



BYLAW NO. 1823

TOWN OF SMITHERS ZONING BYLAW NO. 1403 AMENDMENT NO. 17-03

WHEREAS the Council may, under the authority of Section 479 of the *Local Government Act*, create different zones and regulate uses, density, and siting within each zone;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

1. **CITATION:**

- 1.1 This bylaw may be cited as “Bylaw No. 1823 – Town of Smithers Zoning Bylaw No. 1403 Amendment No. 17-03” and takes effect as of the date of adoption.

2. **ADMINISTRATIVE PROVISION:**

- 2.1 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.

3. **TEXT AMENDMENTS:**

- 3.1 Section 1.2 Definitions of the Town of Smithers Zoning Bylaw No. 1403 is amended by adding the following land use definitions:

“**Supportive housing**” means affordable, long-term housing units, and also provides access to support staff to help tenants lead stable, independent, and connected lives. Tenants may be previously homeless or persons who are at risk of homelessness, who may also have mental illness, have or be recovering from drug or alcohol addictions, or experience other barriers to housing. Supportive housing provides a range of on-site, non-clinical supports, such as life-skills training, and connections to primary health care, mental health or substance use services, that are available to residents of the housing project. Additional services may include meal programs and on-site medical supports, employment and education services, counselling and outreach services.

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“Gateway to housing” means a publicly-funded facility for the provision of multifaceted transitional housing programs addressing the needs of clients from housing to counseling. The use may include the provision of supportive services to clients such as intake and assessment, case management, nutrition, employment service, adult education, training in budgeting and money management, assistance in securing permanent housing, as well as short-term, overnight accommodation for clients.

“Auxiliary building” means a building, the use or intended use of which is ancillary to that of the principal building situated on the same parcel, but excludes a dwelling unit, carriage house or secondary suite.

- 3.2 Section 1.2 Definitions of the Town of Smithers Zoning Bylaw No. 1403 is amended by replacing the existing definition of “Auxiliary” with the following land use definition:

“Auxiliary use” means a land use which is ancillary or subordinate to a principal use.

- 3.3 Section 1.2 Definitions of the Town of Smithers Zoning Bylaw No. 1403 is amended by replacing the existing definition of “Hotel” with the following:

“Hotel” means a building or part thereof, which provides temporary overnight accommodation for transient visitors by way of furnished sleeping units, but does not include Bed and Breakfast Accommodation. Hotel use may include commercial facilities such as restaurant, banquet, beverage, meeting and convention rooms, recreation facilities and personal services for the convenience of guests.

- 3.4 Table 2.9 in Section 2.9.2 of the Town of Smithers Zoning Bylaw No. 1403 is amended by adding required parking for supportive housing use as follows:

Table 2.9	
Use	Number of Parking Spaces required
Commercial Uses	
CD 1 Zone: Supportive Housing	1 per every 3 dwelling units

- 3.5 Division 9 Administrative Enforcement of the Town of Smithers Zoning Bylaw No. 1403 is amended to Division 10 Administrative Enforcement and all sections thereafter are to be numbered accordingly.

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3.6 A new Division 9 CD Comprehensive Development Zones is to be added to the Town of Smithers Zoning Bylaw No. 1403 and is to read as follows:

Division 9 CD Comprehensive Development Zones

Section 9.1 CD 1 Comprehensive Development Zone 1

Purpose

The purpose of the CD 1 zone is to be a 'one of a kind' zone that accommodates a mix of land uses associated with a multi-faceted transitional housing program in one principal building.

Permitted Principal Uses

9.1.2 The following principal uses and no others are permitted in a CD 1 zone:

- (a) **supportive housing;**
- (b) **rescue mission;**
- (c) **gateway to housing;**

Permitted Auxiliary Uses

9.1.3 And the following and no other **auxiliary** uses are permitted in a CD 1 zone:

- (d) auxiliary uses customarily ancillary to any of the permitted principal uses
- (e) one **auxiliary building;**

Regulations

9.1.4 In the CD 1 zone the following regulations contained in Table 9.1 shall apply:

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Table 9.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	No minimum
Parcel Width	No minimum
Parcel Coverage	75% maximum for all buildings and structures
Density	One dwelling unit per 33.8 m²
Principal Building	
No. of Principal Buildings	1
Setbacks	
front yard	0 metres
rear yard	0 metres
side yard	
exterior	0 metres
interior	0 metres
Height	3 storeys or 12 metres, whichever is less
Auxiliary Building	
No. of Auxiliary Buildings	1
<u>Setbacks</u>	
front yard	6 metres minimum
rear yard	0.6 metres minimum or 1.8 metres from a rear parcel line in the case of a carport or garage opening onto a lane
side yard	
exterior	3.5 metres minimum
interior	0.6 metres minimum
Height	4.9 metres maximum
Parcel coverage of aux. building and structures	10%
Fencing	
Height in the required front yard	1.2 metres maximum
Height in any other yard	1.8 metres maximum
Parking	
	Parking in the CD 1 zone shall comply with Section 2.9 contained in General Regulations.

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4. **MAP AMENDMENT:**

- 4.1 The Zoning map of the Town of Smithers Zoning Bylaw No. 1403 (shown on Schedule "A") is amended by changing the zoning of 3896 Railway Avenue, lands legally described as Lots 1 & 3 Block 74 District Lot 5289 Range 5 Coastal District Plan 1054, Lot 2 Block 74 District Lot 5289 Range 5 Coastal District Plan 1054 except the South 12 ½ feet, the South 12 ½ feet of Lot 2 Block 74 District Lot 5289 Range 5 Coastal District Plan 1054, and a portion of Parcel A (See P10198) Block 74 District Lot 5289 Range 5 Coastal District Plan 1054 and forming part of this Bylaw:

From: C-1A Downtown Commercial
To: CD 1 Comprehensive Development Zone 1

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READ A FIRST TIME THIS DAY OF , 2017.

READ A SECOND TIME THIS DAY OF , 2017.

RECEIVED APPROVAL OF THE MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE ON THIS DAY OF , 2017.

PUBLIC HEARING HELD THIS DAY OF , 2017.

READ A THIRD TIME THIS DAY OF , 2017.

ADOPTED THIS DAY OF , 2017.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of:

Taylor Bachrach
Mayor

Anne Yanciw
Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT
COPY** of "Bylaw No. 1823 – Town of
Smithers Zoning Bylaw No. 1403
Amendment No. 17-03".

Dianna Plouffe
Corporate Officer

YHB/MA

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SCHEDULE 'A' TO BYLAW NO. 1823

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