

AGENDA

REGULAR MEETING OF COUNCIL

Monday, February 26, 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



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REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, February 26, 2018
Council Chamber, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA

BROADCAST OF MEETING

- Online at www.dnv.org

CLOSED PUBLIC HEARING ITEMS NOT AVAILABLE FOR DISCUSSION

- Bylaw 8142 – Rezoning Employment Zone – Lynn Creek Light Industrial
- Bylaw 8230 – OCP Amendment 1886-1956 Belle Isle Place & 2046 Curling Road
- Bylaw 8231 – Rezoning 1886-1956 Belle Isle Place & 2046 Curling Road
- Bylaw 8236 – Rezoning 905-959 Premier Street
- Bylaw 8244 – OCP Amendment 1801-1865 Glenaire Drive & 2064-2082 Curling Road
- Bylaw 8245 – Rezoning 1801-1865 Glenaire Drive & 2064-2082 Curling Road
- Bylaw 8215 – Rezoning 1401-1479 Hunter Street & 481-497 Mountain Highway
- Bylaw 8233 – Phased Development Agreement 1401-1479 Hunter Street & 481-497 Mountain Highway
- Bylaw 8262 – OCP Amendment 1923 Purcell Way
- Bylaw 8263 – Rezoning 1923, 1935, 1947 and 1959 Purcell Way
- Bylaw 8239 – Rezoning 3030 Sunnyhurst Road
- Bylaw 8249 – Rezoning 2932 Chesterfield Avenue
- Bylaw 8282 – Rezoning Amendment for Enforcement Purposes

1. ADOPTION OF THE AGENDA

1.1. February 26, 2018 Regular Meeting Agenda

Recommendation:

THAT the agenda for the February 26, 2018 Regular Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

2. PUBLIC INPUT

(limit of three minutes per speaker to a maximum of thirty minutes total)

3. PROCLAMATIONS

3.1. Rare Disease Day – February 28, 2018

p. 9

4. RECOGNITIONS

5. DELEGATIONS

6. ADOPTION OF MINUTES

6.1. February 19, 2018 Regular Council Meeting **p. 13-18**

Recommendation:

THAT the minutes of the February 19, 2018 Regular Council meeting are adopted.

6.2. February 13, 2018 Public Meeting **p. 19-20**

Recommendation:

THAT the minutes of the February 13, 2018 Public Meeting are received.

6.3. February 13, 2018 Public Hearing **p. 21-23**

Recommendation:

THAT the minutes of the February 13, 2018 Public Hearing are received.

7. RELEASE OF CLOSED MEETING DECISIONS

8. COUNCIL WORKSHOP REPORT

9. REPORTS FROM COUNCIL OR STAFF

With the consent of Council, any member may request an item be added to the Consent Agenda to be approved without debate.

If a member of the public signs up to speak to an item, it shall be excluded from the Consent Agenda.

Recommendation:

THAT items _____ are included in the Consent Agenda and be approved without debate.

9.1. Bylaw 8316: Highway Dedication Bylaw 8316, 2018 Partially Repeal **p. 27-31**
Bylaw

File No. 06.2440.01/276.000

Recommendation:

THAT "Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw" is given FIRST Reading.

9.2. Bylaw 8223: 229 Seymour River Place Highway Closure **p. 33-40**
File No. 02.0930.20/504

Opportunity for Public Input.

Recommendation:

THAT “229 Seymour River Place Highway Closure Bylaw 8223, 2017” is given SECOND and THIRD Readings.

9.3. Bylaws 8282, 8283 and 8285: Amendments to the Zoning Bylaw, Business Licence Bylaw and Bylaw Notice Enforcement Bylaw **p. 41-61**
File No. 09.3900.20/000.000

Recommendation:

THAT “District of North Vancouver Rezoning Bylaw 1367 (Bylaw 8282)” is given SECOND and THIRD Readings;

AND THAT “Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)” is given SECOND and THIRD Readings;

AND THAT “Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8285, 2017 (Amendment 33)” is given SECOND and THIRD Readings.

9.4. 2018 Parcel Tax Roll Review **p. 63**
File No. 05.1940

Recommendation:

THAT pursuant to Section 204(2)(b) of the *Community Charter*, the sitting of the 2018 Parcel Tax Roll Review Panel for the Parcel Tax Roll, be held in the Council Chamber on Monday April 9, 2018 at 4:30 p.m.

10. REPORTS

10.1. Mayor

10.2. Chief Administrative Officer

10.3. Councillors

10.4. Metro Vancouver Committee Appointees

10.4.1. Aboriginal Relations Committee – Councillor Hanson

10.4.2. Housing Committee – Councillor MacKay-Dunn

10.4.3. Regional Parks Committee – Councillor Muri

10.4.4. Utilities Committee – Councillor Hicks

10.4.5. Zero Waste Committee – Councillor Bassam

10.4.6. Mayors Council – TransLink – Mayor Walton

11. ANY OTHER BUSINESS

12. ADJOURNMENT

Recommendation:

THAT the February 26, 2018 Regular Meeting of Council for the District of North Vancouver is adjourned.

PROCLAMATIONS

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PROCLAMATION

**“Rare Disease Day”
(February 28, 2018)**

- WHEREAS:** The Vancouver-based Rare Disease Foundation and its Parent2Parent Network provides a forum for families in our community for mutual support, mentoring and knowledge sharing regardless of a child’s diagnosis; and
- WHEREAS:** The last day of February is recognized as Rare Disease Day internationally, with the purpose to bring about awareness of rare diseases and their impact on patients’ lives amongst the general public and decision-makers; and
- WHEREAS:** On February 28, 2018 the citizens of the District of North Vancouver will celebrate Rare Disease Day by raising awareness and showing our support to researchers, volunteers and families in the ongoing collective fight against rare diseases;
- NOW THEREFORE I,** Richard Walton, Mayor of the District of North Vancouver, do hereby proclaim **February 28, 2018 Rare Disease Day** in the District of North Vancouver.

Richard Walton
MAYOR

Dated at North Vancouver, BC
this 26th day of February, 2018

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MINUTES

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**DISTRICT OF NORTH VANCOUVER
REGULAR MEETING OF COUNCIL**

Minutes of the Regular Meeting of the Council for the District of North Vancouver held at 7:03 p.m. on Monday, February 19, 2018 in the Council Chamber of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mayor R. Walton
Councillor R. Bassam
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks (7:09 pm)
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Stuart, Chief Administrative Officer
Mr. D. Milburn, General Manager – Planning, Properties & Permits
Mr. T. Lancaster, Manager – Community Planning
Ms. J. Paton, Manager – Development Planning
Ms. L. Brick, Deputy Municipal Clerk
Ms. S. Dale, Confidential Council Clerk

1. ADOPTION OF THE AGENDA

1.1. February 19, 2018 Regular Meeting Agenda

MOVED by Councillor MURI

SECONDED by Councillor MACKAY-DUNN

THAT the agenda for the February 19, 2018 Regular Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

CARRIED

Absent for Vote: Councillor HICKS

2. PUBLIC INPUT

2.1. Ms. Gillian Konst, 2200 Block Viewlynn Drive:

- Spoke on behalf of the Lynn Valley Community Association regarding Bylaw 8303: Park Dedication Removal (Kirkstone Park) process;
- Expressed concern that the community was not consulted; and,
- Suggested that the proposed bylaw be defeated and deferred to a referendum.

2.2. Ms. Lucy MacArthur, 2100 Block Kirkstone Place:

- Spoke regarding the Kirkstone Park dedication removal;
- Expressed concern that residents were not consulted; and,
- Opined that more parkland is needed.

Councillor HICKS arrived at this point in the proceedings.

- 2.3. Ms. Rebecca Rasmussen, 800 Block Premier Street:**
- Expressed concern regarding the proposed turf field at Inter River Park and the removal of trees;
 - Noted that Digger Park Forest is currently an accessible recreation treasure for the entire community;
 - Spoke to the detrimental impact that artificial turf particles would have on Lynn Creek during heavy rainfalls; and,
 - Urged Council to not approve the proposed second artificial turf field.
- 2.4. Ms. Stacey Henderson, 2100 Block Kirkstone Place:**
- Spoke regarding the Kirkstone Park dedication removal;
 - Expressed concern that the public was not consulted and questioned the transparency of the process; and,
 - Suggested that the proposed bylaw be deferred to a referendum.
- 2.5. Mr. Shiraz Arman, 1100 Block Handsworth Road:**
- Spoke in support of item 9.2. regarding Development Permit 43.17 - 1171 Handsworth Road;
 - Noted that two neighbours expressed concern regarding the proposed coach house and their concerns have been addressed; and,
 - Commented that the proposed coach house would allow his daughter to continue to live on the North Shore.
- 2.6. Mr. Norman Morrison, 4000 Block Dollar Road:**
- Spoke in support of Development Permit 43.17 - 1171 Handsworth Road.
- 2.7. Mr. Loren Drowski, 2100 Block Kirkstone Place:**
- Expressed concern with the Kirkstone Park dedication removal process;
 - Expressed concern with the loss of parkland; and,
 - Requested that the proposed bylaw be deferred to a referendum.
- 2.8. Mr. Lyle Craver, 4700 Block Hoskins Road:**
- Spoke regarding the Kirkstone Park dedication removal;
 - Expressed concern that the public was not engaged in this process; and,
 - Requested that the proposed bylaw be deferred to a referendum.
- 2.9. Mr. Corrie Kost, 2800 Block Colwood Drive:**
- Provided history and context regarding the 1999 referendum in which the dedication of Kirkstone Park occurred; and,
 - Opined that residents of the District value preserving parkland.
- 2.10. Ms. Betty Forbes, 2300 Block Kirkstone Road:**
- Spoke regarding the Kirkstone Park dedication removal;
 - Expressed concern with the loss of parkland;
 - Suggested that the proposed bylaw be deferred to a referendum; and,
 - Spoke regarding the OCP Implementation Monitoring Committee and noted the importance of community engagement.

3. PROCLAMATIONS

3.1. Heart Month – February 2018

4. RECOGNITIONS

Nil

5. DELEGATIONS

Nil

6. ADOPTION OF MINUTES

6.1. January 29, 2018 Regular Council Meeting

MOVED by Councillor MURI

SECONDED by Councillor BASSAM

THAT the minutes of the January 29, 2018 Regular Council meeting are adopted.

CARRIED

6.2. February 5, 2018 Regular Council Meeting

MOVED by Councillor MURI

SECONDED by Councillor BASSAM

THAT the minutes of the February 5, 2018 Regular Council meeting are adopted.

CARRIED

7. RELEASE OF CLOSED MEETING DECISIONS

Nil

8. COUNCIL WORKSHOP REPORT

Nil

9. REPORTS FROM COUNCIL OR STAFF

With the consent of Council, Mayor Walton varied the agenda as follows:

9.2. Development Permit 43.17 – 1171 Handsworth Road

File No. 08.3060.20/043.17

MOVED by Councillor MURI

SECONDED by Councillor BOND

THAT Development Permit 43.17, to allow for the construction of a coach house, is ISSUED.

CARRIED

9.3. Development Permit 16.17 – 1131 Frederick Road (Argyle Secondary School)
File No. 08.3060.20/016.17

MOVED by Councillor MURI

SECONDED by Councillor MACKAY-DUNN

THAT Development Permit 16.17, to allow for the construction of the new Argyle Secondary School, is ISSUED.

CARRIED

9.4. Development Permit 19.17 – 1209 McKeen Avenue
File No. 08.3060.20/019.17

Public Input:

Mr. Kerry Lige, 1200 Block McKeen Avenue:

- Spoke to the proposed expansion of the Fibreco Terminal to accommodate agricultural product transshipment;
- Highlighted the benefits of the projects; and,
- Commented that the proposal is in keeping with the Official Community Plan to intensify uses on industrial lands and support job growth.

MOVED by Councillor HICKS

SECONDED by Councillor BASSAM

THAT Development Permit 19.17, to permit 56 agricultural silos and associated equipment at the Fiberco Terminal, is ISSUED.

CARRIED

**9.5. Consent to Metro Vancouver Regional Parks Service Amendment
Bylaw No. 1255**
File No. 01.0470.30

This item was withdrawn from the agenda.

9.1. OCP Implementation Monitoring Committee Quarterly Update
File No. 13.6480.30/001.002

Public Input:

Mr. Hazen Colbert, 1100 Block East 27th Street:

- Spoke to the importance of providing broader forms of housing;
- Spoke to the limited resource of staff time;
- Commented on the property tax profile of the LARCO site; and,
- Encouraged the Committee to speak to all stakeholders.

Mr. Tom Lancaster, Manager – Community Planning and Ms. Jennifer Ohlhauser, Chair - OCP Implementation Monitoring Committee, provided an update on the progress of the Committee's work to date. Ms. Ohlhauser highlighted topics discussed, noting the prioritization of housing.

MOVED by Councillor BASSAM
SECONDED by Councillor BOND

THAT the February 8, 2018 report of the Manager – Community Planning entitled OCP Implementation Monitoring Committee Quarterly Update be received for information;

AND THAT staff be directed to seek consulting resources to assist in answering Committee questions as described in the Committee's Quarterly Report.

CARRIED

10. REPORTS

10.1. Mayor

Nil

10.2. Chief Administrative Officer

Nil

10.3. Councillors

10.3.1. Councillor Bond reported on his attendance at the DNV 2050 Community Energy & Emissions Plan: Stakeholder Dialogue on February 16, 2018.

10.3.2. Councillor Muri reported on her attendance at the opening reception of the exhibition of "19th Birthday Party" at CityScape Community Art Space.

10.4. Metro Vancouver Committee Appointees

10.4.1. Aboriginal Relations Committee – Councillor Hanson

Nil

10.4.2. Housing Committee – Councillor MacKay-Dunn

Nil

10.4.3. Regional Parks Committee – Councillor Muri

Nil

10.4.4. Utilities Committee – Councillor Hicks

Nil

10.4.5. Zero Waste Committee – Councillor Bassam

Nil

10.4.6. Mayors Council – TransLink – Mayor Walton

Nil

11. ANY OTHER BUSINESS

Nil

12. ADJOURNMENT

MOVED by Councillor MACKAY-DUNN

SECONDED by Councillor MURI

THAT the February 19, 2018 Regular Meeting of Council for the District of North Vancouver is adjourned.

CARRIED
(9:27 p.m.)

Mayor

Municipal Clerk

**DISTRICT OF NORTH VANCOUVER
PUBLIC MEETING**

Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)

Minutes of the Public Meeting of the Council for the District of North Vancouver held at 7:01 p.m. on Tuesday, February 13, 2018 in the Council Chamber of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mayor R. Walton
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks

Absent: Councillor R. Bassam
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Ms. L. Brick, Deputy Municipal Clerk
Ms. A. Reiher, Confidential Council Clerk

1. OPENING BY THE MAYOR

Mayor Walton welcomed members of the public to the meeting and spoke to the procedures for the meeting.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Linda Brick, Deputy Municipal Clerk, introduced the proposed Bylaw stating that Bylaw 8283 proposes to amend the Business License 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.

3. PRESENTATION BY STAFF

Mr. Dan Milburn, General Manager – Planning, Properties & Permits provided an overview of the proposal, stating that the Bylaw proposes to increase fine enforcement to \$10,000. He further stated that amendments to the Bylaw include housekeeping updates to authority and statute references.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Corrie Kost, 2800 Block Colwood Drive:

COMMETING

- Expressed concern regarding the bylaw naming convention.

5. **COUNCIL RESOLUTION**

MOVED by Councillor HANSON

SECONDED by Councillor BOND

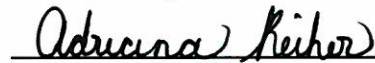
THAT the February 13, 2018 Public Meeting be closed;

AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)" be returned to Council for further consideration.

CARRIED

6. **CLOSING**

The meeting adjourned at 7:06 p.m.



Confidential Council Clerk

DISTRICT OF NORTH VANCOUVER PUBLIC HEARING

Amendments to the Zoning Bylaw for Enforcement Purposes

REPORT of the Public Hearing held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, February 13, 2018 commencing at 7:06 p.m.

Present: Mayor R. Walton
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks

Absent: Councillor R. Bassam
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Ms. L. Brick, Deputy Municipal Clerk
Ms. A. Reiher, Confidential Council 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.

1. OPENING BY THE MAYOR

Mayor Walton welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing. In Mayor Walton's preamble he advised that the Public Hearing is being convened pursuant to Section 464 of the *Local Government Act*.

Ms. Linda Brick, Deputy Municipal Clerk, stated that:

- Those wishing to speak will have five minutes to address Council for a first time and should begin remarks to Council by stating their name and address;
- Council is here to listen to the public, not to debate the merits of the bylaw;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing, or Council may close the hearing after which Council should not receive further new information from the public; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Linda Brick, Deputy Municipal Clerk, introduced the proposed bylaw stating that Bylaw 8282 proposes to amend the Zoning Bylaw by updating the language in Part 12 Enforcement to the reference in the *Community Charter* and to increase the maximum penalty to \$10,000. Ms. Brick further stated that the bylaw proposes to add a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and add 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. Ms. Brick further stated that the bylaw proposes to fix specific housekeeping/clerical errors by designating an expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a) (ii) and 501.2(a) (iii) a-e), by adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles, and by changing “x” to “+” (calculating floor/space ration) in Table 508.2.

3. PRESENTATION BY STAFF

Mr. Dan Milburn, General Manager – Planning, Properties & Permits, provided an overview of the proposed Zoning Bylaw amendments and mentioned that it proposes to:

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

In response to a question from Council, staff advised that a fine may be issued each day an offence occurs for a cumulative penalty. If a fine proceeds to a court action the District would ask for the maximum allowable penalty under the *Offence Act* and a Provincial Court Judge would determine if the maximum penalty is applicable to the offence and the harm to the public.

In response to a question from Council regarding the practise of issuing a fine, staff advised that the tools used by the District are the Bylaw Notice Enforcement Bylaw, Long Form Information or Supreme Court injunctions.

In response to a question from Council, staff confirmed that the bylaw includes specific offence language to indicate that a fine may be issued on a daily basis.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Corrie Kost, 2800 Block Colwood Drive:

COMMETING

- Suggested that the language in the bylaw could be improved to reflect the level of responsibility for the violating act; and,
- Expressed concern regarding vague wording in the 'breach of land use other than permitted' section of the bylaw.

5. COUNCIL RESOLUTION

MOVED by Councillor HANSON

SECONDED by Councillor BOND

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.

CARRIED

(7:19 p.m.)

CERTIFIED CORRECT:



Confidential Council Clerk

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REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: February 26 th , 2018
<input type="checkbox"/> Other:	Date: _____


 Dept.
Manager


 GM/
Director


 CAO

The District of North Vancouver REPORT TO COUNCIL

February 10, 2018
File: 06.2440.01/276.000

AUTHOR: Janine Ryder - Manager, Real Estate and Properties

SUBJECT: Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw”

RECOMMENDATION:

THAT the “Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw” is given FIRST Reading.

REASON FOR REPORT:

The “Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw” (**Attachment 1**) will authorise the repeal of the highway dedication from proposed Lots 1 and 3 as shown within the bylaw. The bylaw will enable the District to transfer the proposed Lots 1 and 3 of the unopened portion of Apex Road to Intailawatash Holdings Company Ltd. on behalf of Tsleil-Waututh (TWN), in return for a complete release of any claim that TWN may have against the District in relation to proposed Lots 1 and 3.

SUMMARY:

The District acquired ownership of Apex Road through a Crown grant and Bylaw 1087 dated June 24th 1938 that dedicated these lands as public highway. Only proposed Lot 2 of these lands have been used for road purpose, it has been agreed to return the unopened portion of the property to TWN. In return for the transfer of proposed Lots 1 and 3 the District will receive a release from TWN releasing the District of any and all claims that the TWN may have against the District in relation to parts of the Apex Road Parcel proposed to be transferred to TWN.

In addition, the District has sanitary sewer infrastructure located within these lands. As a condition of the transfer TWN will enter into a Statutory Right of Way for the District to access to maintain, repair and replace this municipal utility.

In order to return the lands to TWN the highway dedication will need to be removed from proposed Lots 1 & 3. Upon removal of the highway dedication the District will subdivide the lands and return proposed Lots 1 and 3 to TWN, as fee simple parcels. The area identified as Lot 2 will remain in the ownership of the District as Dollarton Highway.

EXISTING POLICY:

Sections 26, 30 and 94 of the Community Charter governs the removal of dedications and the disposition of municipal land.

Concurrence:

The proposed highway dedication bylaw has been reviewed and approved by Legal Services and the Finance department.

Financial Impacts:

There is no monetary exchange as part of the transfer of these lands back to TWN. Both parties are responsible for their own legal costs resulting from the land transfer.

Liability and Risk

The release provided by TWN to the District in return for the transfer of the Apex Road parcels removes any possibility of liability exposure for the District related to the historic acquisition and possession of these lands.

Public Input:

In accordance with Section 30 and Section 94 of the Community Charter council must provide notice of its intention to remove the highway dedication from a portion of this parcel of land. Council must then provide an opportunity for persons who consider they are affected by the bylaw to make representations at a subsequent Council meeting.

Conclusion:

The transfer of Apex Road to TWN fulfils a commitment to return the unopened road allowance in exchange for a release from TWN, while protecting both the District of North Vancouver's utilities and public ownership and use of, and access to Dollarton Highway.

Options:

1. THAT the "Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw" is given FIRST Reading.
2. THAT the "Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw" is not given FIRST Reading.

Respectfully submitted,



Janine Ryder
Manager, Real Estate and Properties

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"/> JTS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input checked="" 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 _____	

ATTACHMENT 1
Bylaw 8316

The Corporation of the District of North Vancouver

Bylaw 8316

A bylaw to partially repeal Corporation of the District of North Vancouver Highway
Dedication Bylaw No. 1 1938

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

Citation

1. This bylaw may be cited as “Highway Dedication Bylaw 8316, 2018 Partially Repeal Bylaw”.

Dedication Removal

2. The “Corporation of the District of North Vancouver Highway Dedication Bylaw No. 1 1938” (the “Bylaw”), is hereby repealed so far as it relates to the parts of the parcel of land having PID 016-028-708 (the “Parcel”) labeled as Lots 1 and Lot 3 and shown outlined in bold on the plan attached hereto as Schedule “A”. For greater certainty the Bylaw is not repealed so far as it relates to the part of the Parcel labelled as Lot 2 on the attached plan.

READ a first time

NOTICE given under Section 94 of the *Community Charter* on _____ and _____

OPPORTUNITY for representations to Council provided in accordance with Section 30 of the *Community Charter* on _____

READ a second time

READ a third time

ADOPTED

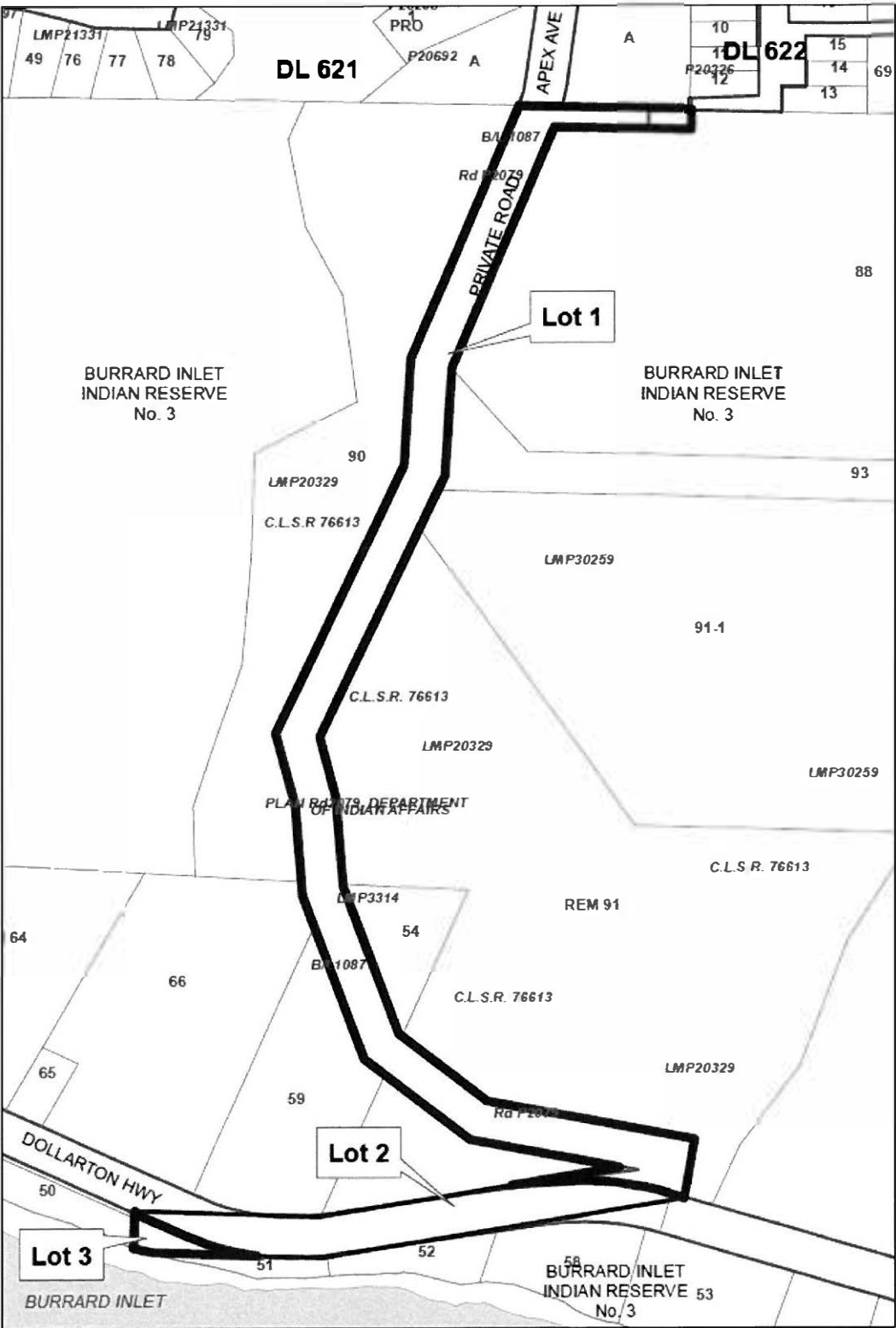
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8316



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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: February 26 th , 2018
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

February 14, 2018
File: 02.0930.20/504

AUTHOR: Lenia Calico, Property Services Agent

SUBJECT: Bylaw 8223, 2017: 229 Seymour River Place Highway Closure

RECOMMENDATION:

THAT the "229 Seymour River Place Highway Closure Bylaw 8223, 2017" is given SECOND and THIRD Readings.

REASON FOR REPORT:

The "229 Seymour River Place Highway Closure Bylaw 8223, 2017" (**Attachment 1**) will authorise the closure and raising of title to 240 square feet (22.3 square metres) of District road allowance (the "Road Parcel") adjacent to 229 Seymour River Place in the Maplewood Village Centre Neighbourhood.

The road closure will authorize the subsequent transfer of the Road Parcel to Fonnies International Investments Ltd. ("Fonnies") for the purpose of consolidating the closed road with their adjacent lots (**Attachment 2**) for a mixed use development.

SUMMARY:

- Bylaw 8223 received First Reading at the Regular Council Meeting on April 3rd, 2017.
- The road closure is subject to separate public process for rezoning.
- Notice was sent to third party utilities on April 3rd, 2017.
 - Telus, BC Hydro, Shaw and Fortis
- Public notification was published in the North Shore News on February 16th and February 23rd, 2018 (**Attachment 3**).
- An opportunity will be provided to persons who consider they are affected by the bylaw to make representations to Council on February 26th, 2018 regular Council Meeting as per section 40 of the *Community Charter*.
- As the subject road allowance is within 800 metres of an arterial highway, Ministry of Transportation and Infrastructure approval is required under Section 41 (3) of the *Community Charter* before adoption of the bylaw.

EXISTING POLICY:

Sections 26 and 40 of the Community Charter, governs road closures and dispositions of municipal land.

BACKGROUND:

The District has entered into a conditional Agreement of Purchase and Sale with Fonnies for the disposition of the Road Parcel for the appraised value of \$72,000.00. The Agreement of Purchase and Sale is conditional on the adoption of a bylaw to close to traffic and remove the dedication of this lane allowance as set out in proposed Bylaw 8223 and to obtain rezoning.

A third party appraisal was completed by the appraisal firm Grover, Elliott & Co. Ltd. in February, 2017. The Road Parcel was appraised as if the road were consolidated with the adjacent lots owned by Fonnies based on the highest and best use at a proposed 2.5 Floor Space Ratio (FSR) and using a direct comparison approach.

Prior to completing the disposition to Fonnies contemplated in the Agreement of Purchase and Sale, the District must close to traffic and remove the dedication of the portions of road as set out in the proposed Bylaw 8223 and to obtain a rezoning bylaw.

Financial Impacts:

The DNV will receive the purchase price from Fonnies for the appraised market value of \$72,000.00 upon closure and subsequent transfer of title. The proceeds of the disposition of this Road Parcel will be placed into the Land Opportunity Fund as per the Land Opportunity Reserve Fund Policy 5-1840-8.

Concurrence:

The proposed road closure has been reviewed and approved by the Planning, Finance and Transportation departments.

As the subject property is within 800 metres of an arterial highway, Ministry of Transportation and Infrastructure approval is required. A preliminary discussion with the Ministry of Highway has not highlighted any issues with the development.

Process/Public Input:

In accordance with Section 40 and Section 94 of the *Community Charter* council must provide notice of its intention to close a portion of road allowance. Council must then provide an opportunity for persons who consider they are affected by the bylaw to make representations at a subsequent Council meeting.

Utility companies have been provided notice and the opportunity to provide submissions regarding the proposed road closure.

Notice has been published in the North Shore News on Friday, February 16th and February 23rd, 2018.

The adoption of the road closure bylaw is subject to the adoption of a rezoning amendment bylaw for the adjacent Fonnies properties to a mixed use development.

Options:

1. That Council give the bylaw Second and Third Readings; or,
2. That Council give no further Readings to the bylaw and abandon the bylaw at First Reading.

Respectfully submitted,



Lenia Calico
Property Services Agent

Attachments:

1. 229 Seymour River Place Highway Closure Bylaw 8223, 2017
2. Site Map – Development Site & Subject Road Parcel
3. Notice Published in the North Shore News

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 checked="" 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 _____	

ATTACHMENT 1

The Corporation of the District of North Vancouver

Bylaw 8223

A bylaw to close and remove highway dedication

WHEREAS under the *Community Charter* the Council may close to traffic and remove the dedication of a highway; and,

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

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

1. Citation

This bylaw may be cited as "229 Seymour River Place Highway Closure Bylaw 8223 2017".

2. Bylaw to close and remove highway dedication

- 2.1 The portion of highway dedicated by Plan 1587, shown in the attached plan hereto as Schedule "A" is closed to all types of traffic and the dedication as highway is removed.
- 2.2 The Mayor and Clerk are authorized to execute and delivered such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

READ a first time April 3rd, 2017

NOTICE given under Section 94 of the *Community Charter* on

OPPORTUNITY for representations to Council provided in accordance with Section 40 of the *Community Charter* on

READ a second time

READ a third time

Certified a true copy of "Bylaw 8223" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

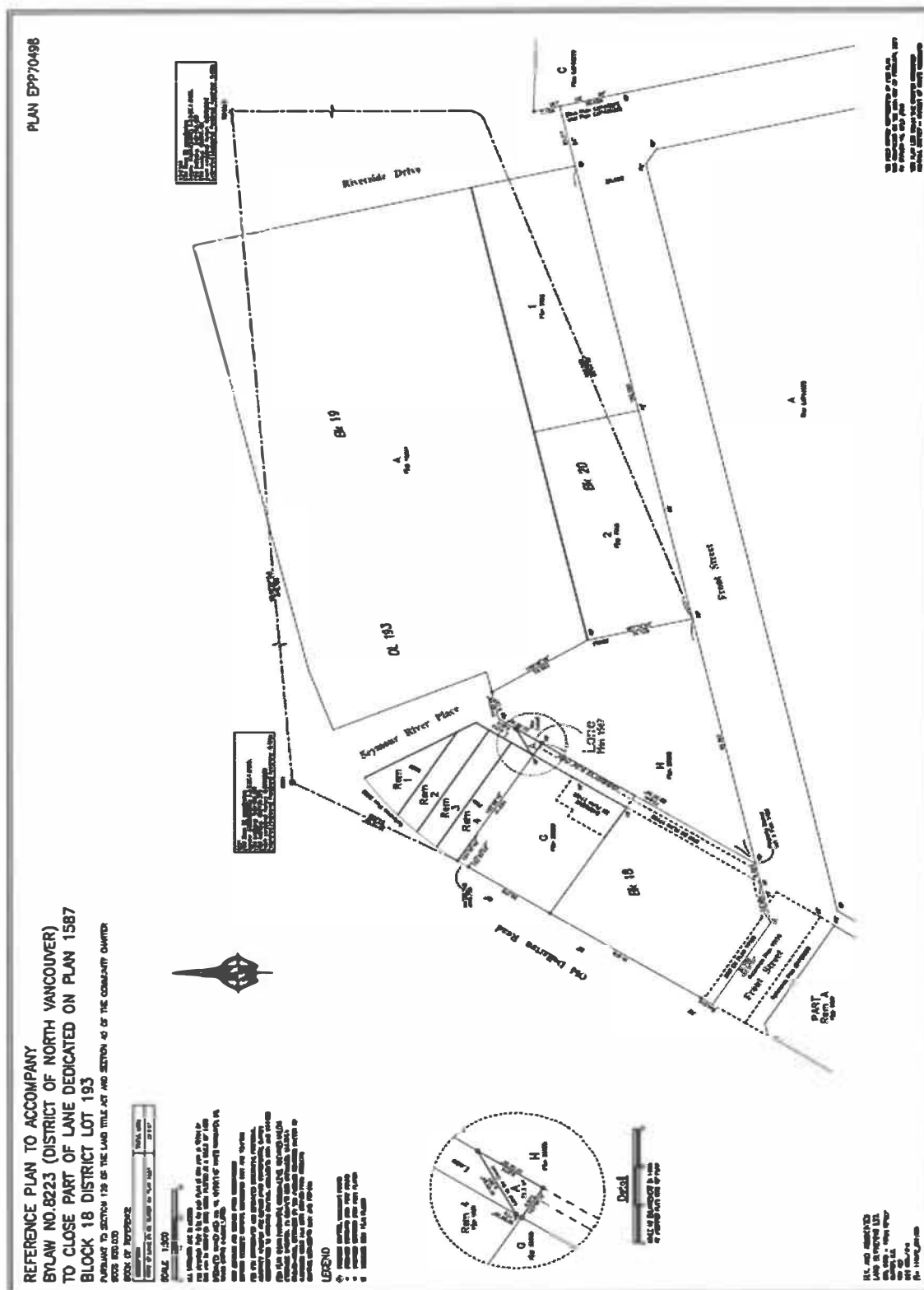
Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8223

Road Closure Plan



ATTACHMENT 2

Development Site & Subject Road Parcel




ATTACHMENT 3

Notice Published in the North Shore News

Notice

Road Closure and Property Disposition

Seymour River Place - Bylaw 8223




The District of North Vancouver intends to close to traffic the portion of road allowance shown outlined in red on the sketch and labelled as "Road to be Closed" within the 200 block of Seymour River Place and remove the highway dedication. This Road to be Closed has an area of approximately 22 square metres.

The Bylaw closing the road allowance and removing the dedication will be considered by Council at its regular meeting at the District Hall (355 West Queens Road, North Vancouver) on February 26, 2018 at 7 pm. Persons who consider they are affected by the bylaw will be provided an opportunity to make representations to Council at the meeting or by delivering a written submission to the Municipal Clerk by 4 pm on that date.

The District of North Vancouver then intends to transfer the Road to be Closed to Fannie International Investments Ltd for the purpose of consolidation with the immediately adjacent lands belonging to Fannie International Investments Ltd. this disposition is subject to adoption of bylaws to rezone the proposed development on the consolidated parcel. Opportunities for public participation and consultation including a public hearing will be provided prior to Council considering adoption of the bylaws.

The District of North Vancouver will receive the appraised value of \$72,000 for the fee simple title to these lands.



**DISTRICT OF
NORTH
VANCOUVER**

If you have any questions please contact Janine Ryder, Manager, Real Estate and Properties at 604-990-2455, or ryderj@dnv.org.

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>February 14, 2018</u>
<input type="checkbox"/> Other:	Date: _____

	
Dept. Manager	GM/ Director

The District of North Vancouver REPORT TO COUNCIL

February 14, 2018
File: 09.3900.20/000.000

AUTHOR: Linda Brick, Deputy Municipal Clerk

SUBJECT: Bylaws 8282, 8283 and 8285: Amendments to the Zoning Bylaw, Business Licence Bylaw and Bylaw Notice Enforcement Bylaw

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1367 (Bylaw 8282)" is given SECOND and THIRD Readings;

AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)" is given SECOND and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8285, 2017 (Amendment 33)" is given SECOND and THIRD Readings.

BACKGROUND:

Bylaws 8282, 8283 and 8285 received First Reading on December 11, 2017. Public input on Bylaw 8283 was received on February 13, 2018 in accordance with Section 59 of the *Community Charter* and a Public Hearing for Bylaw 8282 was held and closed on February 13, 2018.

The bylaws are now ready to be considered for Second and Third Readings by Council.

OPTIONS:

1. Give the bylaws Second and Third Readings;
2. Give no further Readings to the bylaws and abandon the bylaws at First Reading; or,
3. Debate possible amendments to the bylaws at Second Reading and return Bylaw 8282 to a Public Hearing and Bylaw 8283 to a public input process if required.

**SUBJECT: Bylaws 8282, 8283 and 8285: Amendments to the Zoning Bylaw,
Business Licence Bylaw and Bylaw Notice Enforcement Bylaw**

February 14, 2018

Page 2

Respectfully submitted,



Linda Brick
Deputy Municipal Clerk

Attachments:

- Bylaw 8282
- Bylaw 8283
- Bylaw 8285
- Public Meeting report – February 13, 2018
- Public Hearing report – February 13, 2018
- Report to Council dated December 5, 2017

REVIEWED WITH:		
<input type="checkbox"/> Community Planning	<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 December 11th, 2017

PUBLIC HEARING held February 13, 2018

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 December 11th, 2017

NOTICE given under Section 59 of the *Community Charter* on February 7, 2018 and February 9, 2018

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 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 December 11th, 2017

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

**DISTRICT OF NORTH VANCOUVER
PUBLIC MEETING**

Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)

Minutes of the Public Meeting of the Council for the District of North Vancouver held at 7:01 p.m. on Tuesday, February 13, 2018 in the Council Chamber of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mayor R. Walton
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks

Absent: Councillor R. Bassam
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Ms. L. Brick, Deputy Municipal Clerk
Ms. A. Reiher, Confidential Council Clerk

1. OPENING BY THE MAYOR

Mayor Walton welcomed members of the public to the meeting and spoke to the procedures for the meeting.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Linda Brick, Deputy Municipal Clerk, introduced the proposed Bylaw stating that Bylaw 8283 proposes to amend the Business License 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.

3. PRESENTATION BY STAFF

Mr. Dan Milburn, General Manager – Planning, Properties & Permits provided an overview of the proposal, stating that the Bylaw proposes to increase fine enforcement to \$10,000. He further stated that amendments to the Bylaw include housekeeping updates to authority and statute references.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Corrie Kost, 2800 Block Colwood Drive:

COMMETING

- Expressed concern regarding the bylaw naming convention.

5. COUNCIL RESOLUTION

MOVED by Councillor HANSON

SECONDED by Councillor BOND

THAT the February 13, 2018 Public Meeting be closed;

AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8283, 2017 (Amendment 48)" be returned to Council for further consideration.

CARRIED

6. CLOSING

The meeting adjourned at 7:06 p.m.


Confidential Council Clerk

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

Amendments to the Zoning Bylaw for Enforcement Purposes

REPORT of the Public Hearing held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, February 13, 2018 commencing at 7:06 p.m.

Present: Mayor R. Walton
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks

Absent: Councillor R. Bassam
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Ms. L. Brick, Deputy Municipal Clerk
Ms. A. Reiher, Confidential Council 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.

1. OPENING BY THE MAYOR

Mayor Walton welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing. In Mayor Walton's preamble he advised that the Public Hearing is being convened pursuant to Section 464 of the *Local Government Act*.

Ms. Linda Brick, Deputy Municipal Clerk, stated that:

- Those wishing to speak will have five minutes to address Council for a first time and should begin remarks to Council by stating their name and address;
- Council is here to listen to the public, not to debate the merits of the bylaw;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing, or Council may close the hearing after which Council should not receive further new information from the public; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Linda Brick, Deputy Municipal Clerk, introduced the proposed bylaw stating that Bylaw 8282 proposes to amend the Zoning Bylaw by updating the language in Part 12 Enforcement to the reference in the *Community Charter* and to increase the maximum penalty to \$10,000. Ms. Brick further stated that the bylaw proposes to add a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and add 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. Ms. Brick further stated that the bylaw proposes to fix specific housekeeping/clerical errors by designating an expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a) (ii) and 501.2(a) (iii) a-e), by adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles, and by changing “x” to “+” (calculating floor/space ration) in Table 508.2.

3. PRESENTATION BY STAFF

Mr. Dan Milburn, General Manager – Planning, Properties & Permits, provided an overview of the proposed Zoning Bylaw amendments and mentioned that it proposes to:

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

In response to a question from Council, staff advised that a fine may be issued each day an offence occurs for a cumulative penalty. If a fine proceeds to a court action the District would ask for the maximum allowable penalty under the *Offence Act* and a Provincial Court Judge would determine if the maximum penalty is applicable to the offence and the harm to the public.

In response to a question from Council regarding the practise of issuing a fine, staff advised that the tools used by the District are the Bylaw Notice Enforcement Bylaw, Long Form Information or Supreme Court injunctions.

In response to a question from Council, staff confirmed that the bylaw includes specific offence language to indicate that a fine may be issued on a daily basis.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Corrie Kost, 2800 Block Colwood Drive:

COMMETING

- Suggested that the language in the bylaw could be improved to reflect the level of responsibility for the violating act; and,
- Expressed concern regarding vague wording in the 'breach of land use other than permitted' section of the bylaw.

5. COUNCIL RESOLUTION

MOVED by Councillor HANSON

SECONDED by Councillor BOND

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.

CARRIED

(7:19 p.m.)

CERTIFIED CORRECT:


Confidential Council Clerk

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

Page 2

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 marihuana 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

Page 3

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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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>February 26, 2018</u>
<input type="checkbox"/> Other:	Date: _____

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

February 14, 2018
File: 05.1940

AUTHOR: Elio Iorio, Manager Revenue and Taxation

SUBJECT: 2018 Parcel Tax Roll Review

RECOMMENDATION:

THAT, pursuant to Section 204(2)(b) of the *Community Charter*, the sitting of the 2018 Parcel Tax Roll Review Panel for the Parcel Tax Roll, be held in the Council Chamber on Monday April 9th, 2018 at 4:30 p.m.

REASON FOR REPORT:

Requirement under Section 204(2)(b) of the *Community Charter* requires Council to establish a time and place for the sitting of the panel with respect to Parcel Tax Roll Review procedures.

BACKGROUND:

The Parcel Tax Roll Review Panel meets to consider and review the Parcel Tax Roll and possible revisions thereto. The Review Panel is typically presented with a roll containing recently completed local improvement projects. For 2018, no new projects have been finalized. Consequently, only complaints from previously verified projects can be reviewed. In the event no complaints are received, Section 209 of the *Charter* deems the existing Parcel Tax Roll as legally binding.

The Parcel Tax Roll Review Panel reviews public complaints and may direct the correction of the Parcel Tax Roll as to errors or omissions respecting a name or address of the owner, the inclusion of a parcel, the taxable area or frontage of the parcel, and the granting of an exemption. The Parcel Tax Roll if amended must be confirmed and authenticated by the Parcel Tax Roll Review Panel to provide the District with the authority to levy local improvement charges against each benefiting property.

Advance notice of the time and place will be published in accordance with section 94 of the *Community Charter*.

Respectfully submitted,


Elio Iorio
Manager Revenue and Taxation

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