



REPORT

To: Electoral Area Directors Committee

Report Number: DS-EADC-004

From: Shawn Dahlen, Chief Administrative Officer

Date: October 5, 2020

Subject: Zoning Bylaw No. 1343, 2001 Housekeeping Amendment

RECOMMENDATION:

That the Electoral Area Directors Committee receive the report titled "Zoning Bylaw No. 1343, 2001 Housekeeping Amendment DS-EADC-004", which explains a number of proposed minor amendments to Zoning Bylaw 1343, for the fringe areas around Dawson Creek, Chetywnd, and Fort St. John, for discussion.

BACKGROUND/RATIONALE:

Development Services staff have identified a number of areas where the Zoning Bylaw is out of date and requires updating. Each of the proposed changes is explained below, in the order they appear in the bylaw. The attachment shows the sections of the bylaw that are proposed to be amended, with the new language proposed shown in highlighted text, and any deletions shown as stricken text.

Inspections

Section 7 of Zoning Bylaw 1343, 2001 allows for designated PRRD employees to enter onto property to determine whether zoning bylaw regulations are being met, upon provision of ten days' written notice mailed to the owners or tenants.

Bylaw Enforcement Officer Bylaw No. 1901, 2010 allows bylaw enforcement officers to enter onto property at all reasonable times, to inspect and determine whether regulations imposed by bylaw are being met.

Clearly, the two bylaws contradict each other and it is proposed that the zoning bylaw be amended to follow the Bylaw Enforcement Officer Bylaw and the provincial legislation.

While staff *may* provide notice to a property owner in some circumstances, it is not practical in all circumstances and may diminish the efficacy of the bylaw enforcement officer position. Entry on to property, to inspect for bylaw compliance, is authorized by the *Local Government Act, Section 284*, (which makes the *Community Charter, Section 16* applicable to Regional Districts), and *Local Government Act Section 419*, all of which are noted below for reference.

Local Government Act, Section 284

Authority to enter on or into property: application of *Community Charter*

284 (1)Section 16 (1) to (5) [*authority to enter on or into property*] of the *Community Charter* applies in relation to an authority under this or another Act for a regional district to enter on property, except that a reference to section 16 (6) (a) of that Act is to be read as a

reference to section 419 [*inspections to determine whether bylaws are being followed*] of this Act.

(2) Without limiting the matters to which this section applies, a regional district may enter on property for the purpose of taking action authorized under section 418 [*authority to fulfill requirements at defaulter's expense*].

Community Charter, Section 16

Authority to enter on or into property

16 (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.

(2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.

(3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(4) Except in the case of an emergency, a person

(a) may only exercise the authority at reasonable times and in a reasonable manner, and

(b) must take reasonable steps to advise the owner or occupier before entering the property.

(5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:

(a) the occupier consents;

(b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;

(c) the entry is made under the authority of a warrant under this or another Act;

(d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

(6) Without limiting the matters to which this section applies, a municipality may enter on property for any of the following purposes:

(a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the council, a municipal officer or employee or a person authorized by the council has exercised authority under this or another Act to regulate, prohibit and impose requirements;

(b) to take action authorized under section 17 (1) [*municipal action at defaulter's expense*];

(c) in relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;

(d) to assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority — trees*].

Local Government Act, Section 419

Inspections to determine whether bylaws are being followed

419 If a board has authority to regulate, prohibit and impose requirements in relation to a matter, the board may, by bylaw, authorize officers, employees and agents of the regional district to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements are being met

Accessory Building Floor Area

Section 13 of the Bylaw deals with Accessory Building Floor Area for both residential and agricultural zones. Currently there are no limits for accessory building floor area for properties larger than 8 ha in the A-1 and A-2 zones. This creates differences for maximum accessory building sizes allowable on land zoned Agricultural, depending on whether or not they are within the Agricultural Land Reserve. It is proposed to delete “when parcels are 8 ha or less” for A-1 and A-2 zones from the bylaw, which will result in maximum accessory building floor area of 300m² (3200 sq.ft.) for parcels larger than 8ha.

Minimum Parcel Size, Subdivision for a Relative

Section 21 of the bylaw states that the minimum parcel size for subdivision, for a relative on non-ALR Lands is 1.8 ha (4.5 acres). It is proposed to remove the reference from a section of the Local Government Act that no longer exists from the bylaw, and instead, include the name of the section rather than the number. The minimum parcel size will not change.

Setback Area Exemptions

Section 26 of the bylaw deals with exemptions to the specified setback areas. The proposed change is simply to include reference to Section 53 (Utilities and Residential Multi Family Zones) which was added after adoption of the bylaw, to acknowledge the existence of this new section, which currently notes only Sections 32 – 52 as sections for the various zones.

Minimum Parcel size for Remainders post Subdivision, Large Ag Zone

Section 33, which is specific to the A-2, Large Agricultural Holdings Zone, contains a requirement that for any subdivision in this zone, the remainder of the parcel must be, at minimum, 50ha (124 acres). It is proposed to delete this requirement to better align with the Official Community Plans, and to allow subdivision along rights of way, such as a road/highway, or watercourse, where the remainder would not be 50ha. This will avoid the need to rezone the remainder to a different zone with a smaller minimum parcel size.

Land Description Update

Section 35, which is specific to the R-2, Residential 2 Zone includes an exception to the minimum parcel size for a parcel that has since been altered and has a new legal description. The bylaw currently allows a smaller parcel size for a parcel that no longer exists, therefore it is proposed to simply insert the new legal description in place of the outdated one.

Outdated references to Official Community Plan

In Section 36, which is specific to the R-3, Residential 3 Zone, there are several references to the Official Community Plans, by number, including a version of both the North Peace and West Peace Official Community Plans that have been repealed and replaced. The proposed amendment is to refer to Official Community Plans by name only, so that as they change in future, the reference is always to the “prevailing” version of the Official Community Plan. There are also a few updates to amended legal land descriptions that have changed, in Section 36.

Boundary Amendment Updates

Section 42, which is specific to the C2, General Commercial Zone, includes reference to three properties that are now within City of Fort St. John municipal boundaries. It is proposed to delete these references from the bylaw, as the PRRD no longer has no jurisdiction over these parcels, and also, to update an

additional two legal land descriptions that have been amended since the zoning exceptions specific those two parcels were approved.

ALTERNATIVE OPTIONS:

1. This information is being provided for information and education purposes only.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.