



AGENDA
DISTRICT OF PORT HARDY
COMMITTEE OF THE WHOLE MEETING
2:00 PM TUESDAY MARCH 27, 2018
COUNCIL CHAMBERS, MUNICIPAL HALL
7360 COLUMBIA STREET

Mayor: Hank Bood
Councillors: Pat Corbett-Labatt, Dennis Dugas, Rick Marcotte, Fred Robertson, John Tidbury and Leightan Wishart

Staff: Allison McCarrick, CAO; Abbas Farahbakhsh, Director of Operational Services; Heather Nelson-Smith, Director of Corporate Services; Lynda Sowerby, Director of Financial Services

<u>Page</u>		Time:
	A. CALL TO ORDER	
	B. APPROVAL OF AGENDA	
	Motion required	1. 2.
	C. STAFF REPORTS	
1-5	1. Heather Nelson-Smith, Director of Corporate Services re: Zoning Review	
	D. NEW BUSINESS	
	No new business	
	E. ADJOURNMENT	
	Motion required	1. 2.
		Time:



DISTRICT OF PORT HARDY REPORT TO COUNCIL

TO: Mayor and Council
FROM: Heather Nelson-Smith, Director of Corporate Services
SUBJECT: Zoning Review
DATE: March 22, 2018

CANNABIS RETAILERS

The District has an opportunity to regulate Cannabis retailers in the District of Port Hardy. As it stands now, once legal, Cannabis dispensaries are covered under our commercial retailer definition

The Recommendations from the Cannabis Advisory Committee as it relates to zoning are as follows:

Buffers/Proximity

- That no dispensary shall be located within 100 metres of a playground or library.
- That no dispensary shall be located within 150 metres of a school or licensed day care facility.
- That no dispensary shall be located within 200 metres of another dispensary.

Quantity of Dispensaries

Only 2 Dispensaries shall be permitted in the District of Port Hardy.

Mixed-Use Zoning

Dispensaries shall not be combined with any other use within the same premises. And that, the District be supportive of onsite testing and or Vape-Lounge facilities within the Dispensary, providing that the Province will be permitting onsite usage.

ZONING OPTIONS:

1. Create a definition for Cannabis Retailer in the Zoning Regulation and do nothing further- this would mean that for retailers to start up they would have to apply for a zoning amendment to add Cannabis Retailer to their property.
2. Create a definition for Cannabis Retailer and set provisions in the zoning regulation that permit how many, how far from properties etc...and then assign Cannabis Retailer to specific zones.
3. Create a definition for Cannabis Retailer and set provisions in the zoning regulation that permit how many, how far from properties etc...and then state that Cannabis Retailers are permitted in any zone where Liquor Premises is a principle use.

LIMITS?

The recommendation is to limit retailers to 2

How does Council feel about limiting? And if we limit what are the parameters of how we establish who gets approval?

MIXED USE ZONING

The Province has established that at the onset that Cannabis Retailers may not be combined with any other use, however it does state that there may be some exemptions for rural communities.

It is a recommendation of the committee that the District prohibit combined use for Cannabis Retailers.

MANUFACTURED HOMES

CURRENT REGULATION

“Dwelling, Manufactured Home” means a dwelling unit that:

(a) Was manufactured at a factory and is intended to be occupied as a dwelling at a place other than its place of manufacture; and,

(b) Meets or exceeds Canadian Standards Association CSA-Z240, CSAA277. A manufactured home dwelling may include what is commonly referred to as a “manufactured home”, “mobile home”, “modular home” or “pre-fabricated home” that meets these criteria, but does not include a Recreational Vehicle.

What this means, is that we only permit stick framed buildings to be built in any zone that is not designated as a mobile home park or a rural residential lot.

CHALLENGES

Manufactured homes are becoming more and more popular in rural areas with rising construction costs and limited access to certified builders recognized by the Home Owner Protection Office (HPO). They are built in factories and placed on the lot as is and the inspection is for the foundation and any stairs or decks that might be attached to it after setting. Manufactured homes often look like a stick framed building and fit nicely in residential areas.

AIRBNB/BED AND BREAKFAST

Currently we have no definition for an Airbnb which can range in use from a stand-alone vacation home to a bed and breakfast.

The District has been telling that requesting Airbnb information that it must conform to the Bed and Breakfast regulation.

“Bed and Breakfast” means the provision of nightly accommodation and breakfast only for transient accommodation, as an accessory use within a single detached dwelling.

Does Council want to allow for the ability to have vacation rentals?

Or

Does Council want to restrict vacation rentals and continue with regulating them through Bed and Breakfast operations?

SECONDARY SUITES

In the R-2 Duplex zone we permit secondary suites. In the regulation we state that you may have one secondary suite per principle dwelling. This creates is an opportunity for four units on one property.

Does Council want to consider limiting the secondary suites for duplexes?

STORAGE OF VEHICLES

CURRENT REGULATION

3.19 BOAT, MOTOR VEHICLE AND RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL ZONES

- (a) No parcel in any Residential Zone shall be used as a wrecking yard or for the storage of derelict vehicles or more than two unlicensed motor vehicles;
- (b) No parcel in a Residential Zone, whether improved or not, shall be used as a wrecking yard or storage yard;
- (c) No front or side yard in a Residential Zone shall be used for parking or storage of a recreational vehicle or boat, except as follows:
 - (1) One recreational vehicle up to 15 metres (49.2 feet) in length may be parked in a front or side yard provided it is located no closer than 1.0 metre (3.28 feet) to any side parcel line;
 - (2) One boat up to 15 metres (49.2 feet) in length may be parked in a front or side yard provided it is located no closer than 1.0 metre (3.28 feet) to any side parcel line; or
 - (3) One boat and one recreational vehicle having a combined length of 15 metres (49.2 feet) may be parked in a front or side yard provided they are located no closer than 1.0 metre (3.28 feet) to any side parcel line.
- (d) No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, trailer or any similar commercial vehicle, craft or conveyance shall be parked or stored in the open in a Residential Zone, except the following which may be parked or stored in the rear yard only, provided they are located no closer than 1.0 meter (3.28 feet) to the rear parcel line:
 - (1) One truck or commercial vehicle not exceeding 8,600 kilograms (18,960 pounds) gross vehicle weight;
 - (2) Trucks, commercial vehicles or equipment being used directly in the construction, repair, servicing or maintenance of the buildings or structures on that parcel;
 - (3) One dismantled or wrecked commercial vehicle for a period of not more than 30 consecutive days;
 - (4) One commercial boat or vessel not exceeding a length of 6.0 meters (19.69 feet).
- (e) The parking and storage of recreational vehicles in a rear yard in a residential zone shall be limited to one vehicle or trailer which cannot exceed a length of 6.0 meters and must be located at least 1.0 metre (3.28 feet) from the rear parcel line.

What this means is that you can store up to 7 vehicles long term and 9 short term on any residential parcel. With no maximums being set this could be open to interpretation.

AGRICULTURE OPPORTUNITIES

CURRENT REGULATIONS:

“Agriculture” means uses related to the growing, rearing, producing and harvesting of agricultural products; includes the storage and sale on an individual farm of the products harvested, reared, or produced on that farm, in addition to the storage and repair of farm machinery, implements and supplies; specifically excludes all manufacturing, processing, storage and repairs not specifically included in this definition, and also excludes livestock and poultry processing, piggery use, and feed lots.

“Livestock” means rabbits, goats, sheep, swine, horses, cattle, poultry kept for the purpose of providing meat or eggs, or fur bearing animals as defined in the Fur Farm Act.

Urban Agriculture

Small Scale Urban Agriculture is a permitted as an accessory use in a Residential Zone subject to the following conditions:

- (1) A greenhouse is subject to the setback requirements for an accessory building for the zone in which it is located and the maximum footprint of the greenhouse shall not exceed 28 square metres (301.4 square feet);
- (2) Artificial lighting is permitted within a greenhouse, provided that the lighting is not permitted to spill out onto adjacent parcels. Lighting must be directed downwards and/or shielded to prevent spillage of light onto adjacent parcels; and,
- (3) One advertising sign is permitted provided it is in the form of a free standing sign located on the parcel on which the Small Scale Urban Agriculture use is located, or a fascia sign attached to the dwelling on that parcel, and the sign is not backlit nor illuminate light, and does not exceed 1.0 square metre (10.76 square feet) in total surface area.

Urban Hens

The keeping of Urban Hens is a permitted accessory use on parcels in the R-1, R-1s, R-2 and RR-1 Zones, and with respect to the R-3 Zone, on a parcel in a subdivision development in which each Manufactured Home Dwelling is located on its own parcel, subject to the following conditions:

- Up to 4 urban hens are permitted on parcels that are less than or equal to 450 square metres (4,842.8 square feet) in area;
- Up to 6 urban hens are permitted on parcels that are greater than 450 square metres (4,842.8 square feet) in area;
- No roosters, cocks or cockerels are permitted;
- A structure must be provided to house the urban hens and said enclosure must provide a minimum of 0.37 of a square metre (4 square feet) per urban hen;
- A structure used to enclose urban hens, whether portable or stationary, is subject to the setback requirements for accessory buildings and structures for the zone in which it is located however, if the structure used to enclose the urban hens is located on a corner parcel, it shall not be located in the side exterior yard;
- Only one structure for the purpose of housing urban hens is permitted on a parcel and it shall not exceed 9.3 square metres (100 square feet) in area or 2.0 metres (6.5 feet) in height above grade;

AGRICULTURE ISSUES

- Small Scale Urban Agriculture, permitted in all Residential Zones, only permits greenhouses to maximum of 28 m² and a maximum of 6 hens per parcel.

- Rural Residential Zoning, only permits Small Scale Urban Agriculture, while the properties are larger in size and located on the outlying areas of the community. In most communities, this zone generally permits agriculture use.
- The District of Port Hardy and the Mount Waddington Health Network are promoting small business opportunities to provide local produce to grocery stores in an effort to follow the 100-mile diet.
- Agriculture use, which would permit a larger scale agriculture opportunity, is only permitted in the A-1 Airport and GH-1 General Holding Zones. In the boundaries of the District of Port Hardy those zones either already contain an airport or are in undeveloped, un-serviced Crown Land properties.

LIVESTOCK ISSUES

- The keeping of livestock is only permitted in zones which agriculture is listed as a use. horses are defined by the Horse Welfare Alliance of Canada as 'livestock', however our Animal Control Regulation Bylaw No.11-2012 states that horses may be kept on properties which are more than 60 metres from a neighbouring residence.
- We currently have 4 properties in the District located at the Tacan Site Industrial Zone where horses are kept for hobby purposes. This does not, however contravene the animal control regulation, but does violate the zoning regulation.

CONSIDERATIONS

- Do nothing.
- Create a new use and definition for Large Scale Urban Agriculture, which would allow for the ability to have larger hobby farm type uses in Rural Residential Zones.
- Change the agriculture zoning to allow for opportunities in Industrial Zones.
- Make District owned properties available for agriculture use.
- Create focused subdivision plans for vacant District owned properties for large rural areas to allow for agriculture use.

NEW DEFINITION:

- ***Medium Scale Urban Agriculture*** means an accessory use consisting of the cultivation, on a portion of a parcel, of fruits, mushrooms, nuts, plants, vegetables or seeds and includes the sale of these items grown on that parcel where home occupation is a permitted accessory use.
- Create a general provision for Medium Scale Urban Agriculture:
- Medium Scale Urban Agriculture is a permitted use as an accessory in the Rural Residential Zone subject to the conditions of the Small Scale Urban Agriculture with the additional provisions:
 - Greenhouses shall be constructed following the Accessory Structure guidelines of the applicable zone.
 - Maximum floor coverage of any parcel must be adhered to.
 - The keeping of horses shall be permitted as per the regulations of the Port Hardy Animal Care and Control Bylaw as amended.

Respectfully submitted,

