not warrant a change of land use designation or zoning of the land.

“VILLAGE”: means the Village of Tahsis or the area within the boundaries of the Village of Tahsis.

"ZONING BYLAW": means the *Village of Tahsis Zoning Bylaw No. XXX, 2020* as amended or its successor(s).

PART THREE AMENDMENT APPLICATIONS

3.1 Zoning Bylaw and Official Community Plan Amendment

- 1) An amendment to the Zoning Bylaw shall be consistent with the Village's Official Community Plan, if the proposed amendment contradicts the provisions of the Official Community Plan, then an amendment to the Official Community Plan is required.
- 2) Amendments to the Zoning Bylaw and the Official Community Plan may be done concurrently if an amendment to the Official Community Plan is required to proceed with an amendment to the Zoning Bylaw.
- 3) An amendment application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 4) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A copy of the certificate of title;
 - c) A written authorization from the registered land owner(s) of the subject property or authority from an agent to act on their behalf;
 - d) A legal description and municipal addresses(es) of properties included in the application;
 - e) A written explanation of the rationale for the proposed amendment;
 - f) Identification of the text and/or schedule map requested for amendment; including a citation of an and all relevant sections of the bylaw;
 - g) In the case of an amendment to the Zoning Bylaw, identification of supporting goals, objectives, or policies of the Official Community Plan;
 - h) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map; which includes existing and proposed land uses and buildings on and adjacent to the subject property;
 - ii. Significant physical features and topographic information, all existing watercourses and wetlands;
 - iii. North arrow and drawing scales;

- iv. Dimensions for all elevations and site plans;
 - v. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution;
 - vi. Existing and proposed roads;
 - vii. Open space.
 - i) A Surveyors Certificate prepared by a BCLS Surveyor;
 - j) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed;
- 5) All applications shall be subject to the following conditions:
- a) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A re-application is considered a new application which shall be subject to the same prescribed application fee;
 - b) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 6) Within ten (10) days of the application being made, the applicant shall install a public notice sign advising of the application in a location visible from the road of the subject property. If the property has two frontages, two signs may be required. The sign shall adhere to regulations set out in the Zoning Bylaw. The sign must remain in place until the last act of Council and shall be removed within ten (10) days of that date.
- 7) In accordance to Section 464 of the *Local Government Act*, a public hearing must be held for the purpose of allowing the public to make representations to the municipality with respect to amendments proposed to the Zoning Bylaw or the Official Community Plan:
- a) The public hearing shall be held between the first and third reading of the proposed amendment.
 - b) If the amendment alters the permitted use or density of any area then the Village shall provide a notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least ten (10) days before the date of the public hearing pursuant to Section 466 of the *Local Government Act*.
- 8) Prior to the public hearing, amendment applications shall be submitted to Council accompanied by a staff report which may include:

- a) A copy of the proposed amendment;
 - b) A schedule of the proposed public hearing;
 - c) Advice from internal committees or external government agencies;
 - d) A review and analysis of the proposed amendment;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 9) Following the close of the public hearing, Council may:
- a) Proceed with the third reading of the amending bylaw (including the imposition of conditions);
 - b) Defer the third reading; or
 - c) Deny the application.
- 10) Once the applicant has adequately addressed all of the conditions identified at third reading (as necessary), Council shall consider the adoption of the bylaw amendment at the fourth and final reading of the proposed amendment.
- 11) The applicant shall be notified within ten (10) days of Council's decision. Where the amending bylaw has been denied by Council, the letter shall contain the reasons for refusal.

PART FOUR PERMIT APPLICATIONS

4.1 Development Permits

- 1) A development permit shall be required prior to:
 - a) Any subdivision of land located within a designated Development Permit Area; or
 - b) Any construction, alteration, or additional of a structure located on land within a designated Development Permit Area.
- 2) A development permit shall not vary the use or density of land or flood plain specifications, pursuant to Section 490 of the *Local Government Act*.
- 3) A development permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.

- 4) If the development permit application has been established for the purpose of protecting the natural environment, its ecosystems and biological diversity, the following development permit exemptions apply:
 - a) A development permit is not required for internal alterations to a building;
 - b) A development permit is not required for external alterations to a building provided the alterations are within the existing building footprint.
- 5) If the development permit application has been established for the purpose of protecting development from hazardous conditions, the following development permit exemptions apply:
 - c) A development permit is not required for internal alterations to a building;
 - d) A development permit is not required for external alterations to a building provided the alterations are within the existing building footprint;
 - e) A development permit is not required for the replacement or reconstruction of a structure located within the footprint of a previously permitted structure.
- 6) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A written authorization from the registered land owner(s) of the subject property or authority from an agent to act on their behalf;
 - c) A copy of the certificate of title;
 - d) A legal description and municipal addresses(es) of properties included in the application;
 - e) A written explanation of how the proposal satisfies all relevant Development Permit Area guidelines;
 - f) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map, including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;
 - iii. Significant physical features and topographic information, all existing watercourses and wetlands;
 - iv. North arrow and drawing scales;
 - v. Dimensions for all elevations and site plans;
 - vi. Geodetic elevation;

- vii. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution;
 - viii. Detailed colour renderings from all sides, including manufacturer specifications for all external building materials and colours
 - ix. Existing and proposed roads;
 - x. Landscaping plan showing location, type and quantities of all plants and ground cover material,
 - xi. Open space.
 - g) A Surveyors Certificate prepared by a BCLS Surveyor;
 - h) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed;
- 7) If the subject property is located in a Natural Environment Development Permit Area, then the development permit application shall also include the following:
- a) A detailed assessment completed by a qualified environmental professional (QEP) that complies with the Riparian Areas Protection Regulations (RAPR) B.C. Regulation 178/2019 under the *Riparian Areas Protection Act* and includes the following:
 - i. Certification that the QEP is qualified to conduct the assessment,
 - ii. Certification that the RAPR assessment methods have been adhered to,
 - iii. Establishment of the Streamside Protection and Enhancement Area (SPEA) in accordance with the RAPR,
 - iv. Outlined measures that protect the SPEA from development and any alterations of land, and
 - v. Confirmation that all development will occur outside the defined SPEA and development shall be conducted in accordance with all measures and requirements specified in the assessment report.
 - b) An erosion control plan prepared by a QEP, at the request of the Village.
- 8) If the subject property is located in a Flood Hazard Development Permit Area, then the development permit application shall also include the following:
- a) A site-specific investigation and report by a qualified registered professional with appropriate education, training and experience in floodplain mapping and analysis in British Columbia. The report shall include:
 - i. The stormwater management potential for erosion or flooding, and the impact of the proposed development on, or by, flood hazard conditions,

- ii. Potential impacts of proposed development relative to flood hazards,
 - iii. Required flood proofing or other measures needed to provide suitable protection of structures intended for human occupancy.
- 9) If the subject property is located in a Steep Slope Hazard Development Permit Area, then the development permit application shall also include the following:
 - a) A site-specific investigation and report prepared by a qualified registered professional with specific experience in geotechnical engineering and/or engineering geology. The report shall include:
 - i. Site plans and slope profiles on the potential soil and rock slope instability, including the potential for rockfalls, supported by documentation of the extent of anticipated instability, accurate field determination of slope crest location or other geological features.
 - ii. Geotechnical considerations of cut and fill slope stability with recommendations and restrictions on excavation, blasting and filling,
 - iii. Possible building envelopes in relation to natural or cut slope crests and possible rockfall zones,
 - iv. Possible evidence of slope conditions that might indicate an imminent landslide or rockfall hazard,
 - v. Groundwater conditions and the potential slope instability which might be caused by groundwater seepage due to drainage and septic field system,
 - vi. In all areas underlain by limestone, the potential for the existence of solution cavities and sinkholes and the implications of such features for the proposed development,
 - vii. Erosion potential by ocean waves or drain discharges,
 - viii. The maintenance of vegetation on soil slopes and within the setback zone above the slopes to minimize erosion; the necessity for selective scaling, rock bolting and tree removal to improve stability conditions, on a site-specific basis, in areas of bedrock.
- 10) If the subject property is located in an Anthropogenic Hazard Development Permit Area, then the development permit application shall also include the following:
 - a) A site-specific investigation and design report prepared by a registered professional engineer qualified in geotechnical engineering. The report shall include:

- i. The subsurface conditions including the areal extent and thickness of all site fills and the natural strata within the depth of influence of the proposed development including structures, services and access roads,
- ii. The anticipated settlement, and any mitigative measures required to prevent or accommodate excessive settlement of the proposed development including structures, services and access roads,
- iii. Foundation design requirements including foundation area treatment, foundation types and allowable bearing pressures for shallow (footing or raft) foundations, and allowable working loads, depths and bearing strata for piled foundations,
- iv. The potential for slope instability and erosion, and any mitigative measures required,
- v. The mitigative measures of design and construction means necessary to protect against the build-up of toxic, explosive or combustible gases to hazardous levels,
- vi. The measures necessary to protect against combustion of any fill materials.

11) All applications shall be subject to the following conditions:

- a) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
- b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A re-application is considered a new application which shall be subject to the same prescribed application fee;
- c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.

12) Development permit applications shall be submitted to Council accompanied by a staff report which may include:

- a) A copy of the proposed development permit
- b) Advice from internal committees or external government agencies;
- c) A review and analysis of the proposed development;
- d) A recommended course of action for Council to consider;
- e) Any additional information Village staff consider relevant.

- 13) The applicant shall be notified within ten (10) days of Council's decision. Their decision may:
 - a) By resolution, authorize the issuance of the development permit; or
 - b) Authorize the issuance of the development permit as amended by Council; or,
 - c) Refuse to authorize the issuance of the development permit.
- 14) After Council has approved a development permit, Village Staff shall:
 - a) Register a Notice of Permit against the title of the property(s) at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the development permit as specified within each individual permit as required;
 - d) Conduct inspections, on an as-required basis, to ensure that the terms of the permit are being satisfied.

4.2 Development Variance Permits

- 1) A development variance permit shall vary the provisions of either the Zoning Bylaw or Subdivision Control Bylaw with reference to:
 - a) Zoning (i.e. setback and height restrictions);
 - b) Parking (i.e. number of spaces required);
 - c) Signage (i.e. size and materials);
 - d) Subdivision servicing (i.e. service required, pipe size); or
 - e) Mobile home parks (i.e. setback and separation regulations).
- 2) A development variance permit shall not vary the use or density of land or flood plain specifications, pursuant to Section 498 of the *Local Government Act*.
- 3) A development variance permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 4) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A written authorization from the registered land owner(s) of the subject property or authority from an agent to act on their behalf;

- c) A copy of the certificate of title;
 - d) A legal description and municipal addresses(es) of properties included in the application;
 - e) Identification of all relevant land use bylaw regulations and the proposed variance request, including specific dimensions and number of parking spaces (if applicable);
 - f) A written explanation of the purpose of the request, including the rationale and a description of the purposed development;
 - g) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map, including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;
 - iii. Significant physical features and topographic information, all existing watercourses and wetlands;
 - iv. North arrow and drawing scales;
 - v. Dimensions for all elevations and site plans;
 - vi. Geodetic elevation;
 - vii. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution;
 - viii. Detailed colour renderings from all sides, including manufacturer specifications for all external building materials and colours
 - ix. Existing and proposed roads;
 - x. Landscaping plan showing location, type and quantities of all plants and ground cover material,
 - xi. Open space.
 - h) A Surveyors Certificate prepared by a BCLS Surveyor;
 - i) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed.
- 5) All applications shall be subject to the following conditions:
- a) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
 - b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A re-application is considered a new application which shall be subject to the same prescribed application fee;

- c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 6) In accordance to Section 499 of the *Local Government Act*, the Village shall provide a notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least ten (10) days before the meeting where Council will make a decision on the application.
- 7) Development variance permit applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed development variance permit;
 - b) Advice from internal committees or external government agencies;
 - c) Any public submissions received;
 - d) A review and analysis of the proposed variance;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 8) The applicant shall be notified within ten (10) days of Council's decision. Their decision may:
 - a) By resolution, authorize the issuance of the development variance permit;
 - b) Authorize the issuance of the development variance permit as amended by Council; or
 - c) Refuse to authorize the issuance of the development variance permit.
- 9) After Council has approved a development variance permit, Village Staff shall:
 - a) Register a Notice of Permit against the title of the property(s) at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the development variance permit as specified within each individual permit as required;
 - d) Conduct inspections, on an as-required basis, to ensure that the terms of the permit are being satisfied.

4.3 Temporary Use Permits

- 1) All lands within the Village of Tahsis shall be designated as being eligible for consideration for the issuance of temporary use permits.

- 2) A temporary use permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 3) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A written authorization from the registered land owner(s) of the subject property or authority from an agent to act on their behalf;
 - c) A copy of the certificate of title;
 - d) A legal description and municipal addresses(es) of properties included in the application;
 - e) A written explanation of the proposed temporary use and the duration of the proposed activity, including the rationale for the permit.
 - f) A plan for mitigating potentially harmful impacts on the environment, adjacent lands, and the local community as well as plans for the rehabilitation of the site following the discontinuance of the proposed temporary use;
 - g) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map, including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;
 - iii. Significant physical features and topographic information, all existing watercourses and wetlands;
 - iv. North arrow and drawing scales;
 - v. Dimensions for all elevations and site plans;
 - vi. Geodetic elevation;
 - vii. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution;
 - viii. Existing and proposed roads;
 - ix. Open space.
 - h) A Surveyors Certificate prepared by a BCLS Surveyor;
 - i) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed;
- 4) All applications shall be subject to the following conditions:

- a) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
 - b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A re-application is considered a new application which shall be subject to the same prescribed application fee;
 - c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee;
- 5) Residents shall be notified of the consideration of a temporary use permit application through the following:
- a) Within ten (10) days of the application being made, the applicant shall install a public notice sign advising of the application in a location visible from the road of the subject property. If the property has two frontages, two signs may be required. The sign shall adhere to regulations set out in the Zoning Bylaw. The sign must remain in place until the last act of Council and shall be removed within ten (10) days of that date;
 - b) In accordance to Section 494 of the *Local Government Act*, the Village shall provide a notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least ten (10) days before the meeting where Council will make a decision on the application.
- 6) Temporary use permit applications shall be submitted to Council accompanied by a staff report which may include:
- a) A copy of the proposed temporary use permit;
 - b) Advice from internal committees or external government agencies;
 - c) Any public submissions received;
 - d) A review and analysis of the proposed temporary use;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 7) The applicant shall be notified within ten (10) days of Council's decision. Their decision may:
- a) By resolution, authorize the issuance of the temporary use permit;
 - b) Authorize the issuance of the temporary use permit as amended by Council; or

- c) Refuse to authorize the issuance of the temporary use permit.
- 8) After Council has approved a temporary use permit, Village Staff shall:
- a) Register a Notice of Permit against the title of the property(s) at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the temporary use permit as specified within each individual permit as required;
 - d) Conduct inspections, on an as-required basis, to ensure that the terms of the permit are being satisfied
- 9) All major amendments to the temporary use permit which require significant review by staff and Council will require a new application and subsequent fees.
- 10) Temporary use permits shall not exceed three (3) years and may be renewed for an additional three (3) years upon a new application to Council.

Zoning Bylaw No. XXX, 2020	
Table of Concordance	
Bylaw Sections (1981 Version)	Bylaw Sections (2020 Version)
2.1 Definitions	2.2 Definitions
“ Public Use ”: means a use providing parks, playgrounds, highways, schools, day care centers, churches, medical health facilities, and shall include government institutions receiving substantial government funding.	“ Institutional Use ”: means the use of land, buildings or other structures provided by a government or agency of government to address social, educational, health, cultural and recreational needs and include churches, museum, public library, parks, fire or police station, public works, hospital or medical center, school, recreation center, and municipal office.
Added	“ Livestock ”: means chickens, horses, turkeys, cattle, hogs, rabbits, sheep and goats raised for agricultural purposes, such as food production.
Added	“ Recreational Vehicle ”: means any camper, vehicle, trailer, fifth wheel, coach, structure or conveyance designed to travel or to be transported on the highways and constructed or equipped to be used as a temporary living or sleeping quarters by travelers.
Added	“ Retaining Wall ”: means a structure constructed for the purposes of retaining, stabilizing or supporting an earthen bank as a result of differences in lot grades.
Added	“ Shipping/Cargo Container ”: means an intermodal freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving goods and materials and which does not have wheels and does not include a truck body, trailer or transport trailer.
Added	“ Temporary Building ”: means a building, either constructed on-site or off-site, that is intended to be placed on a property for a temporary use or purpose during the construction of a principal building on the same lot.
4.1 Establishment of Zones and Schedules	4.1 Zone Classification
Residential Three (R-3)	Deleted
Commercial Three (C-3)	Deleted
Fire Hall Zone One (FH-1)	Deleted
Public Assembly Zone One (PA-1)	Public Assembly-Institutional Zone One (PA-1)
3.6 Penalty	1.8 Penalty
1) Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding one thousand (\$1,000.00) dollars.	1) Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding ten thousand (\$10000.00) dollars or to imprisonment for not more than six (6) months in accordance with the <i>Community Charter</i> .

3) Upon conviction, the Provincial Court Judge may direct that no prosecution under sub-section (2) may be made, with respect to the continuance of the violation, for such period of time as he directs.	Deleted
Added	3) Notwithstanding the above, any person who commits an offence in accordance with this Bylaw and said offence is identified in the Village of Tahsis Ticketing for Bylaw Offences Bylaw No. 601, 2018, is subject to the fine prescribed by that Bylaw.
3.7 Amendment	1.9 Amendment
Added	2) Any person wishing to have this Bylaw amended shall submit an application for the amendment in accordance with the Village of Tahsis Development Procedures Bylaw No. XXX, 2020.
3.8 Appeal – Board of Variance	1.10 Appeal
Added	2) Appeals that do not adhere to Section 540 of the <i>Local Government Act</i> may be made through an application for a development variance permit in accordance with the Village of Tahsis Development Procedures Bylaw No. XXX, 2020.
Part 5: Development Permits (Part will be rewritten and moved to a separate bylaw)	Deleted
6.2 Height of Buildings and Structures	3.3 Height of Buildings and Structures
4) Swimming pools shall be enclosed within a non-penetrable fence or not less than 1.5 metres in height with no openings greater than 10mm in their maximum dimension. Access through the fence enclosing the swimming pool shall be equipped with a self-closing gate. For the purpose of this section, the words “swimming pool” shall include any constructed or prefabricated pool used or intended to be used for swimming, bathing or wading, having either a surface area exceed 15 square metres or a depth of more than 500mm or both.	Deleted
6.5 Siting of Buildings Adjacent to Lakes and Watercourses	3.6 Siting of Buildings Adjacent to Lakes and Watercourses
1) Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located: a) within 7.5 metres of the natural boundary of the sea, a lake, swamp or pond;	1) Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home unit, modular home or structure be located within thirty (30) metres of the natural boundary of the sea, a lake, swamp or pond or the natural boundaries of the Leiner River, the Tahsis River and other watercourses within the municipality.

b) within 30 metres of the natural boundaries of the Leiner River and the Tahsis River, nor within 15 metres of the natural boundary of any other nearby watercourse	
Added	2) Exceptions to sub-section (1) shall be permitted, through the issuance of a development permit, subject to the provisions in Section 4.1(7) of the Village of Tahsis Development Procedures Bylaw No. XXX, 2020.
Added	3.7 Fences and Retaining Walls
Added	<p>1) The maximum height of all fences shall not exceed two (2) metres except where provided for in other parts of this Bylaw.</p> <p>2) The maximum height of all retaining walls shall not exceed one point two (1.2) metres except where provided for in other parts of this Bylaw.</p> <p>3) As an exception, a retaining wall may exceed the prescribed height should a professional engineer certify that the retaining wall must exceed the prescribed height in order to properly hold back, stabilize or support soil or rock, to allow construction or development to proceed in a safe manner.</p> <p>4) The maintenance of all fences and retaining walls shall conform to the requirements of the Village of Tahsis Property Maintenance Regulation Bylaw, 2019, No. 614 as amended.</p>
6.6 Storage	3.11 Storage
Added	<p>2) Shipping/cargo containers shall not be permitted as accessory storage buildings, except:</p> <p>a) The temporary placement of shipping/cargo containers on residentially zoned lots, or on lots of which the principal use is residential, shall be permitted for a temporary period not exceeding six (6) months</p> <p>b) the placement of a shipping/cargo container shall be permitted in all commercial and industrial zones.</p>
Added	3.12 Signs
Added	Unless specifically permitted in this Bylaw, signs are held in accordance with and subject to the provisions of the Village of Tahsis Property Signage Bylaw No. 550, 2009 and amendments thereto.
6.7 Off-Street Parking	3.13 Off-Street Parking

Added	Apartment/condominium building: 1 space per dwelling unit + 1 visitor space per 4 dwelling units
Added	Auto repair: 1 per 70m squared sales floor + 1 per service bay + 1 per 2 employees
Animal hospitals/kennels: 1 per 2 employees + 3 per veterinarian	Deleted
Auction: 1 per 10m squared auction floor	Deleted
Bank: 1 per 20m squared per gross floor area	Deleted
Beach, swimming: 1 per 10m squared developed beach above HWM	Deleted
Bowling alley: 3 per alley	Deleted
Added	Bed and breakfast: 1 space per guest room + the 2 spaces required for the principal dwelling in which the bed and breakfast is located
Boat sales and repair: 1 per 2 employees + 1 per 90m squared display area (covered and outside)	Boat sales and repair: 1 space per 2 employees + space per 90 square meters of display area + 1 space per service bay
Building materials and supply: 1 per 2 employees + 1 per 185m squared covered sales and storage	Building materials and supply: 1 space per 2 employees + 1 space per 90 square metres of storage area + 1 space per 35 square metres of retail area
Campground, overnight trailers: 1 per spaces plus 2	Campground: 2 spaces per campsite
Café, drive-in: Nil, but requires some approach storage	Deleted
Café, take-out only: 15	Deleted
Clubs, lodges: 1 per 4 seats	Deleted
College: 1 per employee + 1 per 5 students	Deleted
Added	Commercial office: 1 space per each office + 1 customer space per office
Community care facility (institutional)	1 space per person in care + 1 space per employee
Community care facility (residential)	1 space per person in care + the 2 spaces required for the principal dwelling
Cultural facility (Art, gallery, etc.): 1 per 40m squared gross floor area	Deleted
Added	Day care facility: 1 space per employee + 1 space per 50 square metres of gross floor area
Added	Farmer's market: 1 space per 30 square metres of sales area
Added	Fish and shellfish processing: 1 space per employee
Golf driving range: 1 per tee plus 1 per 2 employees	Deleted
Health salon: 1 per 10m squared gross floor plan	Health and beauty salon: 1 space per 10 square metres of gross floor area
Hotel: 1 per 2 rooms + 1 per 3 seats bar, café, etc.	Hotel/motel: 1 space per rentable room or sleeping unit
Ice cream stand: 7 per sales clerk	Deleted
Laboratory: 1 per 2 employees	Deleted

Added	Library: 1 space per employee + 1 space per 35 square metres of gross floor area
Laundry, dry cleaning: 1 per 2 employees counted as total of 2 shifts	Deleted
Motel: 1 per unit + 1 per 3 seats in café, etc.	Deleted
Machinery sales: 1 per 2 employees + 1 per 90m squared sales floor	Deleted
Added	Medical clinic: 4 spaces per medical professional
Added	Museum: 1 space per 10 square metres of gross floor area
Nurseries/Greenhouses: 1 per 15m squared gross floor area retail sales building	Deleted
Offices, medical: 3 stalls per doctor or dentist	Deleted
Offices, single tenant: 1 stall per 30m squared gross floor area	Deleted
Offices, multi-tenant: 1 stall per 30m squared gross floor area	Deleted
Police office: 1 per 2 employees counted as a total of 2 shifts	Police detachment: 1 space per 2 employees + 1 space for each additional police vehicle stored at the detachment.
Residential, single family & duplex, including mobile homes: 2 per dwelling unit	Residential (single family, duplex, mobile home): 2 spaces per dwelling unit
Residential, multi-family: 1.5 per dwelling unit + 1 per 90m squared floor area of a building exceeding 55m squared multiplied by the number of dwellings	Residential (multi-family): 1 space per dwelling unit + 1 visitor space per 4 dwelling units
Recreation center: 1 per 10m squared ice area + 1 per 4m squared pool surface + 1 per 4 player capacities other sports	Recreation center: 1 space per 10 square metres of gross floor area
School, elementary: 1 per employee	School (elementary): 1 space per classroom + 1 visitor space for every 2 classrooms
School, secondary: 1 per employee + 1 per 10 students	School (secondary): 1 space per classroom + 1 visitor space for every 2 classroom + 1 space per 10 students
Shopping center, neighbourhood: 7 per 90m squared gross leasable area	Deleted
Added	Short term rental accommodation: 1 space per guest room + the 2 spaces required for the principal dwelling
Theatre, not drive-in: 1 per 4 seats	Deleted
Taxi stand: 1 per taxi + 1 per office employee	Deleted
Added	Tourist cabin: 1 space per guest room
Vegetable, produce stand: 4 per sales clerk	Vegetable, produce and farm stand: 1 space per 15 square metres of gross floors area within a minimum of 4 spaces provided
Warehouse: 1 per 2 employees as total of 2 shifts	Warehouse: 1 space per 200 square metres of gross floor area devoted to the warehouse/storage use + 1 space per 400 square metres of area used for the outdoor storage of boats and recreational vehicles

3) Off-street parking may be provided collectively in a parking area provided that the total number of parking spaces when used together is not less than the sum of the requirements for the various individual uses and also provided that the nearest of such parking spaces shall be within 50 metres of the building or uses for which they are required and that such parking spaces be contiguous and further that the parking area shall be protected by a Restrictive Covenant registered in favour of the Municipality.	3) Off-street parking may be provided collectively in a parking area provided that the total number of parking spaces when used together is not less than the sum of the requirements for the various individual uses, also provided that the nearest of such parking spaces shall be within 50 metres of the building or uses for which they are required and that such parking spaces be contiguous.
3) No parking space in a parking area shall gain access directly from a street	Deleted
Added	<p>8) Off-street parking spaces for the use of persons with a disability shall be:</p> <ul style="list-style-type: none"> a) provided where total vehicular parking requirements exceed ten (10) stalls, five (5) per cent of the total number of parking spaces (rounded to the nearest whole number) to a maximum of ten (10) shall be designated for such purpose; b) signed and pavement marked with the International Symbol for Accessibility c) located as near as practical to the building entrance designed for a person with a disability. Changes in elevations between the entrance and the parking space should be ideally non-existent, and if grade changes exist, they shall be gradual and clearly marked.
6.9 Temporary Buildings	3.9 Temporary Buildings
<p>1) A temporary building or structure may include all building types but it shall not be used as a dwelling except in the case of a trailer when located in any authorized motel or auto court on a transitory basis with the following exceptions:</p> <ul style="list-style-type: none"> a) Where a residence is under construction, one temporary building or mobile home may be occupied as a dwelling for a period not to exceed the duration of such construction, provided that the building official certifies that such temporary building or mobile home is and continues to be habitable. Such temporary building or mobile home shall be removed upon completion of such construction or upon the expiry and non-renewal of the 	<p>1) A temporary building or structure may be erected or installed in conjunction with the permanent construction of a building or structure on the same lot.</p> <p>2) A temporary building or structure shall be subject to the same siting, height and size requirements of an accessory building as identified in this Bylaw.</p> <p>3) Prior to the construction or installment of a temporary building or structure, an application for a building permit must be prescribed by the building official and signed by the owner or agent in accordance with the Village of Tahsis Building Bylaw No. xxx, 2020.</p>

<p>building permit for the residence under construction;</p> <p>b) Residence shall be permitted in an accessory building upon application to the building official for a temporary residence permit and proved that the building official certifies that such accessory building is and continues to be habitable. Residence shall be terminated upon completion of the principal dwelling or expiry of the temporary residence permit</p> <p>2) Temporary buildings or structures may be erected for a period not to exceed the duration of twelve (12) months. A temporary residence permit shall not be used for a period of more than twelve (12) months.</p> <p>3) In all cases, temporary buildings or structures shall be subject to the following requirements:</p> <p>a) Application shall be made in writing to the building official for a permit to erect a temporary building or structure;</p> <p>b) If the building official is satisfied that the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct any public right-of-way, he shall grant a permit for a period of not more than twelve (12) months;</p> <p>c) No temporary building or structure shall be located in any required front or side yard;</p> <p>d) At the expiration of a permit such temporary building or structure shall be removed and the site thereof restored a nearly as possible to its former condition;</p> <p>e) The temporary building or structure shall conform to Ministry of Health requirements</p> <p>4) Permits for temporary buildings or for temporary residence are renewable upon application to Council. Such applications for permit renewal shall clearly indicate why renewal is necessary. Permits may be renewed for a period not to exceed six (6) months.</p>	<p>4) If the building official is satisfied that the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct any public right-of-way, they shall grant a building permit for a period of not more than twelve (12) months.</p> <p>5) The twelve (12) month period shall commence when the building permit has been issued to the owner or agent, and upon the expiration of the building permit, such temporary building or structure shall be removed and the site thereof restored as nearly as possible to its former condition.</p> <p>6) Where a residence is under construction, one temporary building or accessory building may be used as a dwelling upon application for an occupancy permit, certified by a building official in accordance with the Village of Tahsis Building Bylaw No. xxx, 2020, for a period of not more than twelve (12) months.</p> <p>7) At the expiration of the occupancy permit, the residential use of such temporary building or accessory building shall be discontinued.</p> <p>8) Permits for temporary buildings are renewable upon application to Council. Such applications for permit renewal shall clearly indicate why renewal is necessary. Permits may be renewed for a period not to exceed (6) months.</p>
<p>Added</p>	<p>3.10 Temporary Occupancy of a Recreational Vehicle</p>
	<p>The residential use of a recreational vehicle (RV) as a temporary dwelling on the parcel while in the</p>

Added	<p>process of constructing a permanent dwelling on the same parcel is permitted, provided that the following conditions are met:</p> <p>1) The occupancy of the RV must not commence until a building permit has been issued for the construction of a detached dwelling unit located on the same lot;</p> <p>2) Sewage must be disposed of at an approved off-site location, or be connected to an approved municipal sewer system;</p> <p>3) The RV must be sited in accordance with the relevant provisions of this Bylaw;</p> <p>4) The period of occupancy of the RV does not exceed twelve (12) months from its commencement, unless renewed upon application to Council, for a period not to exceed six (6) months.</p>
Added	3.14 Bare Land Strata Subdivision
Added	Unless specifically permitted in this Bylaw, any lot created under a Bare Land Strata Plan pursuant to the <i>Strata Property Act</i> shall be subject to the requirements of this Bylaw.
6.10 Lot Sizes	3.15 Lot Sizes
Added	2) Bare Land Strata Plans may not be forced to comply with minimum lot sizes pending approval from the Village's approving officer under the Bare Land Strata Regulation B.C., Regulation 75/1978 under the <i>Strata Property Act</i> .
7.1 General Provisions: Uses Permitted in all Zones	3.1 Uses Permitted in all Zones
a) Public use	Deleted
Added	b) Parks
Part 7: Zones	Part 5: Zones
a) Permitted Uses	<p>a) Principal uses</p> <p>b) Accessory uses</p>
<p>Residential Zone Three (R-3)</p> <p>1) Principal uses:</p> <p>a) Single family dwellings</p> <p>2) Accessory uses:</p> <p>a) Accessory building or structure</p> <p>3) Setbacks:</p> <p>a) Front yard minimum: 7.5 metres</p> <p>b) Rear yard minimum: 1 metre</p> <p>c) Side yard minimum: 3 metres (except where the building is an accessory building in</p>	Deleted

<p>which case the minimum yard distance shall be 1 metre)</p> <p>4) Maximum Height:</p> <ul style="list-style-type: none"> a) Principal dwelling unit: 10 metres b) Accessory storage: 4.5 metres c) Accessory garage: 6 metres <p>5) Maximum Lot Coverage: 35%</p>	
<p>Commercial Zone One (C-1)</p> <p>Permitted uses:</p> <p>m) telephone exchanges</p>	Deleted
Added	<p>Commercial Zone One (C-1)</p> <p>Permitted uses:</p> <p>l) building supply and lumber yards</p>
<p>Commercial Zone Two (C-2)</p> <p>Permitted uses:</p> <p>a) building supply and lumber yards</p>	Deleted
<p>Commercial Zone Three (C-3)</p> <p>1) Principal uses:</p> <ul style="list-style-type: none"> a) apartments b) hotels, motels, lodges, pubs c) offices d) private clubs <p>2) Accessory uses:</p> <ul style="list-style-type: none"> a) accessory building or structure b) one single family dwelling c) home-based business d) professional occupation <p>3) Setbacks:</p> <ul style="list-style-type: none"> a) Front yard minimum: Not required b) Rear yard minimum: Not required (except where abutting property is zoned [R] or [RM] in which case 2 metres shall be maintained) c) Side yard minimum: Not required (except where abutting property is zoned [R] or [RM] in which case 2 metres shall be maintained) <p>4) Conditions of Use:</p> <ul style="list-style-type: none"> a) Nothing shall be permitted which is or can become an annoyance or nuisance to surrounding areas by reason of unsightliness, odor emissions, liquid effluents, dust, noise, fumes, smoke or glare b) No customer parking or loading areas shall be located within one point five (1.5) metres to any property line c) All outdoor storage and supply yard shall be screened from any abutting property zoned residential to a depth of seven point five (7.5) metres from any property line 	Deleted

d) All recreation facilities shall be housed within a completely enclosed building	
Public Assembly Zone (PA-1) 1) Permitted principal uses: a) Public assembly use b) Public utility use c) Park use 2) Permitted accessory uses: a) Residential use limited to one single family dwelling	Public Assembly – Institutional Zone One (PA-1) 1) Principal uses: a) Churches b) Day care facility c) Fire hall d) Government offices and facilities e) Hospitals and related medical facilities f) Libraries g) Museums and galleries h) Police detachment i) Public assembly use j) Public utility use k) Playgrounds l) Recreational facilities m) Schools 2) Accessory uses: a) Accessory buildings and structures b) One single family dwelling c) Home-based business d) Professional occupation
Added	Tourist – Campground Zone One (TC-1) Accessory Uses: c) campground office