

REPORT TO COUNCIL, MARCH 14/97

Zoning Amendment Bylaw #228

The bylaw is on the agenda for consideration of council for third reading given input received at last weeks public meeting. This report only discusses issues/options regarding the lots within the old highways yard fence subject to I-1 rezoning.

Attached is a letter received from Rod Sutton on March 11, 1997, Jack Goeson's lawyer. Rod Sutton is proposing a rezoning to allow for an autobody shop, mechanical shop and shake storage with restrictive covenants placed on permitted uses 8,9,11,13.

For council's consideration, below are some options:

1. No rezoning.

- Would conform with council's thinking when Zoning Bylaws #41, 1976, and #184, 1991 were adopted (old highways yard zoned for residential purposes);
- There may not be a need for this much residential property;
- Would make existing uses (autobody, mechanical, shake storage) illegal. Suspect would bankrupt Jack Goeson.

2. Rezone to I-1, no restrictive covenants.

- Not being requested by Jack Goeson so may not be worth considering further.

3. Rezone to I-1, permit autobody, mechanical, shake storage, restrictive covenants on all other uses.

- Would legalize existing business conducted on the property. Would reduce resale value and job creation potential of property since property.

- May be possible to choose this option with a provision for negotiating removal of restrictive covenant if Jack Goeson wants to diversify or sell property to someone wanting to set up a business which is restricted by the covenant.

4. Rezone to I-1, permit autobody, mechanical, shake storage, and none/some/all of 8, 9, 11, 13, restrictive covenants on all other uses.

- Would satisfy Jack Goeson's existing uses of the property, allow flexibility for diversifying business, and take care of some/all concerns of council and neighbouring property owners.

Note that Rod Sutton makes reference to Section C (1) and (2) of requirements in the I-1 zone:

C(1) All industrial activity and storage not contained within a building shall be enclosed by a wall or solid board fence not less than 2.0 metres in height;

- Note that the existing fencing is chain link.

C(2) No use shall be permitted which will become an annoyance or nuisance to surrounding lands by reason of unsightliness, odor, emission, liquid effluents, dust, noise, fumes or smoke. Uses considered offensive under the "Health Act" are strictly prohibited.

- Note that clause C.2 will not allow to take action if traffic problems arise.

Jukka Efraimsson  
Clerk Treasurer.

*76 March 14/97*

VILLAGE OF PORT CLEMENTS  
 BYLAW NO. 278, 1997

A BYLAW TO AMEND ZONING BYLAW NO. 184, 1990

WHEREAS the Council for the Village of Port Clements has deemed it expedient to change the zoning of property as follows:

Lots	Block	Plan	DL	From	To
1-5, 11-16	38	1079	746	R-1	I-1
10-15	39	1079	746	RM-1	I-1
16-24	39	1079	746	RM-1	R-1

R-1: Residential Urban  
 I-1: Light Industrial  
 RM-1: Multiple Family Residential

in order to permit Lots 1-5, 11-16, Block 38, and Lots 10-15, Block 39 lots to be used for light industrial purposes, and in order to rezone Lots 16-24, Block 39 from RM-1 to R-1;

NOW THEREFORE the Council for the Village of Port Clements, in open meeting assembled enacts to:

1. Amend the zoning of the subject property as follows:

Lots	Block	Plan	DL	From	To
1-5, 11-16	38	1079	746	R-1	I-1
10-15	39	1079	746	RM-1	I-1
16-24	39	1079	746	RM-1	R-1

R-1: Residential Urban  
 I-1: Light Industrial  
 RM-1: Multiple Family Residential

as shown on the map attached as Schedule 1 to this Bylaw in order to permit Lots 1-5, 11-16, Block 38, and Lots 10-15, Block 39 to be used for light industrial purposes, and in order to rezone Lots 16-24, Block 39 from RM-1 to R-1;

2. This bylaw may be cited as "Village of Port Clements Zoning Amendment Bylaw No. 278, 1996."

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 1996.  
 Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 1997.  
 Received a public hearing this \_\_\_\_\_ day of \_\_\_\_\_, 1997.  
 Read a third time this \_\_\_\_\_ day of \_\_\_\_\_, 1997.  
 Reconsidered and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
 Mayor

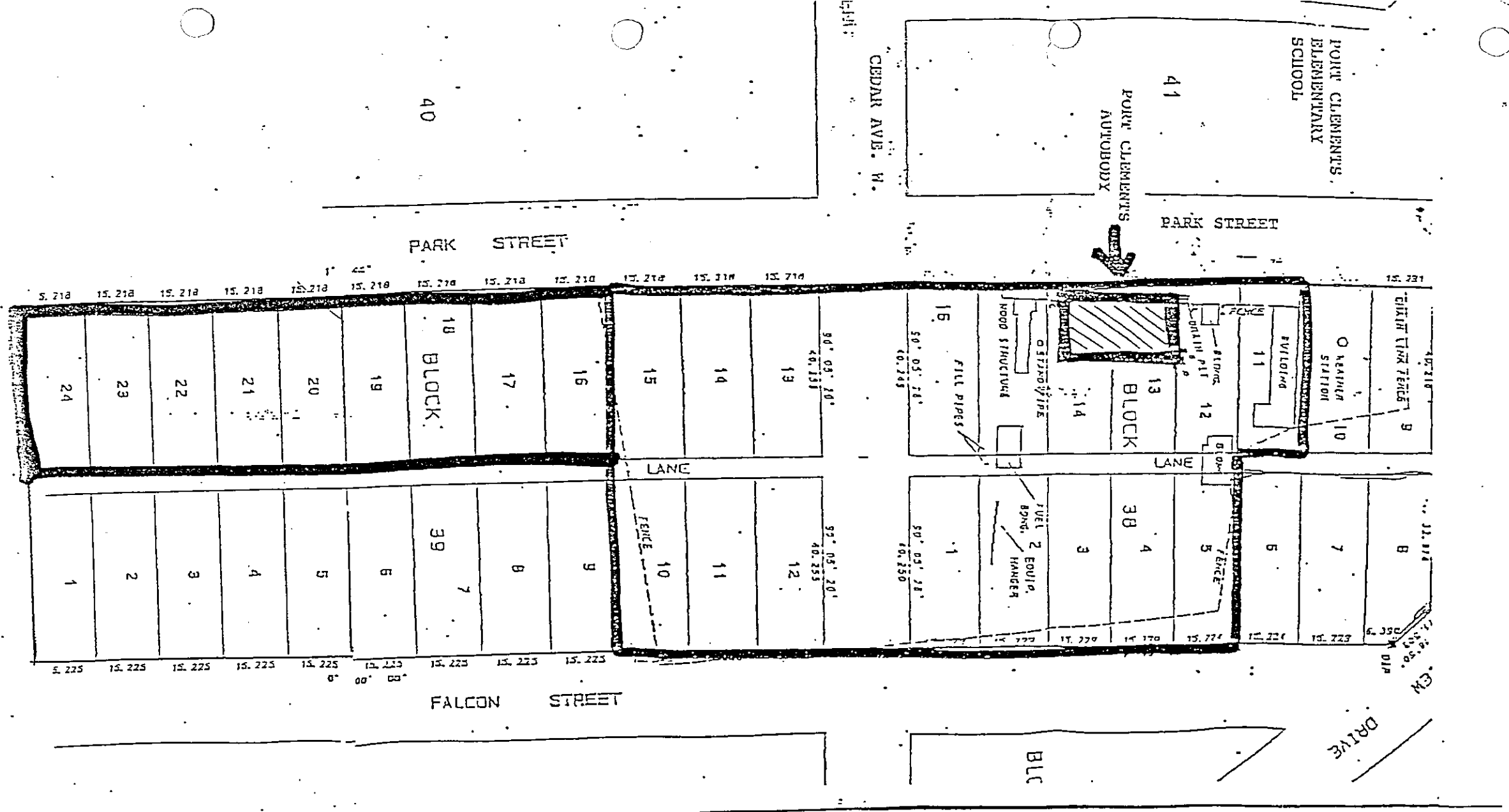
\_\_\_\_\_  
 Clerk

Certified to be a true copy of  
 Village of Port Clements Zoning  
 Amendment Bylaw No. 278, 1997.

\_\_\_\_\_  
 Clerk



SCHEDULE 1, BYLAW #278, 1996



INTENT

This zone is intended to accommodate and regulate the development of light industrial activities and commercial uses where such commercial uses are an integral part of the industrial operation.

PERMITTED USES

In the Light Industrial Zone (I-1) land and structures may only be used for the following uses:

- (1) Automobile and recreation vehicle sales, services and body shops, excluding auto wreckers and junk yards;
- (2) Building supply and lumber yards;
- (3) Public utilities buildings, garages, storage yards, repair facilities;
- (4) Industrial and agricultural equipment sales, rentals and storage yards;
- (5) Light manufacturing and assembly, including food processing, machine shops, woodworking shops;
- (6) Warehousing, moving and wholesale establishments;
- (7) Contractors offices, shops and yards;
- (8) Fuel storage and wholesale distribution;
- (9) Gasoline Services Stations;
- (10) Printing and other reproduction processes;
- (11) Mobile and prefabricated home manufacturing, display and sales;
- (12) Restaurants;
- (13) Transportation depots and facilities including airports;
- (14) Veterinary hospital and kennel;
- (15) Single family dwelling;
- (16) Accessory buildings and structures.

CONDITIONS OF USE

In the Light Industrial Zone (I-1):

- (1) All industrial activity and storage not contained within a building shall be enclosed by a wall or solid board fence not less than 2.0 metres in height;
- (2) No use shall be permitted which will become an annoyance or nuisance to surrounding lands by reason of unsightliness, odor, emission, liquid effluents, dust, noise, fumes or smoke. Uses considered offensive under the "Health Act" are strictly prohibited;
- (3) One single family dwelling is permitted provided that:
  - (a) the dwelling unit is setback 7.5 metres from the Industrial uses;
  - (b) the dwelling unit shall have a separate entrance from the outside; and
  - (c) the dwelling unit shall have a minimum floor area of 83.6 square metres.

MINIMUM SITE AREA

In the Light Industrial Zone (I-1) the minimum site area:

- (1) For sites with community water and sewer services the minimum site area shall be 930 square metres;
- (2) For sites with community water services but no community sewer service the minimum site area shall be 1,350 square metres;
- (3) For sites with no community water and sewer services the minimum site area shall be 2,000 square metres;
- (4) Minimum site areas are subject to health regulations and inspections.

E. SITE AREA AND PARCEL SIZE FOR SUBDIVISION

In the Light Industrial Zone (I-1):

- (1) The minimum size of a lot created by subdivision under this bylaw is 2,000 square metres provided however:
  - (a) where community water service is available the minimum parcel size shall not be less than 1,350 square metres.
  - (b) where the community water and sewer services are available, the minimum parcel size shall not be less than 930 square metres.
- (2) The minimum frontage of a lot created by subdivision under this bylaw shall be 1/10 of the perimeter of the lot that fronts on the highway.

F. SITE COVERAGE

In the Light Industrial Zone (I-1) the maximum site coverage including all buildings and structures, shall not exceed 75 percent of the site area.

G. MINIMUM SETBACKS

In the Light Industrial Zone (I-1):

- (1) The minimum front setback shall be 7.5 metres.
- (2) The minimum rear and side setback shall be 5.0 metres provided however, where the abutting property is zoned for residential use the minimum setback shall be 7.5 metres.

H. BUILDING HEIGHT

In the Light Industrial Zone (I-1) the maximum height of any building or structure shall not exceed 12.0 metres.