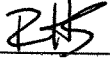
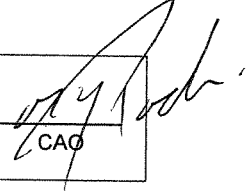


COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>June 22, 09</u>	Item # <u>11</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO
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DISTRICT OF WEST VANCOUVER
750 - 17TH STREET, WEST VANCOUVER, BC V7V 3T3

REPORT TO COUNCIL

Date: June 11, 2009 File: 1605.19
From: E.S. (Liz) Holitzki, Manager of Permits, Inspections and Bylaws
Subject: **Zoning Bylaw Amendment - Home Craft, Occupation or Business**

RECOMMENDED THAT:

1. Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4603, 2009 be introduced and read in short form.
2. Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4603, 2009 be presented at Public hearing to be held on Monday July 6, 2009 at 7:00 p.m. in the Municipal Hall Council Chamber.
3. The Municipal Clerk give notice that a Public Hearing to consider Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4603, 2009 is scheduled for Monday July 6, 2009 at 7:00 pm in the Municipal Hall Council Chamber.

Purpose

The purpose of this report is to present a Zoning Bylaw amendment to allow home based business operators to have clients attend their property under certain conditions and to obtain Council's authorization to set a Public Hearing for July 6, 2009 for consideration of the Bylaw amendment.(Appendix A)

1.0 Background

1.1 History

Zoning Bylaw 2200, 1968 section 31.105 sets out the specific conditions under which residents may operate Home Craft, Occupation or Business operations, which at this time, prohibits clients or customers from attending the property. There is a minor provision in section 105.7 that refers to "an occasional or infrequent delivery or visit" however if a business requires the direct contact with their clients on a regular basis in order to operate their business they cannot currently operate a home based business in the District.

Over the past few months staff have been contacted by neighbours and requested to enforce our current Bylaw regulations against three home based businesses. The three business activities include a small counselling company where clients are only seen on a one to one ratio, a piano teacher who only instructs one student at a time and a small

accounting business that require their clients to come to their office on a regular basis. The existing home based business regulation prohibits clients attending the site other than an "occasional or infrequent visit". If a business is predicated on "in person" contact in order to operate then it is contrary to Zoning Bylaw 2200, 1968 section 31.105.7.

2.0 Analysis

2.1 Discussion

The proposed amendment Bylaw sets out three specific amendment sections.

1. Section 31.105.7 is being amended to allow home based business operators to have clients attend their business sites provided no more than one client attends the property at any one time.

2. A portion of section 31.105.5 currently restricts the wholesale dollar value of the "stock-in-trade, materials, supplies or goods stored or kept on the property to a maximum of one thousand dollars (\$1,000.00). This provision is outdated both in dollar value and necessity. Staff recommend this portion of the section 31.105.5 be deleted; however the remainder of the section dealing with the prohibition of the outside storage of goods be retained.

3. If Council supports the recommendation to permit clients to attend home based business operations staff recommend the Bylaw be amended to also include a new section 31.105.10 that specifically prohibits certain types of businesses as home based operations. The types of business operations staff recommend be excluded from being operated as home occupations are those where the client to business owner will likely exceed one to one on a regular basis or the business is generally not suitable in residential areas. The specific list provided in the proposed bylaw includes:

<ul style="list-style-type: none">• a beauty salon or barber shop
<ul style="list-style-type: none">• schools or recital areas
<ul style="list-style-type: none">• orchestra or and training;
<ul style="list-style-type: none">• a restaurant;
<ul style="list-style-type: none">• stables or kennels for the boarding and breeding of animals;• places of public assembly;

Date: June 11, 2009
From: E.S. (Liz) Holitzki, Manager Of Permits, Inspections
And Bylaws
Subject: **Zoning Bylaw Amendment - Home Craft,
Occupation or Business**

<ul style="list-style-type: none">• retail sales directly from the site
<ul style="list-style-type: none">• real estate office
<ul style="list-style-type: none">• the sale, salvage, repair or cleaning, or a combination of the aforementioned, of motor vehicles;

4. Staff recognize if clients are permitted to attend home based business operations on-street parking issues could arise and therefore a further amendment is proposed, section 31.105.11 requiring all client parking be provided off-street.

Staff are recommending home based businesses be permitted to have clients attend their properties provided they can provide off-street parking for this purpose. There are other restrictions on these businesses, currently contained in the Bylaw, that will be retained that should continue to offset any negative impact to the community that include:

- No non-family members can be employed in the business,
- No more than 2 persons of an immediate family can be employed in the business and must actively reside in the dwelling.
- No more than one vehicle can be used in connection with the business not exceeding 5,000 lbs G.V.W.
- The business shall not cause any noise, heat, glare, odor, electrical interference or other nuisance to the immediate neighbourhood.

Staff recommends that Council schedule the public hearing on this zoning bylaw amendment for July 6, 2009. Depending upon any new information coming to light at the hearing, staff recommends that Council approve Zoning Bylaw No. 2200, 1968, Amendment Bylaw is 4603, 2009

3.0 Options

3.1 Zoning Bylaw 2200, 1968, Amendment Bylaw 4603, 2009

Author: _____

Concurrence
(optional) _____

Appendices:

3.2 1. Zoning Bylaw 2200, 1968, Amendment Bylaw 4603, 2009

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District of West Vancouver

**Zoning Bylaw No. 2200, 1968
Amendment Bylaw No. 4603, 2009**

Effective Date – [Date]

District of West Vancouver

Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4603, 2009

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District of West Vancouver

Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4603, 2009

A bylaw to amend the Zoning Bylaw to update and revise bylaw provisions on Home Craft, Occupation or Business in West Vancouver

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendment of the Zoning Bylaw;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4603, 2009.

Part 2 Amendments

- 2.1 Zoning Bylaw 2200, 1968 – Part 3 – Division 1 – General Regulations for Residential Zones – Subdivision 1 – Development in Residential Zones Under General Regulations section 31-105.7 is amended deleting it in its entirety and replacing it with the following:
- (a) That the home craft, occupation or business shall not generate more than one client to the site from which the business is being operated at any given time or cause more business related vehicle trips to the home than is normal for the residential area.
- 2.2 Zoning Bylaw 2200, 1968 – Part 3 – Division 1 – General Regulations for Residential Zones – Subdivision 1 – Development in Residential Zones Under General Regulations section 31-105.5 is amended deleting it in its entirety and replacing it with the following:
- (a) No stock-in-trade, materials, supplies or goods related to the home craft, occupation or business shall be kept or stored exterior to any building on site.

2.3 Zoning Bylaw 2200, 1968 – Part 3 – Division 1 – General Regulations for Residential Zones – Subdivision 1 – Development in Residential Zones Under General Regulations section 31-105 Home Craft, Occupation or Business is amended by adding a new section 31-105.10 that reads as follows:

- (a) Without limiting the generality of this section the following Home craft, Occupation or Business operations shall not include:
 - a) a beauty salon or barber shop;
 - b) schools or recital areas;
 - c) orchestra or band training;
 - d) a restaurant;
 - e) stables or kennels for the boarding and breeding of animals;
 - f) places of public assembly;
 - g) retail sales directly from the site;
 - h) real estate office;
 - i) the salvage or repair, or both, of motor vehicles.

2.4 Zoning Bylaw 2200, 1968 – Part 3 – Division 1 – General Regulations for Residential Zones – Subdivision 1 – Development in Residential Zones Under General Regulations section 31-105 Home Craft, Occupation or Business is amended by adding a new section 31-105.11 that reads as follows:

- (a) That all client parking associated with the home craft, occupation or business shall be accommodated off-street.

READ A FIRST TIME on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk

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