



**AGENDA
DISTRICT OF PORT HARDY
COMMITTEE OF THE WHOLE MEETING
6:00PM TUESDAY MAY 26, 2015
COUNCIL CHAMBERS, MUNICIPAL HALL
7360 COLUMBIA STREET**

Page

	A. CALL TO ORDER	Time:	
	B. APPROVAL OF AGENDA		
	Motion required	1.	2.
	C. DELEGATION		
	1. Pat English, Manager of Economic Development, Regional District of Mount Waddington Re: Presentation on Regional District of Mount Waddington Knotweed Eradication Program.		
	D. STAFF REPORTS		
1-8	1. J. Long, Director of Corporate and Development Services: Application for Zoning Amendment - 6143 Bronze Road - Island's Edge Contracting		
	Motion / direction	1.	2.
	E. BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS		
9-10	1. J. Long, Director of Corporate and Development Services: Seniors' Charter (samples attached)		
	Motion / direction	1.	2.
	F. ADJOURNMENT		
	Motion required	1.	2.
	Time:		



DISTRICT OF PORT HARDY

STAFF REPORT



DATE: May 20, 2015 **FILE:** 3360-20-2015 \ ZA-01-2015

TO: Rick Davidge, Chief Administrative Officer

FROM: Jeff Long, Director of Corporate & Development Services

RE: **APPLICATION FOR ZONING AMENDMENT – ISLAND’S EDGE CONTRACTING LTD. – 6143 BRONZE ROAD (TACAN INDUSTRIAL PARK)**

APPLICANT: Dylan and Kristi Shaw – Island’s Edge Contracting Ltd.,
Inc. No. BC1003072

CIVIC ADDRESS: 6143 Bronze Road

FOLIO NO.: 33404615.000

PARCEL IDENTIFIER: 000-206-652

LEGAL DESCRIPTION: Lot A, Section 21, Township 6, Rupert District, Plan 40592

OFFICIAL COMMUNITY PLAN: Industrial

ZONING BYLAW: Zoning Bylaw No. 1010-2013

ZONE: I-1: Light Industrial

PURPOSE

Dylan and Kristy Shaw of Island’s Edge Contracting Ltd. have submitted an Application for Zoning Amendment requesting an amendment to District of Port Hardy Zoning Bylaw No. 1010-2013. The purpose of this request is to revise the permitted uses of the I-1: Light Industrial zone to include Animal Kennel as a permitted use.

REGULATORY AUTHORITY

Part 26 “Planning and Land Use Management” of the *Local Government Act (LGA)* addresses local governments’ roles regarding zoning bylaws. Section 903 gives local governments the authority to adopt a zoning bylaw. A zoning bylaw can only be changed by an amending zoning bylaw. In addition, Section 890 of the *LGA* stipulates that a local government must not adopt a zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

EXECUTIVE SUMMARY

District of Port Hardy Zoning Bylaw No. 1010-2013 includes the I-1: Light Industrial zone which applies to a property in the Tacan Industrial Park that the applicants wish to purchase to accommodate their existing contracting business and a future dog kennel operation. The

applicants are requesting that the -1: Light Industrial zone be amended to include Animal Kennel as a permitted use in this regard.

Staff is recommending that consideration be given to a bylaw that instead of amending the existing I-1: Light Industrial zone to include Animal Kennel as a permitted use, would include a new CD-6: Comprehensive Development 6 zone in the Zoning Bylaw that permits those uses permitted in the I-1: Light Industrial zone, as well as the Animal Kennel use, and that this zone be applied to the subject property. This would avoid allowing the Animal Kennel use in any existing I-1: Light Industrial zone, a zoning category which is scattered throughout the District, without first considering the ramifications of allowing an Animal Kennel on any particular property included within it.

BACKGROUND

The applicants own and operate Island's Edge Contracting Ltd. They are undertaking arrangements to purchase the subject property addressed as 6143 Bronze Road (see Location Map on page 5 and Legal Plan on page 6) in the Tacan Industrial Park for the purpose of accommodating their contracting business, a caretaker's dwelling and a future dog kennel.

DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA

The subject property is included in the Tacan Industrial Park in the eastern portion of the District which is accessed by Byng Road. It is 1.182 hectares (2.92 acres) in size and is a panhandle lot with frontage on Bronze Road. The subject property has been mostly cleared, but is largely vacant with only minor improvements.

There are three properties to the north, west and south which are vacant, much of which is comprised of forested Crown land. Two properties to the south and east adjacent to Brass Road are developed and used for industrial purposes.

POLICY AND REGULATORY FRAMEWORK

Official Community Plan Bylaw No. 15-2011

District of Port Hardy Official Community Plan Bylaw No. 15-2011 was adopted by Council on October 11, 2011. The subject property is included in the "Industrial" land use designation in accordance with Map 1. The adjacent properties with frontage on Bronze and Brass Roads are also included in the Industrial designation. The lands to the west and southwest are included in the "Commercial" designation.

The policies for the "Industrial" land use designation indicate that this designation is intended to provide for a suitable inventory of land for industrial and supportive uses to create a supply chain for business development, employment opportunities, innovation and entrepreneurship.

Zoning Bylaw No. 1010-2013

District of Port Hardy Zoning Bylaw No. 1010-2013 was adopted by the Regional Board on June 9, 2014. Schedule C: Zoning Map East includes the subject property in the I-1: Light Industrial zone which permits a number of industrial and related uses, but does not include Animal Kennel. The I-1 zone is one of several zoning categories that implement the policies of the Port Hardy Official Community Plan "Industrial" land use designation.

COMMUNITY CONSULTATION COMMITTEE (CCC)

At its meeting on May 19, 2015, the CCC reviewed matters related to the Application for Zoning Amendment and uses proposed for the subject property. The applicants were in attendance at the meeting to provide information and answer questions. Based on its review, the CCC adopted the following resolution:

"THAT the Community Consultation Committee has no objection to the proposal to amend Zoning Bylaw No. 1010-2013 to allow Animal Kennel as a permitted use on the property addressed as 6143 Bronze Road (Lot A in Plan 40592 / PID 000-206-652) located in the Tacan Industrial Park."

PLANNING ANALYSIS

The applicants are requesting that Animal Kennel be added as a permitted use as it relates to the subject property which is currently included in the I-1: Light Industrial zone. In this regard, the applicants want to be able to undertake uses that are currently permitted in the I-1: Light Industrial zone, as well as an Animal Kennel use.

The Official Community Plan includes the subject property in the Industrial land use designation. While not associated as a typical industrial use per se, an Animal Kennel, much like industrial uses, offer potential conflicts to sensitive land uses such as residential uses and need to be directed to appropriate areas of the community. In addition, the proposal is for mixed uses with the industrial use being the predominant use of the site and the Animal Kennel use being a supportive use that nurtures business development, employment opportunities, innovation and entrepreneurship which is consistent with the intent of the Official Community Plan for the Industrial land use designation.

There are two approaches that could be used to revise the Zoning Bylaw to implement the applicants' request to allow Animal Kennel on the subject property:

- 1) Include Animal Kennel as a permitted use in the I-1: Light Industrial zone which would allow Animal Kennel on all properties within the District that are included in this zoning category; and,
- 2) Create a new Comprehensive Development zone that would allow all of those uses that are permitted in the I-1: Light Industrial zone along with the additional use of Animal Kennel.

In undertaking the preparation of Zoning Bylaw No. 1010-2013 which was adopted by Council in 2014, Animal Kennel use was limited to the C-4: Commercial Animal Services zone, a zoning category that was applied to only three adjacent properties located on Pioneer Way in which animal related uses were already being undertaken. Given the potential for nuisances associated with animal kennels such as patron traffic to and from these facilities as well as noise, it is generally an accepted practice not to permit them openly in the zoning bylaw, but rather, examine them on a case by case basis after a review of the proposed location has been conducted.

The subject property is in a light industrial area that has limited residential use. In addition, the surrounding area is largely undeveloped Crown land. These attributes minimize the potential for conflict associated with introduction of an Animal Kennel use. It is noted that the applicants advised they have conducted meetings with the owners of four of the five adjacent properties all of whom have confirmed to them that they are not opposed to the proposal. They did not speak to representatives of the Province who is the owner of the large (140 acre), vacant and forested property to the north and west.

In addition to the zoning process, establishment of an Animal Kennel on the subject property is subject to the District's Animal Care and Control Bylaw No. 11-2012 which requires the licencing of these facilities and prescribes various requirements that are designed to help ensure that suitable environments are provided for the keeping of animals in this context. An Animal Kennel building would also be subject to the provisions of the BC Building Code as part of the building permitting and inspection process.

The preferred option to accommodate the applicants' request is described in point 2) above. In this regard, staff has prepared District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1042-2015 included on pages 7 and 8 which if adopted, would implement changes to Zoning Bylaw No. 1010-2013 to: 1) create a new CD-6: Comprehensive Development 6 which includes all of the permitted uses of the I-1: Light Industrial zone and adds the principal permitted use of Animal Kennel; and, 2) apply the new CD-6: Comprehensive Development 6 zone to the property addressed as 6143 Bronze Road.

PUBLIC INPUT

As part of the consideration of Zoning Bylaw Amendment Bylaw No. 1042-2015 that has the effect of amending Zoning Bylaw No. 1010-2013 to alter use, a public hearing will be required in accordance with the *Local Government Act*. Notice of the public hearing would be included in two consecutive issues of the North Island Gazette and be mailed to the owners and tenants of property within fifty metres of the subject property.

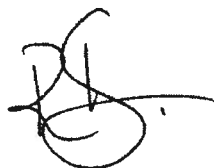
RECOMMENDATION

"THAT Council gives first and second readings to District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1042-2015, which proposes to amend District of Port Hardy Zoning Bylaw No.1010-2013 to add a new zone, namely the CD-6: Comprehensive Development 6 Zone which includes all of the regulations of the I-1: Light Industrial Zone as well as the added principal permitted use of Animal Kennel, and would apply said zone to the property addressed as 6143 Bronze Road and legally described as Lot A, Section 21, Township 6, Rupert District, Plan 40592 (PID 000-206-652).

AND FURTHER THAT Council directs staff to undertake preparations for advertising and conducting a public hearing with respect to District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1042-2015 at 6:30pm on June 23, 2015 in the Council Chambers of the Municipal Hall at 7063 Columbia Street, Port Hardy, BC, in accordance with Section 890 of the Local Government Act."

Respectfully submitted,

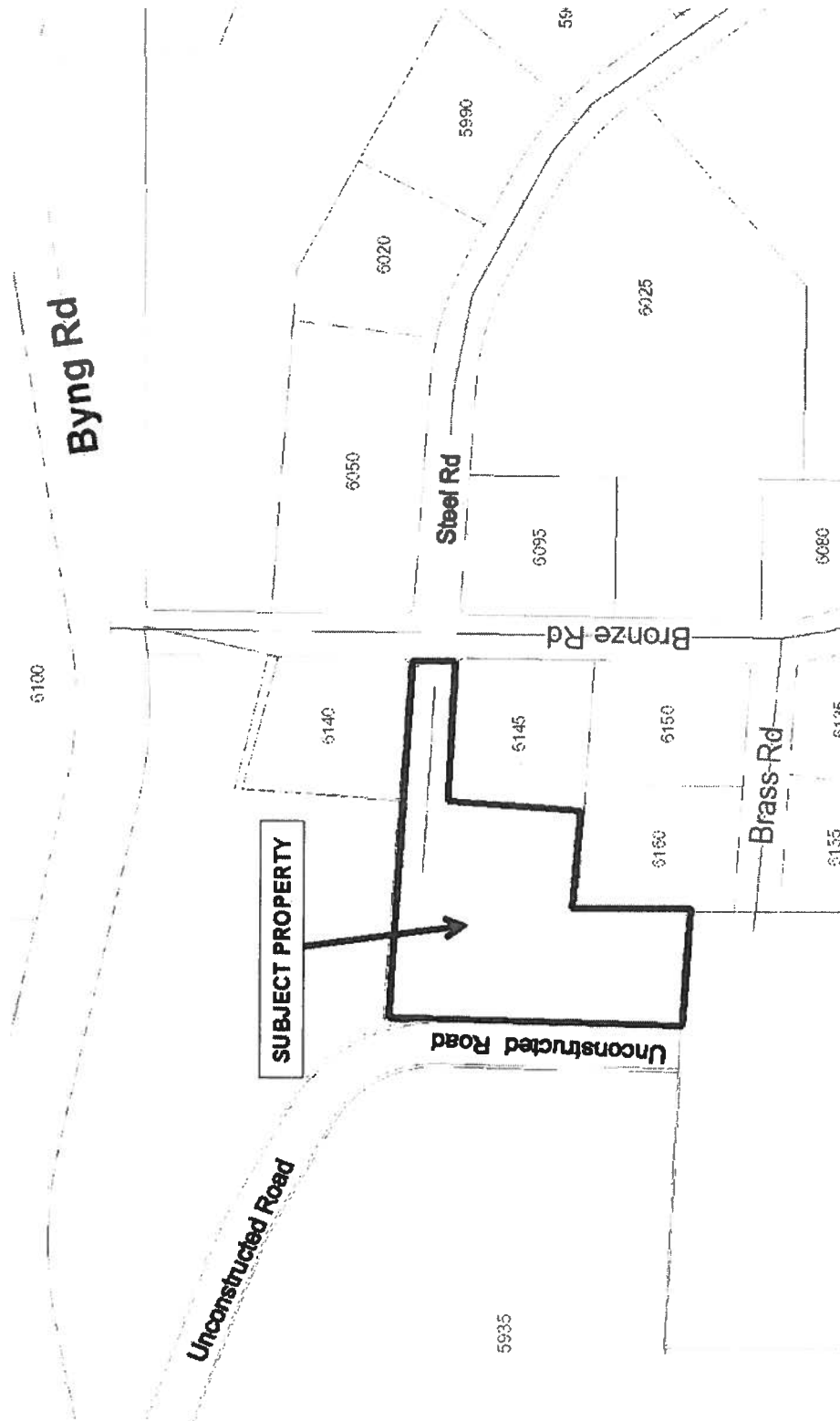
I am in agreement,



Jeff Long
Director of Corporate and
Development Services

Rick Davidge
Chief Administrative Officer

LOCATION MAP

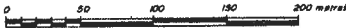


LEGAL PLAN

Mr Whinnery Res Dev

PLAN OF SUBDIVISION OF PART OF
 LOT A, SECTION 21, TOWNSHIP 6,
 RUPERT DISTRICT, PLAN 31842.

PLAN 40592



SCALE: 1 = 2000.

LEGEND:

Bearings are astronomic derived from Plan 22596.
 @ OIP denotes iron post found
 @ IP denotes standard iron post set.
 Ha denotes hectares
 All distances are shown in metres.

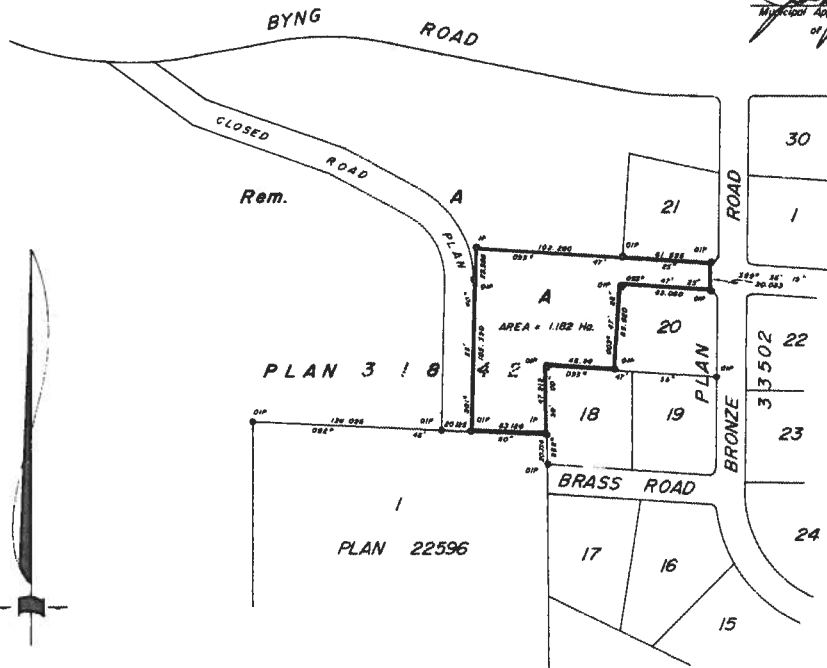
Deposited in the Land Title Office at Victoria,
 B.C., this 5th day of July, 1983.



This plan lies within the Regional District of
 Mount Waddington.

Approved under the Land Title Act this
 8th day of November, 1983

[Signature]
 Municipal Approving Officer for the District
 of Port Hardy



SIGNATURES:

Registered Owner
 British Columbia Development Corporation

[Signature]
 Authorized Signatory

[Signature]
 Authorized Signatory

Seal

40228

I, David C. Bazett, a British Columbia Land Surveyor
 of Port Hardy, in British Columbia, certify that I
 was present at and personally superintended the
 survey represented by this plan, and that the
 survey and plan are correct. The survey was
 completed on the 26th day of October, 1983

B.C.L.S.

DAVID C. BAZETT, LAND SURVEYOR
 7070 BRASS ROAD, PORT HARDY, B.C.

FILE: H - 421



DISTRICT OF PORT HARDY
BYLAW NO. 1042-2015

A Bylaw to Amend Zoning Bylaw No. 1010-2013

WHEREAS the Council of the District of Port Hardy deems it expedient to amend Zoning Bylaw No. 1010-2013;

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled enacts as follows:

PART 1 CITATION

1.1 This bylaw may be cited for all purposes as the "District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1042-2015".

PART 2 AMENDMENTS

2.1 District of Port Hardy Zoning Bylaw No. 1010-2013 is hereby amended as follows:

a) Table 5.1 in section 5.1 of Part 5 is amended by adding a new zone listing at the very end of the Table as follows:

CD-6: Comprehensive Development 6	CD-6
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b) Part 12: Comprehensive Development Zones is amended by adding a new section 12.5 CD-6: Comprehensive Development 6 as shown on Schedule "A" to this Bylaw.

c) The list of zones included in the legends titled "Zoning Descriptions" on each of Schedules A, B, C and D are amended by including "CD-6: Comprehensive Development 6".

d) Schedule C: Zoning Map – East is amended by changing the applicable zone of the property legally described as Lot A, Section 21, Township 6, Rupert District, Plan 40592 (PID 000-206-652), from the I-1: Light Industrial zone to the CD-6: Comprehensive Development Zone 6 zone.

PART 3 SEVERABILITY

3.1 If a portion of this Bylaw is held invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Read a first time the day of , 2015.
 Read a second time the day of , 2015.
 Public Hearing held this day of , 2015.
 Read a third time the day of , 2015.
 Adopted on the day of , 2015.

Director of Corporate &
Development Services

Mayor

SCHEDULE "A" TO BYLAW NO. 1042-2015

12.5 CD-6: COMPREHENSIVE DEVELOPMENT 6

The purpose of this zone is to allow the range of uses permitted in the I-1: Light Industrial zone which is common to properties in the Tacan Industrial Park, along with the added principal use of Animal Kennel, on that property which is civically addressed as 6143 Bronze Road and is legally described as Lot A, Section 21, Township 6, Rupert District, Plan 40592 (PID 000-206-652).

- (a) The following principal uses are permitted:

(1) Aggregates and Soils Sales	(10) Fish Smoking, Pickling and Sales
(2) Animal Kennel	(11) Funeral Home
(3) Asphalt, Cement and Concrete Manufacturing	(12) Motor Vehicle Racetrack
(4) Assembly	(13) Recycling depot
(5) Boat, Manufactured Home and Recreational Vehicle Maintenance, Repair, Sales and Storage	(14) Storage (Indoor and/or Outdoor)
(6) Bulk Fuel Facility	(15) Service Station
(7) Car / Truck Wash	(16) Service Industry Establishment
(8) Cold Storage Facility	(17) Transportation Depot
(9) Construction Services	(18) Wholesaling of Goods
	(19) Workshop
	(20) Wood Processing

- (b) The following accessory uses are permitted:
 - (1) Accessory Buildings and Structures (see section 3.9)
 - (2) Caretaker Dwelling or Staff Accommodation
 - (3) Minor Home Occupation (see section 3.12)
 - (4) Office

- (c) The following conditions of use apply:
 - (1) Caretaker Dwelling or Staff Accommodation is permitted per parcel, but not both.

- (d) The following siting, size and dimension requirements apply:

Setbacks		
Yard Setback	Principal Use	Accessory Use
Front Yard	Minimum of 8.0 metres (26.25 feet)	Minimum of 8.0 metres (26.25 feet)
Rear Yard	Minimum of 6.0 metres (19.69 feet)	Minimum of 1.5 metres (4.92 feet)
Interior Side Yard	Minimum of 3.0 metres (9.84 feet)	Minimum of 1.5 metres (4.92 feet)
Interior Side Yard or Rear Yard Abutting a Residential Zone	Minimum of 8.0 metres (26.25 feet)	Minimum of 6.0 metres (19.69 feet)
Exterior Side Yard	Minimum of 6.0 metres (19.69 feet)	Minimum of 6.0 metres (19.69 feet)
Size of Buildings and Structures		
Maximum Height (Principal and Accessory Buildings and Structures)	11.0 metres (36.09 feet)	
Maximum Parcel Coverage	60%	
Parcel Area and Dimensions		
Minimum Parcel Area	450.0 square metres (4,843.76 square feet)	
Minimum Parcel Width	15.0 metres (49.2 feet)	
Minimum parcel Depth	30.0 metres (98.43 feet)	

Seniors' Charter

1. The City of Campbell River Seniors' Charter recognizes principles of age friendly communities for older persons.
2. The City of Campbell River recognizes the specific challenges of the aging process and the valuable contribution seniors make to society.
3. The City of Campbell River recognizes the value of programs and initiatives that promote the health and well being of seniors.
4. The City of Campbell River recognizes the value of diverse learning opportunities for seniors.
5. The needs of seniors will be considered in planning initiatives such as land use, transportation, parks and community facilities.
6. The City of Campbell River recognizes the value of programming and social gathering spaces for seniors.
7. The City of Campbell River recognizes the value of maintaining and enhancing the prominence of quality educational opportunities for learning for all ages and stages of life.

Senior Charter

THE CITY OF THUNDER BAY SENIOR CHARTER BUILDS ON THE UNITED NATION'S PRINCIPLES OF AGE-FRIENDLY COMMUNITIES FOR OLDER PERSONS. THIS CHARTER RECOGNIZES THE SPECIFIC CHALLENGES AND THE LIFE-CHANGES FACED BY OLDER ADULTS AND THE VALUABLE CONTRIBUTION THEY MAKE TO SOCIETY. WE CONFIRM THE PRINCIPLE STATING EACH PERSON SHOULD HAVE: SOMEONE OR SOMETHING TO CARE ABOUT, SOMETHING MEANINGFUL TO DO, AND SOMETHING TO LOOK FORWARD TO EVERY DAY.

Our Pledge

We pledge to improve the quality of life of seniors, by working with them to develop services and strategies that respond to their circumstances, aspirations, and varying needs. We will achieve this goal by embedding the principles of the Senior Charter into all decision making processes of the city and community. We will strive to ensure there are provisions for:

1. A quality of life that meets physical, intellectual, emotional and social needs.
2. Nutritious food daily.
3. Access to a safe, accessible, affordable place to live.
4. Access to individualized quality care and services and meaningful activities within their chosen residence.
5. Safe, accessible well-lit places to enjoy recreational and leisure activities.
6. Access to affordable transportation.
7. Opportunities for self-fulfillment through access to affordable education, training and the sharing of knowledge/skills with all generations.
8. Public and private resources that put the health and well-being of older adults first by ensuring adequate funding for dedicated programs.
9. Assurance of full respect for individual rights, dignity, beliefs, needs, and privacy.
10. Protection from negligence and all forms of abuse and/or exploitation.
11. The right to remain involved and integrated in society, through the opportunity to work, volunteer and actively participate in the formulation and implementation of policies directly affecting their well-being.