



**DISTRICT OF PORT HARDY
AGENDA
COMMITTEE-OF-THE-WHOLE COUNCIL MEETING
5:30 pm TUESDAY AUGUST 14, 2012
Council Chambers - Municipal Hall**

A. CALL TO ORDER

Time:

B. APPROVAL OF AGENDA

Motion required

1.

2.

C. STAFF REPORTS

Memos from G. Le Gal, Director Corporate Services

- 1 a. Bylaw Enforcement (Aug.8/12). Council direction requested.

- 2-4 b. Zoning Bylaw Review (Aug 8/12). Issues for discussion.

D. Council rises, recommendations taken to Regular Meeting of Council, 7:00 pm August 14, 2012.



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Bylaw Enforcement
DATE: 8 August, 2012

Staff respectfully requests direction from Council on bylaw enforcement matters. We have an unwritten "complaint driven" policy and it would be beneficial to know how firmly Council wishes to enforce bylaws.

Some examples:

1. Vacant property (owners deceased) - there is discarded material and an unkempt yard, neighbours are reporting rats in the neighbourhood, we have been unable to contact the Executor;
2. Parking of unlicensed cars, recreational vehicles and boat trailers on the roads;
3. Unkempt yards – this is not addressed in our Unsightly Premises Bylaw so the bylaw would require amending to enable us to enforce;
4. Dilapidated fence, storage of rusting and unlicensed vehicles, unkempt yard with noxious weeds is addressed by Unsightly Premises Bylaw – 3 letters sent and no response.

Process


We send two letters, usually one month apart. The third letter is sent registered mail.

Legislation

Both the Unsightly Premises Bylaw and Vacant Properties Bylaw permit the District to have the work done at the property owners cost. A report should be sent to Council following the third letter requesting their permission to do that work.

We have put notices on vehicles and have had them towed if not removed in a reasonable length of time (2 – 4 weeks).

Respectfully submitted,



Gloria Le Gal, DCS




DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Zoning Bylaw Review
DATE: 8 August, 2012


Attached are the main issues identified by staff for the Zoning Bylaw review. I recommend that Council have an opportunity to review these issues and discuss them with staff prior to presenting them to the contractor for consideration.

Respectfully submitted,

I agree with the recommendation.



Gloria Le Gal, DCS



Rick Davidge, CAO

ZONING BYLAW REVIEW

Discussion on permitting home wind generated power. Considerations are the height and size of the windmill and noise generated by it. Others?
Setbacks for accessory buildings – currently the same as principle buildings, creating excessive setbacks for storage sheds over 140 sq. ft., garages, etc. Most municipalities have 0 – 5' setbacks, ours are 25' back, 5'side
Temporary Use Permits – currently not addressed
Secondary Suites – do we want to legalize so they are easier to track
Strata Title is not included in current bylaw
Vacation rental homes comes up for discussion every once in a while. Personally, I'm not a fan of a residential property suddenly being rented out weekly throughout the summer season. A number of communities have permitted it and now regret it. A few are happy with it. Worthy of discussion with Council.
Foreshore zoning should be completed
6.1.3 Parking fee in lieu – fee to be reviewed – <i>The owner or occupier of land for which off-street parking and loading spaces are required, rather than provide the required spaces, may pay to the municipality the sum of \$700 per space where the municipality owns and operates an off-street parking facility within 500 metres from the parcel upon which the building or structures requiring the parking is located. (Money <u>must</u> go to a reserve fund, can only be used for the purpose stated by that reserve fund.)</i>
Review uses – current prohibitions – commercial agriculture, keeping of bees & livestock are all part of recent sustainability discussions; Sustainability Committee is reviewing keeping of urban chickens but it is not recommended by Conservation Officer
Auto wrecking yards – not permitted in any zones but active in Lot 1, Plan 29951 (7050 Byng Road) which also includes residential use and Lot 26, Plan 33502 (6050 Bronze Road)
Review Tourist Commercial – T-1 – for construction of tourist cabins and hotel; Council supported tourist cabins in 2011 but wished to have full review of implications of permitting hotels in a T-1 zone
Town Centre Commercial – C-2 – campgrounds permitted – do we really want that in the town centre?
General Commercial – C-3 – “Any of the permitted uses in C-2” leaves the zone wide open without full consideration of permitted uses
Marine zones need to be reviewed – i.e. some marine zones are not beside water, M-2 permits uses in M-1 so M-2 would then permit motels, hotels & licensed premises beside marine industrial uses

<p>Accessory staff accommodation – should a maximum size be stated? Owners are now building large homes on site with limited permitted use building(s) to legitimize use (i.e. large home with only one “tourist cabin”). M-3 states accessory staff accommodation shall not exceed 60 m² but no mention of size in other zones. All staff accommodation should be “accessory use”.</p>
<p>Light Industrial – I-1 – permits all uses in C-3 and “premises licensed under the <i>Liquor Control and Licensing Act</i>” – can we have a drink over lunch on our industrial site?</p>
<p>Heavy Industrial – I-2 – all uses permitted in I-1 so licensed premises will be permitted with resource extraction and processing</p>
<p>Institutional – P-1 – Schools are in this zone. Current situation where one school has been closed, retaining only minor use for school purposes and the School District has rented rooms to commercial and business enterprises –Can we address this without having all users evicted?</p>
<p>“Residential Multiple Family” needs to be clarified</p>
<p>One end of Hunt Street is zoned R-3 but is fee simple. Review needed to address subdivision that is predominately manufactured homes but isn’t a MH Park.</p>
<p>General Commercial – C-3 – one property that contains a business with legal apartments over the main building, also includes legal campground that is now being used for long term residential use, in contravention of bylaw. It appears RV/boat use for long term residential is common in the community. How do we best address the issue?</p>
<p>Town Centre Commercial – C-2 – 6465 Hardy Bay Road contains legal apartments over the main building; however they are used for “Bed & Breakfasts” associated with downstairs operation. Does not meet the definition of a “B&B”</p>