



Minutes

<u>Meeting</u>	Special Council Meeting
<u>Date</u>	21 March, 2019
<u>Time</u>	10:30 A.M.
<u>Place</u>	Municipal Hall - Council Chambers

Present Mayor Martin Davis
Councillor Bill Elder
Councillor Sarah Fowler
Councillor Lynda Llewellyn

Regrets Councillor Josh Lambert

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Staff Mark Tatchell, Chief Administrative Officer (by phone)
Janet StDenis, Finance & Corporate Services Manager

Guests Mr. Dan Balter (by phone)

Public 2 members of the public.

A. Call to Order

Mayor Davis called the meeting to order at 10:35 a.m.
Mayor Davis acknowledged and respected that Council is meeting upon Mowachaht/ Muchalaht territory

B. Introduction of Late Items and Agenda Changes

None.

C. Approval of the Agenda

Llewellyn/Elder: VOT 142/2019

THAT the Agenda for the March 21st, 2019 Special Council meeting be adopted as presented.

CARRIED

M. New Business

- 1 **Property Maintenance Regulation Bylaw No. 573, 2014 - Appeal Hearing into Order to Comply issued December 19, 2018 to International Peak Properties Corp, owner of VIP45564, Lot A, District Lot 443, Nootka Land District**

Llewellyn/Elder: VOT 143/2019

THAT International Peak Properties Corp appeal information be received.

CARRIED

Dan Balter representative of International Peak Properties Corp., presented his facts and arguments to Council. CAO Mark Tatchell described the issue, and recited the information contained in January 31, 2019 letter to International Peak Properties Corp.

Llewellyn/Elder: VOT 144/2019

THAT the Report to Council be received.

CARRIED

Llewellyn/Elder: VOT 145/2019

THAT the appeal by International Peak Properties Corp be granted.

CARRIED

Adjournment

Llewellyn/Fowler: VOT 146/2019

THAT the meeting be adjourned at 10:44 a.m.

CARRIED

Certified Correct this

2nd Day of April, 2019.

Chief Administrative Officer



ZONING BYLAW AMENDMENT BYLAW NO. 612
A BYLAW OF THE VILLAGE OF TAHSIS

A BYLAW TO AMEND THE VILLAGE OF TAHSIS ZONING BYLAW NO. 176, 1981.

Contents

1. Title
2. Amendments to the *Zoning Bylaw*
3. Effective Date

Under its statutory powers, including section 479 of the *Local Government Act* [RSBC 2015] c. 1, the Council of the Village of Tahsis, in an open meeting assembled, enacts the amendments to the *Zoning Bylaw No. 176, 1981* ("the *Zoning Bylaw*") as follows:

Title

1. This Bylaw may be cited as the "Zoning Amendment Bylaw No. 612"

Amendments to the *Zoning Bylaw*

2. The *Zoning Bylaw No. 176, 1981* is amended:

- 1) In Part 2, section 2.2 Definitions by deleting the definition of "home occupation" and replacing it with the following:

"HOME BASED BUSINESS" means an occupation, profession service or other business which is clearly accessory and incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling, and which conforms to the regulations under section 6.1(1) of this Bylaw. Activities that qualify as home based businesses include but are not limited to the following:

- a) retail establishments;
- b) service establishments;
- c) small engine repair;
- d) assembly, processing, and repair of finished products; and
- e) artist's studio and gallery;
- f) bakery; and
- g) hair salon, barbershop, or other personal services.

but exclude professional occupations.

- 2) In Part 2, section 2.2 Definitions, by adding the following definition immediately after the definition of "principal building":

“PROFESSIONAL OCCUPATION” means the following professions:

- a) doctor;
- b) dentist;
- c) chiropractor;
- d) veterinary surgeon;
- e) lawyer; and
- f) accountant.

and which conforms to the regulations under section 6.1(2) of this Bylaw.

3) In Part 6, section 6.1 Occupations Permitted in a Residential Zone:

i. by deleting section 6.1(1) and replacing it with the following:

6.1(1) Home Based Business: A home based business is permitted in any zone subject to compliance with the following regulations:

- a) the home based business must not alter the essential residential character of the premises where the home based business is situated;
- b) there shall be no external indication that any building on the lot is utilized for any purpose other than normally associated with a residential use except for a single sign not exceeding 3600 cm squared (.36m squared);
- c) the home based business shall not generate any off-site parking or vehicular traffic beyond that which is normally associated with a residential use within the Village;
- d) the home based business shall not produce, discharge or emit any smoke, dust, litter, vibrations, odours, effluent, noise, fumes, or glare such as to create a nuisance to persons residing in the surrounding area;
- e) the home based business shall be conducted entirely within a building that conforms with the other regulations under this Bylaw with the exception that, subject to compliance with section 6.1(1)(d), activities associated with the home based business may be conducted on the lot exterior to the building between the hours of 9:00 a.m. and 5 p.m. daily;

- f) there shall be no external storage of materials, equipment, containers or finished products;
 - g) the home based business must be operated by a person who permanently resides within a dwelling unit on the lot where the home based business is situated;
 - h) the gross floor area of the home based business shall not exceed 50% of the gross floor area of the part of the dwelling unit that is used for a residential purpose;
 - i) for certainty, a home based business may be carried out in whole or in part in an accessory structure, provided that the accessory structure conforms with the other regulations under this Bylaw; and
 - j) a maximum of one person who does not reside within a dwelling unit located on the lot where the home based business is situated may be employed by the home based business.
- ii. By deleting section 6.1(2) and replacing it with the following:

6.1(2) Professional Occupations: a professional occupation is permitted in any zone, subject to compliance with the following regulations:

- a) the professional occupation must not alter the essential residential character of the premises where the professional occupation is situated;
- b) there shall be no external indication that any building on the lot is utilized for any purpose other than normally associated with a residential use except for a single sign not exceeding 3600 cm squared (.36m squared);
- c) the professional occupation shall not generate any off-site parking or vehicular traffic beyond that which is normally associated with a residential use within the Village;
- d) the professional occupation shall not produce, discharge or emit any smoke, dust, litter, vibrations, odours, effluent, noise, fumes, or glare such as to create a nuisance to persons residing in the surrounding area;

- e) the professional occupation shall be conducted entirely within a building that conforms with the other regulations under this Bylaw;
 - f) there shall be no external storage of materials, equipment, containers or finished products; and
 - g) there shall be no external storage of materials, equipment, containers or finished products.
- 4) By deleting section 7.1(d) General Provisions: Uses Permitted in all Zones, and replacing it with the following:
- d) home based businesses.

Effective Date

3. This Bylaw comes into force upon adoption.

READ A FIRST TIME the 5th day of February , 2019.

READ A SECOND TIME the 5th day of February , 2019.

PUBLIC HEARING held the 21st day of February , 2019.

READ A THIRD TIME the 5th day of March , 2019.

ADOPTED on the 19th day of March , 2019.

Reconsidered, Finally Passed and Adopted this 19th day of March, 2019

Mayor

Chief Administrative Officer

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 612, 2019 duly passed by the Council of the Village of Tahsis on this 19th day of March, 2019.

CORPORATE OFFICER

VILLAGE OF TAHSIS

PUBLIC HEARING PROCEDURES

A Public Hearing is a special Council meeting held to consider:

- Amendments to the Zoning Bylaw and/or the Official Community Plan;
- Proposed heritage designations; and
- Development Permits, and related development permit applications

At a Public Hearing, any person present who believes that she or he is affected by a proposed bylaw and/or permit has the chance to speak or to present a written submission. You do not have to register to speak at a Public Hearing.

Each speaker is allowed up to five (5) minutes to address Council regarding the bylaw or project under consideration. This allows Council to hear from all members of the public in a timely manner. Individuals may address Council a second time for up to five (5) minutes with new information once all first-time speakers have had an opportunity to speak.

Public Hearings follow this format:

- The Mayor opens the Public Hearing
- Staff summarize the proposed amendment
- The Applicant, if there is one, makes a presentation
- The Mayor asks if anyone in the gallery wishes to speak
- The Mayor asks each speaker to give their name for the minutes
- Every interested person is allowed to speak at least once
- Members of Council may ask questions of the speaker
- Council may consider a resolution
- The Mayor asks three times for speakers to come forward. If there are none, the Public Hearing is closed.

If you do not want to speak at the hearing or simply cannot attend, you may submit a letter by mail or email.

Special rules apply to Public Hearings. Once Council has heard all input, they are not permitted to consider anything further.