

AGENDA

PUBLIC HEARING

Tuesday, February 13, 2018

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



www.dnv.org

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PUBLIC HEARING

7:00 p.m.
Tuesday, February 13, 2018
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver

AGENDA

Amendments to the Zoning Bylaw for Enforcement Purposes

- 1. OPENING BY THE MAYOR**
- 2. INTRODUCTION OF BYLAW BY CLERK**

District of North Vancouver Rezoning Bylaw 1367, (Bylaw 8282)

Purpose of Bylaw:

Bylaw 8282 proposes to amend the Zoning Bylaw by:

- Updating language in Part 12 Enforcement to reference the *Community Charter* and to increase the maximum penalty to \$10,000;
- Adding a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and a new designated expression and maximum MTI fine of \$1,000 to Part 12;
- Adding a designated expression to Part 12 for an existing regulation in section 403A(1)(j) regarding the growing/dispensing of marihuana to enable ticketing with a maximum MTI fine of \$1,000; and,
- Fixing specific housekeeping/clerical errors:
 - Designating expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a)(ii) and 501.2(a)(iii) a-e);
 - Adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles; and,
 - Changing “x” to “+” (calculating floor/space ration) in Table 508.2.

- 3. PRESENTATION BY STAFF**

Presentation: Carol Walker, Chief Bylaw Officer

- 4. REPRESENTATIONS FROM THE PUBLIC**
- 5. QUESTIONS FROM COUNCIL**
- 6. COUNCIL RESOLUTION**

Recommendation:

THAT the February 13, 2018 Public Hearing be closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1367, (Bylaw 8282)" be returned to Council for further consideration.

7. CLOSING

The Corporation of the District of North Vancouver

Bylaw 8282

A bylaw to amend District of North Vancouver Zoning Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. This bylaw may be cited as “District of North Vancouver Rezoning Bylaw 1367 (Bylaw 8282)”.

Amendments

2. Zoning Bylaw 3210, 1965 is amended by:

- (a) deleting section 302 and substituting the following:

A person must not use any land, building or structure in any zone for a use other than a use that is specifically permitted in the zone in which it is located.

- (b) closing the bracket around the section numbers for subsections (i) and (j) to section 403A to be consistent with the subsection numbering in section 403A;

- (c) amending the Table 508.2 in section 508.2 by deleting “0.35 x 32.5m²” and substituting “0.35 + 32.5m²” in the Regulation column;

- (d) deleting “Municipal Act” and substituting “Community Charter, RSC 2003, c. 26 (the “*Community Charter*”) in section 1203;

- (e) deleting section 1204 and substituting the following:

- (a) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

- (b) Any person who violates any of the provisions of this bylaw is liable upon summary conviction to a penalty of up to \$10,000.00.

- (f) deleting the “section 272 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the “*Local Government Act*”)” and substituting section 264 of the *Community Charter* in section 1205;

(g) deleting the “section 272 of the *Local Government Act*” and substituting section 264 of the *Community Charter* in section 1206;

(h) deleting the first paragraph of section 1207 and substituting the following:

Pursuant to sections 264(1)(c) and 265(1)(a) of the *Community Charter*, the table below sets out the designated expressions for offences under this bylaw with the corresponding bylaw section number and fine amount:

(i) Adding the following offences and fines to section 1207 in numerical order by section number:

Use of property for use not permitted in zone	302	\$1,000.00
Grow or dispense marihuana	403A(1)(j)	\$1,000.00

(j) Deleting the offences related to section 501.2 in section 1207 and substituting the following:

Excess Boarders or Lodgers	501.1(b)(ii)	\$200.00
Secondary Suite Not Permitted in Zone	501.1(b)(iii)(a)	\$200.00
More than One Secondary Suite	501.1(b)(iii)(b)	\$200.00
Secondary Suite Not Owner Occupied	501.1(b)(iii)(c)	\$200.00
Un-permitted Secondary Suite	501.1(b)(iii)(d)	\$200.00
Un-permitted Boarder/Lodger	501.1(b)(iii)(d)	\$200.00
Secondary Suite Exceed Floor Area	502.4	\$200.00

READ a first time December 11th, 2017

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



Public Hearing, February 13th, 2018

Zoning Bylaw 1965
Amendment Bylaw 8282

Zoning Bylaw Amendments



- Create a new fine for marihuana growing/dispensing (\$1,000)
- Create a new fine for breach to land use provisions (\$1,000)
- Increase maximum fine upon summary conviction (\$10,000)
- Other housekeeping amendments



Thank you.

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: December 11, 2017
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

December 5, 2017
File: 09.3900.01/000.000

AUTHOR: Carol Walker, Chief Bylaw Officer

SUBJECT: Amendments to the Zoning Bylaw, the Business Licence Bylaw and Bylaw Notice Enforcement Bylaw for Enforcement Purposes

RECOMMENDATION:

1. THAT "Zoning Bylaw 3210, 1964, Amendment Bylaw 8282" is given FIRST reading and referred to a Public Hearing;
2. AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283" is given FIRST reading;
3. AND THAT pursuant to Section 59 (2) (b) of the *Community Charter*, Bylaw 8283 is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;
4. AND THAT pursuant to Sections 59 (2) (a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:
 - a. The notice shall state the following:
 - i. the time and date of the Public Meeting;
 - ii. the place of the Public Meeting;
 - iii. in general terms the purpose of the bylaw; and
 - iv. the place and the times and dates when copies of the bylaw may be inspected.
 - b. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.
5. AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8285" is given FIRST reading.

SUBJECT: Amendments to the Zoning Bylaw, the Business Licence Bylaw and Bylaw Notice Enforcement Bylaw

November 24, 2017

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REASON FOR REPORT:

Staff recently performed an enforcement “housekeeping” review of the enforcement sections of the Zoning and Business Licence Bylaws. The attached bylaws increase the penalty amounts for certain existing regulations to encourage bylaw compliance.

SUMMARY:

The Zoning Bylaw and the Business Licence Bylaw amending bylaws update the enforcement sections to incorporate the provisions of the *Community Charter* and penalties. The Bylaw Notice Enforcement Bylaw amending bylaw will include those designated expressions and fines to enable ticketing by bylaw notice.

EXISTING POLICY:

The *Community Charter* establishes maximum fines of \$10,000 by way of summary conviction under the *Offence Act* and maximum Municipal Ticket Information (MTI) ticket of \$1,000, and a disputed MTIs are heard in Provincial Court.

The *Local Government Bylaw Notice Enforcement Act* sets a maximum of \$500 fine, and enables a disputed bylaw notice be heard at the local level in an Adjudication Hearing.

ANALYSIS:

These amendments are recommended to strengthen the District’s ability to enforce its bylaws. By increasing the punishment for an offender for a wrong committed against the public, the District can encourage future bylaw compliance.

Zoning Bylaw

Changes include:

- updated language in Part 12 Enforcement to reference the *Community Charter* and to increase the maximum penalties under summary conviction to \$10,000 provided for in the *Offence Act*;
- a new clear offence in Part 3 General Operative Clauses (s. 302) to ticket for “breach of land use other than permitted”, for all zones and added a new designated expression and maximum MTI fine of \$1000 to Part 12;
- a designated expression to Part 12 for an existing regulation in section 403A(1)(j) regarding the growing/dispensing of marijuana to enable ticketing with a maximum MTI fine of \$1000; and
- Fixed specific housekeeping/clerical errors of:
 - designated expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a)(ii) and 501.2(a)(iii) a-e).
 - added a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles
 - fixed clerical errors in Table 508.2 from “x” to “+” (calculating floor/space ratio)

SUBJECT: Amendments to the Zoning Bylaw, the Business Licence Bylaw and Bylaw Notice Enforcement Bylaw

November 24, 2017

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Business Licence Bylaw

Changes include:

- updated language in the enforcement section to incorporate the reference and provisions of the *Community Charter* and to increase the maximum penalties to \$10,000 as provided for in the *Offence Act*.

Bylaw Notice Enforcement Bylaw

The amendment to the bylaw includes:

- the revised offences from the Zoning Bylaw in order to issue fines by bylaw notice; and
- a maximum fine of \$500 each for section 302 (breach of land use) and 403(1)(j) (grow/dispense marihuana).

Consultation:

In accordance with the *Local Government Act* staff recommend a Public Hearing be held for the proposed Zoning Bylaw amendment bylaw. Furthermore, staff recommend that a Public Meeting be held for Council to hear directly from persons who consider they are affected by the Business License Bylaw amendment bylaw, and that the notice of the Public Meeting be provided as described in this report.

Both the Public Hearing for the Zoning Bylaw amendment and the Public Meeting for the Business License Bylaw amendment could occur on the same night.

Conclusion:

Housekeeping changes to the Zoning Bylaw and Business Licence Bylaw related to enforcement are necessary and are presented in the attached amending bylaws, along with inclusion of penalties in the Bylaw Notice Enforcement Bylaw.

Options:

1. THAT "Zoning Bylaw 3210, 1964, Amendment Bylaw 8282" is given FIRST reading and referred to a Public Hearing;
2. AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283" is given FIRST reading;
3. AND THAT pursuant to Section 59 (2) (b) of the *Community Charter*, Bylaw 8283 is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;
4. AND THAT pursuant to Sections 59 (2) (a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:

**SUBJECT: Amendments to the Zoning Bylaw, the Business Licence Bylaw and
Bylaw Notice Enforcement Bylaw**

November 24, 2017

Page 4

- a. The notice shall state the following:
- i. the time and date of the Public Meeting;
 - ii. the place of the Public Meeting;
 - iii. in general terms the purpose of the bylaw; and
 - iv. the place and the times and dates when copies of the bylaw may be inspected.

- b. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.

5. AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8285" is given FIRST reading.

OR

6. That no further action be taken at this time.

Respectfully submitted,



Carol Walker
Chief Bylaw Officer

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	<input type="checkbox"/> ITS	<input type="checkbox"/> NVRC
<input type="checkbox"/> Environment	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	

The Corporation of the District of North Vancouver

Bylaw 8282

A bylaw to amend District of North Vancouver Zoning Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. This bylaw may be cited as “District of North Vancouver Rezoning Bylaw 1367 (Bylaw 8282)”.

Amendments

2. Zoning Bylaw 3210, 1965 is amended by:

- (a) deleting section 302 and substituting the following:

A person must not use any land, building or structure in any zone for a use other than a use that is specifically permitted in the zone in which it is located.

- (b) closing the bracket around the section numbers for subsections (i) and (j) to section 403A to be consistent with the subsection numbering in section 403A;

- (c) amending the Table 508.2 in section 508.2 by deleting “0.35 x 32.5m²” and substituting “0.35 + 32.5m²” in the Regulation column;

- (d) deleting “Municipal Act” and substituting “Community Charter, RSC 2003, c. 26 (the “*Community Charter*”) in section 1203;

- (e) deleting section 1204 and substituting the following:

- (a) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

- (b) Any person who violates any of the provisions of this bylaw is liable upon summary conviction to a penalty of up to \$10,000.00.

- (f) deleting the “section 272 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the “*Local Government Act*”)” and substituting section 264 of the *Community Charter* in section 1205;

(g) deleting the "section 272 of the *Local Government Act*" and substituting section 264 of the *Community Charter* in section 1206;

(h) deleting the first paragraph of section 1207 and substituting the following:

Pursuant to sections 264(1)(c) and 265(1)(a) of the *Community Charter*, the table below sets out the designated expressions for offences under this bylaw with the corresponding bylaw section number and fine amount:

(i) Adding the following offences and fines to section 1207 in numerical order by section number:

Use of property for use not permitted in zone	302	\$1,000.00
Grow or dispense marihuana	403A(1)(j)	\$1,000.00

(j) Deleting the offences related to section 501.2 in section 1207 and substituting the following:

Excess Boarders or Lodgers	501.1(b)(ii)	\$200.00
Secondary Suite Not Permitted in Zone	501.1(b)(iii)(a)	\$200.00
More than One Secondary Suite	501.1(b)(iii)(b)	\$200.00
Secondary Suite Not Owner Occupied	501.1(b)(iii)(c)	\$200.00
Un-permitted Secondary Suite	501.1(b)(iii)(d)	\$200.00
Un-permitted Boarder/Lodger	501.1(b)(iii)(d)	\$200.00
Secondary Suite Exceed Floor Area	502.4	\$200.00

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8283

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)".

Amendments

2. The Business Licence Bylaw 4567, 1974 is amended by:
 - (a) deleting sections 523 through to and including section 523C and substituting the following:

523 OFFENCES

Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

523A PENALTY

Any person who violates any of the provisions of this bylaw is liable upon summary conviction to a penalty of up to \$10,000.00.

523B DESIGNATION OF BYLAW

This Bylaw is designated under section 264 of the *Community Charter*, SBC 2003, c. 26 (the "*Community Charter*") as a bylaw that may be enforced by means of a ticket in the form prescribed.

523C DESIGNATION OF BYLAW ENFORCEMENT OFFICERS

Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this bylaw by means of a ticket under section 264 of the *Community Charter*.

- (b) deleting the first paragraph of section 523D and substituting the following:

523D **TICKETING**

Pursuant to Sections 264(1)(c) and 265(1)(a) of the *Community Charter*, the table below sets out the designated expressions for offences under this bylaw with the corresponding bylaw section number and fine amount:

READ a first time

READ a second time

READ a third time

NOTICE given under Section 59 of the *Community Charter* on _____ and

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8285

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of The District of North Vancouver enacts the following:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8285, 2017 (Amendment 33)".

Amendments

2. Schedule A to Bylaw 7458 is amended by adding the following offences to the Zoning Bylaw No. 3210, 1965 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 14 days) (\$)	A3 Late Payment (after 28 days) (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount (\$)
Zoning Bylaw 3210, 1965						
302	Use of property for use not permitted in zone	500	375	750	NO	N/A
403A(1)(j)	Grow, harvest, store, package, dispense or sell marihuana or its preparations, derivatives and similar synthetic preparations	500	375	750	NO	N/A

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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PUBLIC MEETING & PUBLIC HEARING

Tuesday, February 13, 2018, 7pm

Where: Council Chambers, District of North Vancouver
Municipal Hall, 355 West Queens Road, North Vancouver, BC

MEETING: Amendments to the Business Licence Bylaw

A Public Meeting for Bylaw 8283, which proposes to amend the Business Licence Bylaw by updating language in the enforcement section to incorporate the reference to, and provisions of, the *Community Charter* and to increase the maximum penalty to \$10,000.

HEARING: Amendments to the Zoning Bylaw

A Public Hearing for Bylaw 8282, which proposes to amend the Zoning Bylaw by:

- Updating language in Part 12 Enforcement to reference the *Community Charter* and to increase the maximum penalty to \$10,000;
- Adding a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and a new designated expression and maximum MTI fine of \$1,000 to Part 12;
- Adding a designated expression to Part 12 for an existing regulation in section 403A(1)(j) regarding the growing/dispensing of marihuana to enable ticketing with a maximum MTI fine of \$1,000; and,
- Fixing specific housekeeping/clerical errors:
 - Designated expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a)(ii) and 501.2(a)(iii) a-e);
 - Adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles; and,
 - Changing “x” to “+” (calculating floor/space ratio) in Table 508.2.

How can I provide input?

If you or your interests are affected by either bylaw please attend this joint public meeting/public hearing. You can speak in person by signing up at the hearing, or you can provide a written submission to the Municipal Clerk at **input@dnv.org** or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V7N 4N5, before the conclusion of the hearing. *Please note that Council may not receive further submissions from the public concerning these bylaws after the conclusion of the public hearing.*

Need more info?

Relevant background material and copies of the bylaws are available for review at the Municipal Clerk’s Office or online at **dnv.org/public_hearing** from December 12, 2017 to February 13, 2018. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.

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