



City of Prince Rupert

AGENDA

For the **PUBLIC HEARING** to be held on May 22, 2024 at 5:30 p.m. in Council Chambers, Second Floor of City Hall, 424 3rd Avenue West, Prince Rupert, B.C.

- 1. CALL TO ORDER**
- 2. CITY OF PRINCE RUPERT ZONING AMENDMENT BYLAW NO. 3531, 2024**
 - A) Report from Planning
 - B) Public asked to provide comments
- 3. CITY OF PRINCE RUPERT ZONING AMENDMENT BYLAW NO. 3535, 2024**
 - A) Report from Planning
 - B) Public asked to provide comments
- 4. ADJOURNMENT OF PUBLIC HEARING**



REPORT TO COUNCIL

Regular Meeting of Council

DATE: May 6, 2024
TO: Robert Buchan, City Manager
FROM: Rodolfo Paras Diaz, Planner I

SUBJECT: **REZONING APPLICATION ZBLA-24-01**

Recommendation:

THAT Council proceed with consideration.

REASON FOR REPORT:

This Prince Rupert Zoning Bylaw Amendment No. 3531, 2024 is to allow a site-specific amendment which would permit the use of Retail Liquor Sales at the parcels legally described as LOTS 11 THROUGH 14 OF BLOCK 24 SECTION 1 DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 923.

BACKGROUND:

The City has received a site-specific textual zoning bylaw amendment application for the subject property 801 2nd Avenue West. The applicant, the Belrupert company, wants to relocate their existing liquor store from their previous location, which was substantially damaged by fire, and reestablish the business at a different location within the City of Prince Rupert.

The Belmont Liquor Store was an established business in the community which, after years of operation, was substantially damaged by a fire on May of 2022. Due to this extraordinary circumstance, the applicants have been granted a Preliminary Site Approval from the Liquor and Cannabis Regulator Board to relocate to a different location within the City's Core of Prince Rupert that is within 1km of other Liquor outlets. The Province's legislation also generally prohibits liquor outlets to be within one kilometre of each other.

The current zoning bylaw dictates that no retail liquor store can be within one kilometre of another liquor establishment. This bylaw inhibits establishing this business at the desired location due to other liquor stores within the mandated one-kilometre radius. This site-specific amendment to the city's bylaw would align with the Province's exemption.

The proposed Liquor Store will be subject to the Liquor and Cannabis Regulator Board for licensing and meeting safety requirements under the BC Building and Fire Code. A

Development Permit and Building permits will be required before operations if this zoning bylaw amendment is approved. The building department has indicated to the applicant that an Alternative Solution that would allow BC Building and Fire Codes safety requirements to be met will be required to obtain permits.

ANALYSIS:

Link to Strategic Plan

One of the goals in the Strategic Plan was for the City of Prince Rupert to "encourage, support, and undertake community renewal to ensure it becomes a world class port city." This proposal offers the potential to aid in the downtown renewal by economically activating an existing building and bring vibrancy to the area.

Alignment with Official Community Plan

One of the planning principles that helped guide the Official Community Plan (OCP) is the concept of Smart Growth, which promotes walkable communities, compact development, and mixed land uses. By approving this development, the City Council will allow a well-established local commercial enterprise to revitalize an existing building in the core of the City, which is served by public transit and promotes the walkability of the area.

The interest in maintaining the mix of uses, characteristic of the Midtown District, was included in the OCP. The proposed location has had commercial uses in the past. By allowing this amendment, the City Council will allow the opportunity to renew the area's vibrancy while maintaining its character.

Zoning and Land Uses

C1 : Core Commercial Zone currently permits Retail use, meaning the "sale and display of goods and services, including food and beverage services to consumers".

The location will remain for commercial land use. Given that the nearby land uses include similar uses, such as restaurants and stores, this business is unlikely to impact the area significantly. Although negative impacts are not foreseen, City staff recommend that this application go to a public hearing where the general public can express any concerns.

COST:

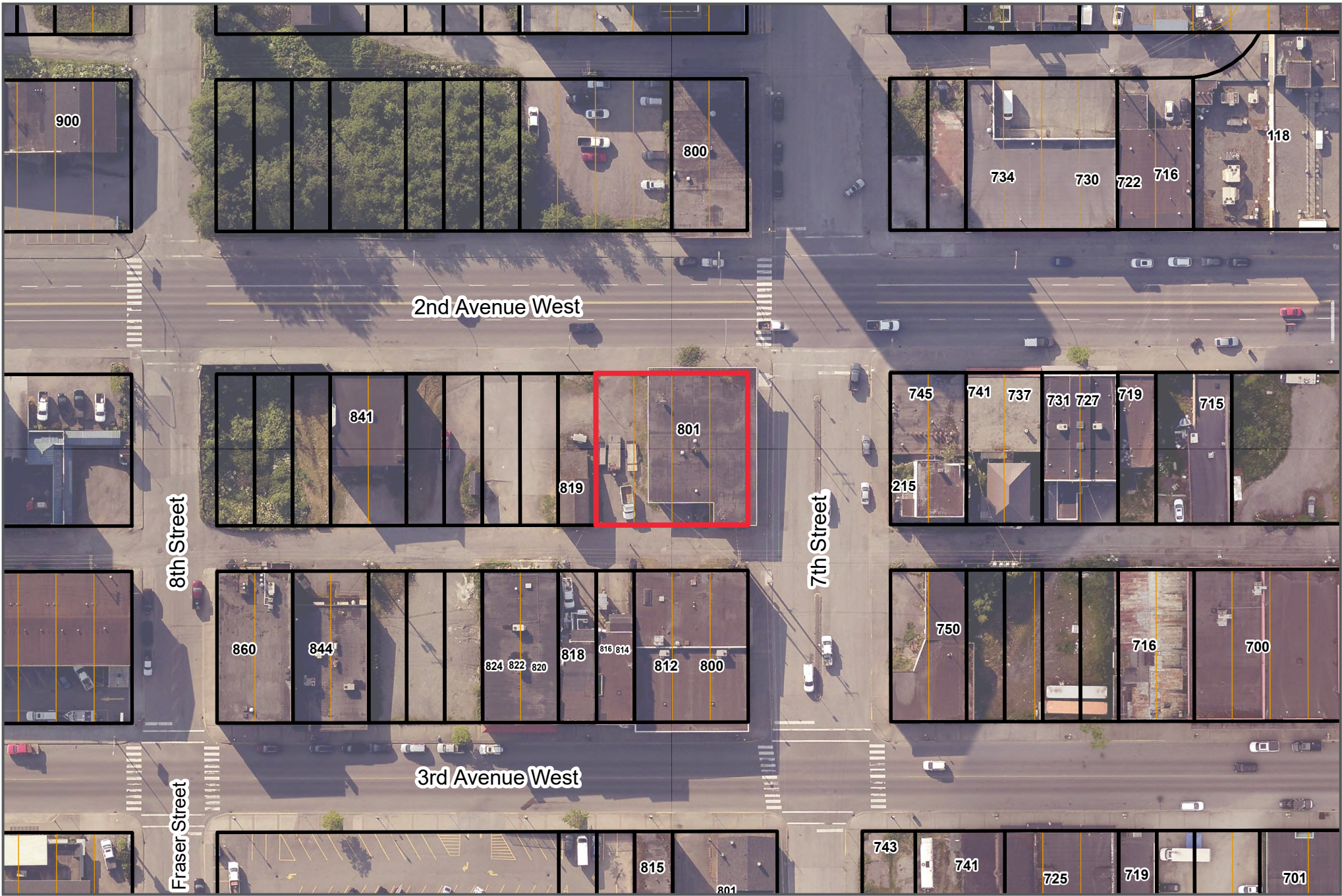
There are no budget impacts to this recommendation.

Report Prepared By:

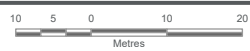
Report Reviewed By:

Rodolfo Paras Diaz,
Urban Planner I

Robert Buchan,
City Manager






Project #: ZBLA-24-01
 Author: RB
 Checked: -
 Status: FINAL
 Revision: A
 Date: 2024 / 4 / 25
 Scale: 1:1,000



Coordinate System:
 NAD 1983 UTM Zone 9N
Data Sources:
 Integrated Cadastral Information Society (ICIS)
 City of Prince Rupert
 2021 Orthophoto

ZBLA-24-01 CONTEXT MAP 801 2ND AVENUE WEST

-  Assessment Fabric
-  Cadastral Fabric
-  Subject Property



OPERATIONS DEPARTMENT



CITY OF PRINCE RUPERT

ZONING BYLAW AMENDMENT BYLAW NO. 3531, 2024

A BYLAW TO AMEND CITY OF PRINCE RUPERT ZONING BYLAW NO. 3462, 2021

WHEREAS the Council of the City of Prince Rupert has enacted Zoning Bylaw No. 3462, 2021 for the City of Prince Rupert;

NOW THEREFORE the Council of the City of Prince Rupert in an open meeting assembled, enacts as follows:

1. Remove Section 3 – *General Provisions*: Section 3.15 Retail Liquor Sales of the Zoning Bylaw exclusively at the lots legally described as LOT 11 of BLOCK 24 SECTION 1 DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 923, LOT 12 of BLOCK 24 SECTION 1 DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 923, LOT 13 of BLOCK 24 SECTION 1 DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 923, AND LOT 14 of BLOCK 24 SECTION 1 DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 923.

2. This Bylaw may be cited as Prince Rupert Zoning Bylaw Amendment No. 3531, 2024.

READ A FIRST TIME this _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 2024.

READ A THIRD TIME this _____ day of _____, 2024.

READ A FOURTH AND FINAL TIME this _____ day of _____, 2024.

MAYOR

CORPORATE OFFICER



REPORT TO COUNCIL

Regular Meeting of Council

DATE: May 6, 2024
TO: Robert Buchan, City Manager
FROM: Myfannwy Pope, Director of Development Services

SUBJECT: CITY OF PRINCE RUPERT ZONING AMENDMENT BYLAW No. 3535

Recommendation:

THAT Council proceed with consideration.

REASON FOR REPORT:

As of May 1, 2024, the Province of British Columbia has rolled out a number of regulations and enforcement tools regarding Short-term Rental Regulations. Local governments are required to ensure their legislation meets the “floor” set by the Province on this front, and therefore this amendment is intended to align the City’s regulation with the Provinces in terms of definition of Short-term Rental and recognition that the Province does not differentiate between zoning. This amendment maintains the existing restrictions that the City has in place regarding short-term rentals in non-principle dwelling units, as this is more restrictive than provincial legislation and supports policy goals of maintaining rental housing stock.

BACKGROUND:

The Province has introduced a number of new regulations and enforcement tools for local governments to regulate short term rentals, in addition to establishing a Provincial enforcement unit. Most notably these changes include the principle residence requirement, introducing a requirement for listings on various platforms to display local government business licenses, and having platforms remove listings that do not have current, valid business licenses at local government’s request. The associated amendments to the business license and municipal information ticketing bylaw address the necessary local regulation amendments required for use of these enforcement tools. This amendment is intended to align with the new regulations and definitions from the Province on land-use.

The following table identifies how the proposed Zoning Amendment Bylaw would match the provincial legislation and where it will continue to differ in more restrictive capacities.

	Provincial	City of Prince Rupert
Short Term Rental Definition	Service of accommodation for less than 90 consecutive days.	Previously defined as 30 days or shorter, and has changed to align with 90 days.
Accommodation Type	Principle residence, plus one secondary suite or accessory dwelling unit, where applicable.	Principle residence only. Not permitted in secondary suites or accessory dwelling units.
Bed & Breakfasts	Must be in host's principle residence; no restriction on the allowable number of bedrooms but nor more than one secondary suite or accessory dwelling unit.	Must be in host's principle residence. Restriction of number of sleeping units to two (2).
Commercially Zoned Short-term Accommodation on Properties	Provincial enforcement will apply to the entire jurisdiction and will not be zone specific.	Previously short-term rental licenses were considered "Traveler Accommodation" in commercial zones, and consequently permitted. The proposed change will align with the Province's jurisdiction-wide approach. Therefore, apartments in commercial zones used for short-term rental will no longer be permitted unless it is the principle resident of the host or qualifies as exempted.
Principle Resident Restrictions	Host's principle resident and/or one secondary suite or accessory dwelling unit on the property. Hotels, motels, RVS, tents, or other temporary shelters are exempt. Strata hotels, timeshares, fractional ownership agreements, home exchanges, hosts that are also operators of outdoor recreational activities, and formal student accommodations are exempt.	Host's principle residence only. Exemptions apply for temporary shelters, timeshares, fractional ownership agreements that prevent principle residency, units in commercial buildings that are part of outdoor recreational tourism operations, and formal student accommodation.

Otherwise amendments include clarifying definitions and the relationship between short-term rentals and Bed and Breakfasts. Section 2 is amended to allow Municipal Ticketing for Zoning Bylaw violations, and complements the Ticketing Information bylaw amendment that adds the Zoning Bylaw as eligible for ticketing.

ANALYSIS:

This Bylaw amendment matches the spirit of the Provincial legislation and the City’s policy direction to maintain the use of separate dwelling units for homes, rather than income generators or tourism accommodation. This also supports existing tourism industry, as short-term rentals have historically taken business away from hotels, motels, hostels, and other forms of tourist accommodation that contribute to the Municipal and Regional District Tax Program, which is intended to grow tourism and jobs in the region.

The 2022 Housing Needs Assessment identifies the need for both an increase in owner-occupied and rental housing in the City, as well as a diversity in options and sizes. The Housing Acceleration Plan recommends meeting this need in one way through gentle density, including permitting suites across housing types and zones. Maintaining restriction on the use of secondary suites as short-term rentals will prevent the loss of these units to the rental stock.

Upon hearing public input at the Public Hearing, Council may wish to consider whether they would like to keep restriction on use of secondary suites.

LINK TO STRATEGIC PLAN:

This Bylaw links to the following strategic plan goals and actions:

1. Goal F: Support and encourage new and renewed housing working with industry, senior government and First nations.
 - a. Action 4: Align policies and bylaws with Provincial legislation on short-term rentals.

COST:

There are no budget impacts associated with the proposed Bylaw Amendment.

Report Prepared By:

Report Reviewed By:

Myfannwy Pope
Director of Development Services

Robert Buchan,
City Manager

Originally signed available on request



CITY OF PRINCE RUPERT

ZONING BYLAW AMENDMENT BYLAW NO. 3535, 2024

A BYLAW TO AMEND CITY OF PRINCE RUPERT ZONING BYLAW NO. 3462, 2021

The Council of the City of Prince Rupert has enacted Zoning Bylaw No. 3462, 2021 for the City of Prince Rupert; AND,

NOW THEREFORE the Council of the City of Prince Rupert in an open meeting assembled, enacts as follows:

1. Amend City of Prince Rupert Zoning Bylaw Schedule "A" Section 1 as indicated in Attachment 1 of this Bylaw.
2. Amend City of Prince Rupert Zoning Bylaw Schedule "A" Section 2 as indicated in Attachment 2 of this Bylaw.
3. Amend City of Prince Rupert Zoning Bylaw Schedule "A" Section 3 as indicated in Attachment 3 of this Bylaw.
4. This Bylaw may be cited as Prince Rupert Zoning Bylaw Amendment No. 3531, 2024

READ A FIRST TIME this _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 2024.

READ A THIRD TIME this _____ day of _____, 2024.

READ A FOURTH & FINAL TIME this _____ day of _____, 2024

MAYOR

CORPORATE OFFICER

<p>SHORT TERM RENTAL ACCOMODATION means an accessory use of a dwelling unit that is used for a temporary commercial accommodation for short term use of any paying guests within a period of 30 days or less. This includes but is not restricted to bed & breakfast accommodations; however, this is not a home occupation and it does not include tourist accommodation.</p>	<p>SHORT TERM RENTAL ACCOMODATION means a use of dwelling or sleeping unit that is used for a temporary commercial accommodation for short term use of any paying guests within a period of ninety (90) consecutive days or less. This includes but is not restricted to Bed & Breakfast accommodations. Short Term rentals are subject to Municipal and Regional District Tax.</p>
<p>TRAVELER ACCOMMODATION means a use providing for the accommodation of a transient public in a permanent structure, with individual dwelling units or sleeping units (each with private washrooms) such as a hotel, short term accommodation or motel, or providing space for such lodging. It also includes hostels; and may include dining and beverage facilities. This does not include tents, trailers, or recreational vehicles.</p>	<p>TRAVELER ACCOMMODATION means a use providing for the accommodation of a transient public in a permanent structure, with individual sleeping units such as a hotel or motel, or providing space for such lodging. It also includes hostels; and may include dining and beverage facilities. This does not include tents, trailers, or recreational vehicles.</p>

ATTACHMENT 1

AMEND:

ADD:

FRACTIONAL OWNERSHIP refers to a situation where a host owns a part or fraction of a property with the right to use it for an equal fraction of the year.

ADD:

SLEEPING UNIT means a unit primarily used for sleeping, containing sleeping and sanitary facilities, but no kitchen as defined within the City of Prince Rupert Zoning Bylaw.

ATTACHMENT 2

Add the following to Section 2.5:

2.5.0

d) Fines for a violation of this Bylaw may also be set out in the City of Prince Rupert Ticket Information Bylaw.

ATTACHMENT 3

Amend Section 3.9 and 3.12.1 to align with the following:

3.9.0 Short Term Rental Accommodation:

The following requirements apply to all short-term rental accommodations:

- a)** Short term rental accommodations are permitted in all residential and commercial zones.
- b)** No person may operate a short-term rental accommodation unless the dwelling is a portion or entirety of the principal residence of that person or one secondary suite or accessory dwelling unit on the same property.
- c)** Section 3.9.0 a) does not apply in the following instances:
 - i.** Where a fractional ownership agreement is on Title that prevents principal occupancy as defined in this Bylaw;
 - ii.** Timeshare properties;
 - iii.** Accommodation in commercial buildings that is a component of an of an outdoor recreation operation with a valid business licence, including fishing and water sports, and is provided and operated only for that purpose.
 - iv.** Formal Home Exchange arrangements.
 - v.** Living accommodation primarily for students or employees of an educational institution that is owned or operated by the educational institution or a non-profit organization.
- d)** A short term rental accommodation is not permitted in a mobile home, structure without a permanent foundation, or any structure or shelter that is not a dwelling unit.
- e)** A short term rental accommodation must comply with the parking regulations on bed and breakfasts in this Bylaw.

3.12.0 Bed & Breakfast Accommodation

In addition to the regulations under section 3.9, a Bed & Breakfast, where permitted, must comply with the following general guideline

3.12.1 General Guidelines

- a)** Be limited to no more than two (2) sleeping units.
- b)** Be located within a single detached single family dwelling only.
- c)** The minimum permitted floor area for any guest room is nine (9) square metres
- d)** The maximum permitted gross floor area for any guest room is twenty two (22) square metres.
- e)** No boarders or lodgers shall be permitted within a dwelling where a Bed & Breakfast Accommodation is operated.

Remove Section 3.1.4 e) and replace with the following:

Section 3.4.1 e) intentionally deleted.