



BYLAW NO. 180

A BYLAW TO AMEND THE MENZIES BAY AREA OFFICIAL COMMUNITY PLAN

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 2224, adopted an official community plan for Menzies Bay area pursuant to Part 26 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 2224 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 2224, being the 'Menzies Bay Area Official Community Plan Bylaw, 2000' is hereby amended as set out in Schedule 'A' attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 180, being Menzies Bay Area Official Community Plan Bylaw 2000, Amendment No. 7.

READ A FIRST TIME ON THE 28TH DAY OF NOVEMBER, 2013

READ A SECOND TIME ON THE 28TH DAY OF NOVEMBER, 2013

PUBLIC HEARING HELD ON THE 8TH DAY OF JANUARY, 2014

READ A THIRD TIME ON THE 23RD DAY OF JANUARY, 2014

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 26TH DAY OF JUNE, 2014

Chair

Corporate Officer

SCHEDULE 'A'**SECTION ONE** **TEXT AMENDMENT**

- 1) Part 201 'Resource and Economy' is hereby amended by deleting the existing Part 201(9) and replacing as follows:

9) Mixed Use**a) Objective**

Areas such as Browns Bay feature a mix of residential, tourist and resource uses. The Regional District recognizes that this mix of uses can help create a healthy, year round economy in rural areas and decrease the dependency of residents on nearby urban centres for services, shopping and employment. As a form of sustainable development in rural areas mixed use will be encouraged. The objective is to permit a mix of residential, commercial, industrial and resource uses in close proximity.

b) Policies

- i) Prior to the designation of any parcel as Mixed Used the Regional District shall review applications to ensure:
- 1) Recognition and facilitation of existing land uses and services;
 - 2) Support and compatibility with existing residential/commercial and resource nodes;
 - 3) Opportunities exist to redefine, enhance and revitalize an area;
 - 4) Protect and enhance the natural environment, ecological connections, sensitive ecosystems and landscapes;
 - 5) The development has the potential to offer social and economic benefits to the area;
 - 6) A reduction in the overall existing dependency on nearby urban centres;
 - 7) The provision of a rural sustainable community;
 - 8) Appropriate level of sewage treatment and disposal, water supply and distribution systems and innovative, sustainable on-site stormwater management;
 - 9) Preservation of rural and recreational characteristics of the existing community;
 - 10) The livability of the area is improved;
 - 11) Adequate transportation links, access and off-street parking;
 - 12) Maintenance of public access to the coastal waterfront;
 - 13) No excessive customer traffic through an existing residential area or between the proposed development and areas of employment, shopping, recreation, services and resources;
 - 14) The support for agriculture and local food production; and
 - 15) The provision of parks and open space, trails, greenways and biodiversity corridors.

- ii) The Mixed Use land designation shall allow resource based activities such as agriculture, forestry, fishing, mining and tourism and related processing industries and support services. It is recognized that non-resource based activities shall be permitted where they cater to resource based activities, local residents, and tourists.
 - iii) Residential, commercial, industrial and resource uses shall be permitted in close proximity to each other, either on the same parcel or on abutting and adjacent parcels. Commercial and industrial development in proximity to residential areas or visible from major roads shall have adequate setbacks and screening to avoid conflict between land uses.
 - iv) The conditions of use in areas designated Mixed Use shall be specified in the zoning bylaw.
 - v) Where Mixed Use lands are sited adjacent to lands designated as Forestry or Agriculture the following development considerations shall be demonstrated:
 - 1) Compatibility of proposed new land uses as related to adjacent working forestry or agriculture uses.
 - 2) Appropriate levels of density to mitigate potential impacts on adjacent working landscapes.
 - 3) Implementation of enhanced setbacks and screening from property lines to reduce potential for conflict.
- 2) Part 304 'Development Permit Areas' is hereby amended by including a new Part 304(3) 'Mixed Use 'Commercial' Development Permits as follows:

3) Mixed Use 'Commercial' Development Permits

a) Designated Areas

Development Permits are required for parcels zoned Mixed Use where the use proposed is 'Commercial' in nature pursuant to the Bylaw 1794, "Menzie's Bay Zoning Bylaw, 1996".

b) Justification

The Menzie's Bay area includes parcels of land zoned Mixed Use that permit Commercial uses. To ensure that Commercial development maintains the desired character of the plan area the following guidelines are to be respected.

c) Guidelines

i) Form & Character

Overall form and character should emulate a coastal community and provide waterfront character, and include the following considerations:

- 1) New and retrofitted commercial buildings should incorporate a maritime character and be of small scale building form in consideration of view impacts.
- 2) Buildings, open space and circulation should be designed to maximize ocean views while not impacting the privacy of adjacent land uses.

- 3) Varied rooflines that include pitched roofs with a significant slope are strongly encouraged over low-pitch roofs. Natural coloured metal roofing, composite tiles and slates are considered appropriate.
- 4) Buildings are encouraged to incorporate false fronts, canopies and awnings to provide interest and weather protection.
- 5) Exterior siding materials such as wood (or wood-like finishes) and stone are preferred. Vinyl siding is strongly discouraged.
- 6) Exterior trim details should incorporate exposed timbers, wood trim and wood cladding.
- 7) Exterior building colours should reflect the waterfront context and include natural, neutral colours and harmonizing tones only.
- 8) Buildings of 2 or 2 ½ stories should have upper floors that are set back from main floor walls to reduce visual bulk from street level.
- 9) Framed shop windows positioned at street level and that face public areas are preferred.
- 10) Commercial buildings are encouraged to incorporate 'green roofs' and 'green walls' into building design.

ii) Relationship to the Water

- 1) A relationship to the waterfront is encouraged where commercial developments are sited adjacent to the sea, therefore:
 - a. the provision of a seawalk, plazas, patios and similar public amenities should be provided wherever possible; and
 - b. the incorporation of marine components into the development that provide a link to the water is encouraged.

iii) Outdoor Space and Landscaping

- 1) Usable outdoor space should be incorporated into developments at the site planning stage of the process.
- 2) Public realm components, such as outdoor seating, water features, patios, plazas and gardens, should be incorporated into all commercial developments.
- 3) Developments are encouraged to maximize landscaping opportunities to provide shade, privacy and seasonal colour. Plant materials should include native vegetation and larger deciduous tree species.
- 4) Planting schemes based on native or natural-looking landscapes with reduced water and maintenance requirements are recommended, as are plants suited to the salt water environment.
- 5) Existing native vegetation, particularly trees, should be preserved wherever possible.
- 6) Sustainable on-site storm water management should be incorporated into public areas.
- 7) 'Green street' designs are encouraged and may include narrower street widths, permeable surface treatments, less impervious surface areas, street trees, source control of stormwater and limitation of transport and pollutants, bioretention areas and swales.



*Bioretention area utilizes water from the adjacent road surface.
(Source: Abby Hall, US EPA).*

iv) Provision of Screening from Adjacent Land Uses

- 1) Buildings shall be sited to ensure that any adjacent residential properties/uses have visual privacy as well as protection from site illumination and noise.
- 2) Outdoor storage areas, loading areas and refuse areas shall be screened with a solid 2.0 metre (6.6 foot) screen by use of landscaped berms, vegetation, fencing, or a combination thereof.
- 3) Existing vegetation, including mature trees, shall be protected and maintained in the required yards around the perimeter of the site.

v) Exterior Lighting

- 1) Lighting used to illuminate buildings, paths, or parking areas should be situated such that direct light will not illuminate the sky or onto adjoining properties/uses as per the Regional District's Dark Sky policy.
- 2) All outdoor fixtures must be full cut-off, down-light in nature.
- 3) Walkways, gangways and piers should have pedestrian-scale lighting, but the lighting should be shielded so as to not affect marine navigation.
- 4) Where possible, the control of outdoor lighting by motion sensors is encouraged.

vi) Parking

- 1) Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.

vii) Signs

- 1) All signage should be made from high quality, durable materials.
- 2) Signage should be limited to one for each wall of the building and shall not extend above the top of the building.
- 3) Signs shall not be back lit or equipped with flashing, oscillating, or moving lights or beacons.