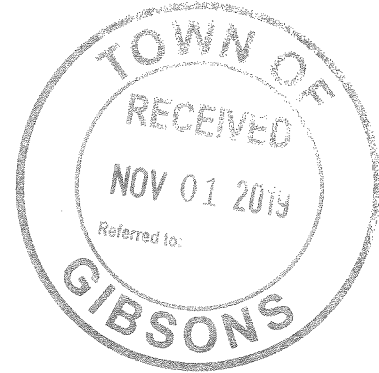




eDAS File #: 2019-02268

Date: Oct/29/2019

Town of Gibsons
474 South Fletcher Road
PO Box 340
Gibsons, British Columbia V0N 1V0



Attention:

Re: Bylaw 1065-48, 2019 for 571 Shaw Road

Thank you for the opportunity to provide comments.

Attached please find signed bylaw, approved pursuant to Section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Rupinder Prihar at (236) 468-1930.

Yours truly,



Rupinder Prihar
A/Senior Development Officer

Attachment: Signed bylaw 1065-48, 2019

Local District Address
<p>Sechelt Area Office Box 356 Sechelt, BC V0N 3A0 Canada Phone: (604) 740-8987 Fax: (604) 740-8988</p>

TOWN OF GIBSONS

BYLAW NO. 1065-48, 2019

A Bylaw to amend *Town of Gibsons Zoning Bylaw No. 1065, 2007*

WHEREAS the Council for the Town of Gibsons has adopted *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

AND WHEREAS the Council deems it desirable to amend the Zoning Bylaw;

NOW THEREFORE the Council, in open meeting assembled, enacts as follows:

- 1) This Bylaw may be cited as the *Zoning Amendment Bylaw No. 1065-48, 2019*.
- 2) The *Town of Gibsons Zoning Bylaw No. 1065, 2007* is amended by:
 - a) Inserting definitions in Section 2.1 in alphabetical order:

“**DAYCARE**” means a facility providing care for children, including an opportunity for social, emotional, physical and intellectual growth, which is licensed under the Child Care Regulations made pursuant to the Provincial Childcare Licensing Regulations.

“**PUBLIC UTILITY**” means a use providing for essential servicing within the Town, including water, sewer, storm water facilities, pumping station, treatment plant, traffic controls, electrical, geo-exchange infrastructure, gas, cable, internet, telephone, lamp standards, directional or parking signs, bus shelters, and similar services established by the Town or a corporation operating under the *Utilities Commission Act*.

“**SHARED VEHICLE**” means a four-wheeled automobile, van or pick-up truck owned and operated by an organization which provides car-sharing services to its members.

“**SHARED VEHICLE PARKING SPACE**” means an off-street parking space reserved for the exclusive use of a shared vehicle;

- b) Deleting Section 3.6 (Uses Permitted in All Zones) and replacing it with the following:

3.6 The following uses are permitted in all zones:

- (1) public utility
- (2) street, lane, or highway for vehicular and pedestrian passage
- (3) daycare
- (4) park
- (5) fire hall

- c) Altering the zoning designation for Lot 9 Except: Part Dedicated Road on Plan BCP19378, District Lot 684 Group 1 New Westminster District Plan 4438 on Schedule A to Bylaw No. 1065, from the existing Public Assembly Zone (PA) to Comprehensive Development Area Zone 5 (CDA-5), as shown in Appendix A attached to and forming part of this bylaw.
- d) Inserting Comprehensive Development Area Zone 5 (CDA-5) regulations in appropriate numerical order in Part 14 as follows:

“COMPREHENSIVE DEVELOPMENT AREA ZONE 5 (CDA-5)

14.29 Application and Intent of Zone

The regulations of this zone apply to the use of land, buildings, and structures within the Comprehensive Development Area Zone 5 (CDA-5). The intent of the CDA-5 zone is to allow for a mix of affordable rental housing, a seniors care facility, community uses, and a park. References to subareas are references to subareas indicated on Schedule A.

14.30 Permitted Principal Uses

- (1) For subarea 1, the area designated as “Public/Community Uses” in the Official Community Plan, the following uses are permitted:
 - (a) seniors care facility
 - (b) community care use
 - (c) police station
 - (d) community centre
 - (e) health centres and clinics
 - (f) library
 - (g) school
- (2) For Subarea 2, the area designated as “High Density Residential” in the Official Community Plan, the following uses are permitted:
 - (a) apartment use
 - (b) townhouses

14.31 Permitted Accessory Uses

- (1) accessory off-street, parking and loading
- (2) accessory buildings as permitted by Section 4.13-4.20

- (3) in subarea 2 only, a Home Occupation use as permitted by Section 8.5
- (4) other accessory uses customarily incidental and subordinate to a permitted principal use

14.32 Minimum Lot Area

- (1) A lot in the CDA-5 zone must have a lot area of not less than 5,000 m².

14.33 Minimum Lot Width

- (1) A lot in the CDA-5 zone must have a lot width of not less than 30.0 m (98.4 ft).

14.34 Maximum Density

- (1) For townhouse use, the maximum density is one townhouse dwelling unit per 250.0 m² (2691.0 ft²) of lot area;
- (2) For apartment use, a seniors care facility, and a community care use, the maximum total density is one dwelling unit per 110.0 m² (1184.0 ft²) of lot area; and,
- (3) Where required accessory off-street, parking is located within or under a principal building, the floor area occupied by such parking may be added to the lot area of the lot for purpose of determining permitted density under subsections (1) and (2).

14.35 Setbacks

Except as required or permitted by Section 4.3, Section 4.13-4.20, and Part 5, buildings and structures must be sited no closer to a lot line than the following:

- (1) front lot line: 5 m (16.4 ft);
- (2) rear lot line: 7.5 m (24.6 ft);
- (3) interior and exterior side lot lines: 4.5 m (14.8 ft).

14.36 Maximum Lot Coverage

- (1) A lot in the CDA-5 zone must have a total lot coverage not exceeding 75% of the lot area of the lot.

14.37 Maximum Height of Buildings

- (1) Except as otherwise required by Part 5 of this Bylaw, the maximum height of buildings is the lesser of 4 storeys and 15 m (49 ft).

14.38 Required Off-Street Parking

- (1) Off-street, parking and loading must be provided and maintained in accordance with the requirements of Part 6.
- (2) Notwithstanding Part 6 of this bylaw, not less than 0.9 parking spaces are required per apartment or townhouse dwelling unit that is the subject of a housing agreement under Section 483 of the Local Government Act, or similar agreement binding subsequent owners of the dwelling unit, limiting the use of the dwelling unit to affordable rental housing.

14.39 Landscaping

- (1) Apartment and townhouse uses in the CDA-5 zone must be landscaped and maintained as required by Sections 4.5 and 6.14 of this Bylaw.”

- e) Deleting Section 6.5 shared parking and Section 6.15 payment in lieu of providing required parking spaces and inserting the following after Section 6.4:

6.5 Alternate Parking Provision

- (1) Limited Application:

An alternate parking provision shall not reduce the minimum required off-street parking spaces for:

- (a) single family residential dwellings and two-family residential dwellings; or
- (b) physically disabled persons in accordance with Section 6.10 for any use;

- (2) Car Share Vehicle and Parking

- (a) a car sharing service provided in respect of a reduction in required off-street parking spaces under subsection 6.5(2)(b) shall:
 - (i) provide neighbourhood car-sharing services to its members by making shared vehicles available for short-term use for round trips only;

Zoning Amendment Bylaw No. 1065-48, 2019

- (ii) have a membership generally open to a substantial segment of the population of the Town of Gibsons;
- (iii) operate within the Town of Gibsons; and
- (iv) provide to the Town, prior to issuance of a form and character Development Permit, or Building Permit, whichever is issued first, a letter of commitment to provide and operate one or more shared vehicles at the shared vehicle parking space or spaces;

(b) Parking Reduction

The minimum vehicle parking requirement in accordance with subsection 6.12, not including visitor parking requirements in accordance with Section 6.8, shall be reduced by three parking spaces, for provision of both of the following:

- (i) one shared vehicle in accordance with subsection 6.5(2)(a); and
- (ii) one shared vehicle parking space in accordance with subsection 6.5(2)(d);

(c) Shared Vehicle

A letter of credit for \$50,000 shall be provided to the Town in respect of the provision of each shared vehicle, with the letter of credit:

- (i) reduced to \$20,000 after provision of the following:
 - a. a copy of an executed legal agreement between the property owner and a car-sharing service providing for the operation of the shared vehicle at the shared vehicle parking space;
 - b. confirmation in writing from the car-sharing service that funds sufficient to acquire the shared vehicle are in hand or that the acquisition has been otherwise completed; and
 - c. a shared vehicle parking space has been provided in accordance with subsection 6.5(2)(d);
- (ii) returned in full upon written confirmation by the car-sharing service that it has operated a shared vehicle at the shared vehicle parking space for a minimum of six years after an occupancy permit has been issued for the Building in respect of which the shared vehicle was provided;

(d) Shared Vehicle Parking Space

A shared vehicle parking space provided for the purposes of Subsection 6.5(2)(b) shall:

- (i) be clearly accessible to members of the car sharing service at all times whether or not they reside in the building in respect of which the shared vehicle and parking space were provided:
 - a. in the case of a strata-titled building, be designated as common property and not limited common property;
 - b. be designated exclusively for the use of a shared vehicle through a covenant registered on title granted to the Town pursuant to Section 219 of the Land Title Act;
 - c. be the subject of any reciprocal access easements and other agreements required to ensure access to, egress from and the right for the members of the car sharing service to use the shared vehicle parking space;
- (ii) be individually and legibly marked for the exclusive use of a shared vehicle; and
- (iii) not be counted towards the minimum number of required visitor parking spaces.

(3) Payment-in-Lieu of Providing Parking Spaces

- (a) An owner may pay into the Town's Reserve Fund for purposes of constructing and maintaining public off-street parking spaces, or providing transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation, the sum of Thirty Thousand dollars (\$30,000.00) per parking space required by this bylaw in respect of the construction of a building, in lieu of providing such spaces, subject to:
 - (i) location of the any portion of the land on which the parking spaces would otherwise be provided within 500.0 m (2,625.0 ft) of a public parking facility, other than an on-street parking space, owned and operated by the Town of Gibsons; and
 - (ii) payment of the required monies by the owner, prior to issuance of a building permit authorizing the construction of the building that would otherwise require the parking spaces.

(4) Shared Parking Spaces

- (a) where the peak use of parking spaces for two or more uses on the same lot or adjacent lots occurs at different periods of time, and required parking for such use is or may be shared, the total number of parking spaces required by Section 6.12 for such uses may be reduced by no more than 25%, provided that the requirements of subsection 6.5(4)(b) are met.
- (b) a reduction in the total number of required parking spaces as described in subsection 6.5(4)(a) shall only be permitted where:
 - (i) a written report has been submitted to the Town by a professional engineer experienced in parking matters, expressing the opinion that such reduction would not result in an increase in demand for the use of on-street parking spaces in the vicinity of the uses in question;
 - (ii) a restrictive covenant in favour of the Town is registered against the title of the lot or lots concerned, limiting the use of the lots to the uses that have been determined to require the reduced number of parking spaces, including any relevant restrictions on the hours of operation of these uses; and
 - (iii) aside from such reduction, all other requirements of this Bylaw are met.

(5) Reductions permitted by subsections 6.5(2)(b) and 6.5(4)(a) are cumulative.

- f) Adding Section 6.13 Provision of Electric Vehicle Charging Infrastructure after Section 6.12 and renumbering subsequent provisions of Part 6:

6.13 Provision of Electric Vehicle Charging Infrastructure

- (1) A parking area containing 10 or more parking spaces required by this bylaw also requires one energized electrical outlet for every 10 required parking spaces, labeled for the use of electric vehicle charging and capable of providing Level 2 or higher charging for an electric vehicle, for every 10 required parking spaces
- (2) Where an Electric Vehicle Energy Management System is being used to manage infrastructure provided in compliance with this section 6.13, a report completed by a qualified professional confirming that the Electric Vehicle Energy Management System provides a sufficient rate of electric vehicle charging shall be provided to the Town prior to the issuance of an occupancy permit for the building in respect of which the parking spaces and charging infrastructure are required.

Zoning Amendment Bylaw No. 1065-48, 2019

- g) Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering of subsequent provisions of the Bylaw.


READ a first time the	9 TH	day of JULY,	2019
READ a second time the	3 RD	day of SEPTEMBER,	2019
PUBLIC HEARING held the	19 TH	day of SEPTEMBER,	2019
READ a third time the	1 ST	day of OCTOBER,	2019
APPROVED pursuant to Section 52(3)(a) of the <i>Transportation Act</i>	####	day of MONTH,	YEAR
ADOPTED the	####	day of MONTH,	YEAR

William Beamish, Mayor

Lindsey Grist, Corporate Officer



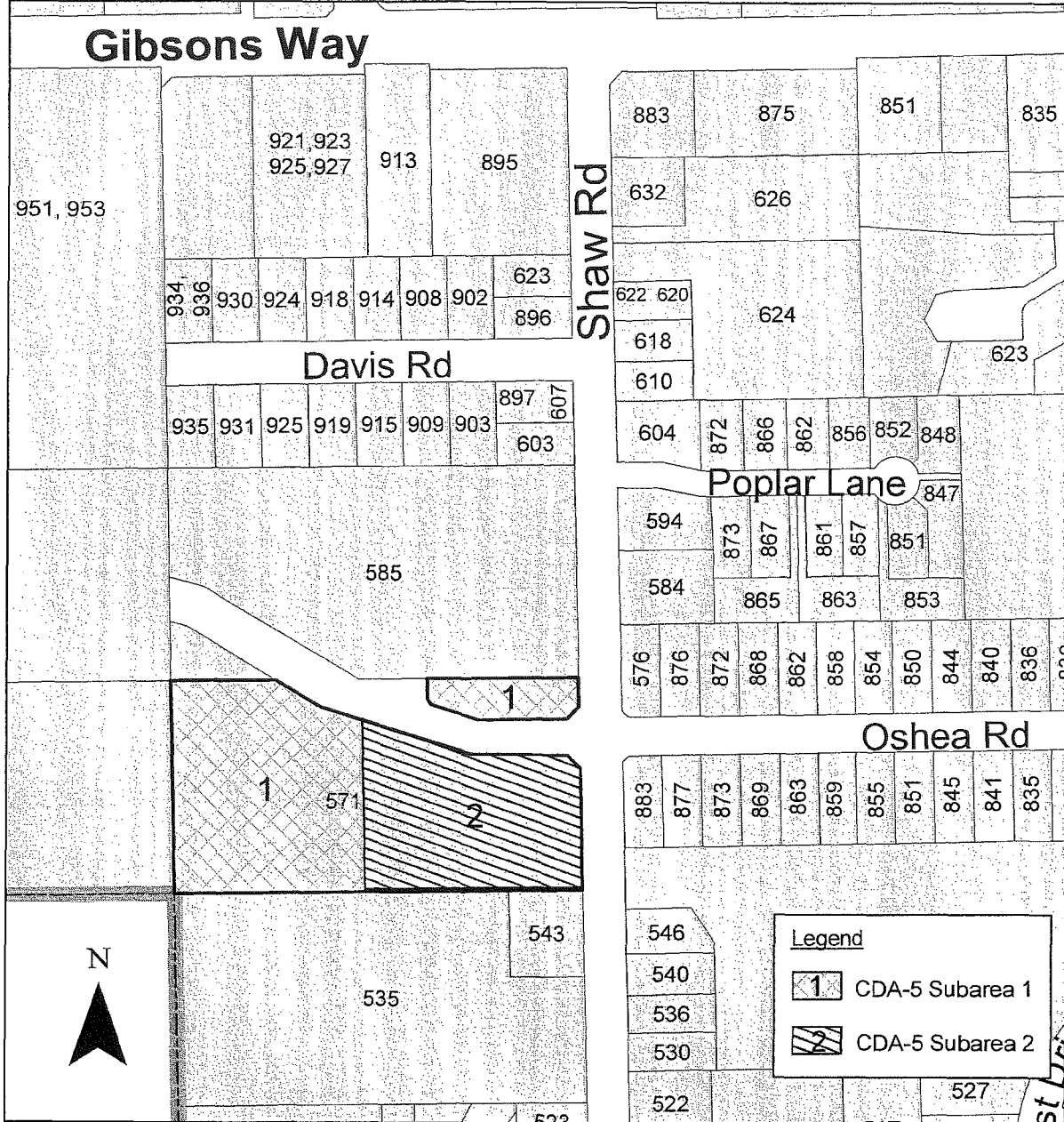
Certified True Copy
LINDSEY GRIST
Director of Corporate Services

Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this <u>29th</u> day of <u>October</u> , 20 <u>19</u>  for Minister of Transportation
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Appendix A

Zoning Amendment Bylaw No. 1065-48, 2019



Altering the zoning designation of Lot 9 Except: Part Dedicated Road on Plan BCP19378, District Lot 684 Group 1 New Westminster District Plan 4438, from the existing Public Assembly Zone (PA) to Comprehensive Development Area Zone 5 (CDA-5), with subareas 1 and 2 defined to reflect OCP designations.

Date: June 2019