



The Village of  
**PORT CLEMENTS**

P.O. Box 198  
Port Clements, B.C.  
V0T 1R0  
Phone: (604) 557-4295  
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VILLAGE OF PORT CLEMENTS

ZONING AMENDMENT BYLAW #295, 1999

WHEREAS it is deemed necessary to amend the Village of Port Clements Zoning Bylaw #184, 1990 to establish "restaurants" and "hotels" as a permitted use in the Commercial Service (C-2) zone.

NOW THEREFORE the Council of the Village of Port Clements in open meeting assembled enacts as follows.

1. Part 7.1.6 COMMERCIAL SERVICE ZONE (C-2) of Zoning Bylaw #184, 1990 is amended as follows: (bolding and asterix denotes addition to permitted uses).

7.1.6.B PERMITTED USES

In the Commercial Service Zone (C-2) land and structures may only be used for the following uses:

- (1) Sale, rental or lease of motor vehicles;
- (2) General automotive repair services;
- (3) Gasoline service stations;
- (4) Neighbourhood shopping centre;
- (5) Retail sales of building supplies;
- (6) Retail sales of garden supplies, nursery items and greenhouses;
- (7) Personal service establishments (ie. barbers, beauty salons, show repair, travel agent, dry cleaner, laundry, photo studio);
- (8) Printing and publishing;
- (9) Convenience stores;
- (10) Undertaking parlor or funeral home;
- (11) Contractor's offices provided that there shall be no outside storage of materials or equipment;
- (12) Motels;
- (13) Combined commercial and residential complexes;
- (14) Accessory buildings and structures;
- (15) One bed and breakfast establishments;
- (16) One boarding house;
- (17) Restaurants \*;
- (18) Hotels \*.

2. DEFINITIONS

Add to and define "RESTAURANT" in Part 1: INTERPRETATION, Section 1.3 DEFINITIONS section as follows:


"RESTAURANT" means a public eating place with or without a liquor licence.


3. To redefine "MOTEL" in Part 1: INTERPRETATION, section 1.3 DEFINITIONS section to read as follows:

- "MOTEL" means a building or buildings containing sleeping units primarily for the temporary accommodation of the travelling public where each sleeping unit contains its own bathroom with a water closet, wash basin and bath or shower and may or may not include its own cooking facilities. MOTEL may include, without limiting the generality of the foregoing, an office with a public register, restaurant and meeting rooms.

4. This bylaw may be cited as the "Village of Port Clements Zoning Amendment Bylaw #295, 1999.

READ A FIRST TIME THIS	15	DAY OF	February	,	1999.
READ A SECOND TIME THIS	15	DAY OF	February	,	1999.
RECEIVED PUBLIC HEARING THIS	8	DAY OF	March	,	1999.
READ A THIRD TIME THIS	15	DAY OF	March	,	1999.
RECONSIDERED AND ADOPTED THIS	22	DAY OF	March	,	1999.

  
Mayor Glen A. Beachy.

  
Clerk Jukka P. Raimsson

Certified to be a true copy of  
Village of Port Clements Zoning  
Amendment Bylaw #295, 1999.



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NOTICE OF PUBLIC HEARING

ZONING AMENDMENT BYLAW #295

Pursuant to Section 890 and 892 of the Municipal Act, Notice is hereby given that a Public Hearing with regard to the "Village of Port Clements Zoning Amendment Bylaw #295, 1999" will be held at the Village Office, 37A Cedar Avenue West, Port Clements on Monday, March 8, 1999 at 7:30 p.m..

Proposed Bylaw #295 is to amend existing Zoning Bylaw #184, 1990. The intent and purpose of Bylaw #295 is to:

- Establish "RESTAURANTS" and "HOTELS" as a permitted use in the Commercial Service (C-2) zone.
- Define "RESTAURANT" as a public eating place with or without a liquor licence.
- Redefine "MOTEL" as a building or buildings containing sleeping units primarily for the temporary accommodation of the travelling public where each sleeping unit contains its own bathroom with a water closet, wash basin and bath or shower and may or may not include its own cooking facilities. MOTEL may include, without limiting the generality of the foregoing, an office with a public register, restaurant and meeting rooms.

Zoning Amendment Bylaw #295 is available for inspection at the Village Office, 37A Cedar Avenue West, Port Clements from 1:00 P.m. to 5:00 P.m., Thursday, February 25, 1999 through Monday, March 8, 1999.

All persons who believe that their interest in property is affected by proposed Zoning Amendment Bylaw #295 shall be afforded an opportunity to be heard in person, by a representative or by written submission on all matters contained therein.

Jukka Efrainsson  
Clerk Treasurer

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To: Observer, Fax # 559-8433

Re: Please include in **FEBRUARY 25 AND MARCH 4** issues, with logo, on half or smaller if possible. Fax proof for OK prior to printing. Thanks.

Jukka.

REPORT TO COUNCIL:

FEBRUARY 15, 1999

ZONING AMENDMENT BYLAW #295, 1999

This bylaw has been prepared in response to an application by Urs Thomas, Golden Spruce Motel.

He requested that "restaurant" be added to permitted uses in the C-2 zone, and that "restaurant" be defined in the bylaw.

I called him on Friday and he agreed that:

"RESTAURANT" be defined as a "public eating place with or without a liquor licence".

This definition was provided by Lori Staples, village's lawyer. The reference to "public drinking place" included in his application has been deleted, a change which Urs agreed to. If left in, a "public drinking place with a drinking licence" could be argued to mean a "pub", a different permitted use when compared to a restaurant.

As far as compatibility with the village's Official Community Plan, the OCP does not specifically mention restaurants for the C-2 zone, although restaurant is specifically designated for the Core Commercial Zone (C-1) - see attached. However, the OCP does designate hotels for the C-2 zone. Bylaw #184 defines hotels as a "building in which there are sleeping units for transient lodgers, with or without a public dining area or cafe. Therefore, the OCP does permit public dining areas or cafe's in the C-2 zone, although indirectly through permitting a hotel and its definition.

Bylaw #184 does not define "Motel" so it is proposed that Bylaw #295 do so as follows (provided by Lori Staples, definition used by City of Nanaimo)

"MOTEL" means a building or buildings containing sleeping units primarily for the temporary accommodation of the travelling public where each sleeping unit contains its own bathroom with a water closet, wash basin and bath or shower and may or may not include its own cooking facilities. MOTEL may include, without limiting the generality of the foregoing, an office with a public register, restaurant and meeting rooms.

702) FEB 15/99

The City of Nanaimo defines "HOTEL" as follows:

"HOTEL" means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, "HOTEL" includes motels.

For comparison purposes, Villages Bylaw #184 defines hotel as:

- "HOTEL" means a building in which there are sleeping units for transient lodgers, with or without a public dining area or cafe.

I have not included a redefinition of HOTEL in Bylaw #295, but if council chooses to do so, it can be added in after 1st reading.

Apart from the legalities and wording, the only other issue to which your attention is here drawn to is parking. I asked, and Urs provided the sketch attached showing number and location of off street parking to be provided. Also attached is a copy of the parking requirements from Bylaw #184. It calls for 1 parking spot per Motel Unit plus 1 parking spot for every 3 seats in a restaurant. Urs has 12 units and plans to have 25 seats in the restaurant, which equates to 21 parking spots required. His sketch shows 18 parking spots, 3 less than required. However, the bylaw does state in 6.1.1 that "off street parking contained in this Part shall not apply to buildings, structures or uses existing on the effective date of this Bylaw in any zone except that:

- (1) Off street parking shall be provided and maintained in accordance with this Part for any addition to such existing building or structure or any change or addition to such an existing use.

The motel was in existence before Bylaw #184 was adopted, therefore the requirement for 12 parking spaces for the 12 motel units does not apply. The motel does have to provide 9 off street parking spaces for the proposed restaurant, and this would be satisfied by the 18 provided on the sketch.

Jukka Efrainsson  
Clerk Treasurer.  
February 12, 1999.