



City of Prince Rupert

AGENDA

For the **PUBLIC HEARING** to be held on February 6, 2023 at 6:00 p.m. in Council Chambers, Second Floor of City Hall, 424 3rd Avenue West, Prince Rupert, B.C.

1. **CALL TO ORDER**
2. **ZONING AMENDMENT BYLAW NO. 3505, 2022**
 - A) Report from Planning
 - B) Public asked to provide comments
3. **ADJOURNMENT OF PUBLIC HEARING**



REPORT TO COUNCIL Public Hearing

DATE: February 6, 2023

TO: Robert Buchan, City Manager

FROM: Myfannwy Pope, Planning Manager

SUBJECT: CITY OF PRINCE RUPERT ZONING BYLAW AMENDMENT BYLAW NO. 3505, 2022

REASON FOR REPORT:

Outside of certain industrial zones (M1, M2, M3, and M6 zones), those who wish to place a shipping container on their land may only do so permanently through a Zoning Bylaw amendment or temporarily through a Temporary Use Permit.

In 2022, staff's proposal for City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3493, 2022 included an amendment to the City's Zoning Bylaw No. 3462, 2021 to permit shipping containers for temporary storage (placement on private property) for up to 60 days in all zones.

However, during the Regular Meeting of Council meeting on June 27, 2022, Council amended the staff proposal for City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3493, 2022 to remove this particular amendment. During the same meeting, Council requested staff to identify general frameworks to efficiently permit shipping containers for temporary storage outside of the M1, M2, M3, and M6 zones and come back to Council with a recommendation.

This report is presented to Council in fulfillment of Council's request and so that Council considers proceeding with City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3505, 2022, which would amend the City's Zoning Bylaw No. 3462, 2021 to permit one shipping container for temporary storage per property (placement on private property) in all zones with conditions.

BACKGROUND AND ANALYSIS:

The City's Zoning Bylaw No. 3462, 2021 defines shipping containers as:

- “A metal transport container with an assigned GVW weight. It is designed for and customarily associated with road, rail or ocean transport with a maximum dimension of eight feet wide by forty feet long by eight feet high.”

The same bylaw prohibits shipping containers from being located outside of certain industrial zones (M1, M2, M3, and M6 zones) with Section 3.19.0 stating that:

- a) No shipping container may be located on any property and/or used as a temporary structure on any property unless it is designated in this Bylaw.
- b) Shipping containers are permitted only in the M1, M2, M3 and M6 zones and are not to be stored in any other zone.

Therefore, outside of certain industrial zones (M1, M2, M3, and M6 zones), those who wish to place a shipping container on their land may only do so permanently through a Zoning Bylaw amendment or temporarily through a Temporary Use Permit.

The City is aware of several shipping containers outside of the M1, M2, M3, and M6 zones that are being used for temporary storage without an applicable Zoning Bylaw amendment or a Temporary Use Permit. In certain cases, the disregard for due process may be from ignorance on the part of residents and contractors and/or a lack of enforcement on the part of the City. Regardless, the City has heard complaints from residents and contractors that the timeline to obtain a Temporary Use Permit is cumbersome and/or not practical for their needs. These residents and contractors have needed shipping containers for temporary storage, outside of the M1, M2, M3, and M6 zones, for anticipated reasons (e.g., construction, moving) and unanticipated reasons (e.g., flooding).

At present, Council alone possesses the power to approve Temporary Use Permits. Factoring the time necessary for the following, it can take approximately 2 months to receive a Temporary Use Permit. This process includes the following:

- Applicant to provide sufficient documentation;
- City staff to conduct a review of, and produce a report for, the application;
- Council to provide a resolution to proceed with the notification process;
- City staff to complete the statutory notification process;
- Council to provide a resolution to approve a Temporary Use Permit;
- City staff to issue and register a notice of permit on the relevant land titles.

On December 5, 2022 Council gave first and second reading to City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3505, 2022 (Attachment 1) to amend City of Prince Rupert Zoning Bylaw No. 3462, 2021 to permit one shipping container for temporary storage per property (placement on private property) in all zones with conditions as outlined:

1.1 The shipping container is registered with the City before placement, with the following steps completed:

1.1.1 The City receives a completed registration form provided by the City; the form including, without limitation:

1.1.1.1 Registrant(s) name(s) and contact information

1.1.1.2 Information on site of shipping container placement

1.1.1.3 Date of shipping container placement

1.1.1.4 Latest date of shipping container removal, which can be:

a) Up to 60 days from date of shipping container placement; or

Note: *For those projects that require a longer time frame, it is recommended that a Temporary Use Permit be pursued.*

b) Up to 365 days from date of shipping container placement with a relevant and active Building Permit

Note: *Other municipalities have similar concessions in their Zoning Bylaw. For example, the City of Terrace's Zoning Bylaw No. 2069, 2014 permits "one shipping container . . . in any zone on a temporary basis during the construction of a building or structure on the same parcel, on the condition that the container is used only for storage and is removed prior to the completion of the building and issuance of occupancy." The current staff recommendation to Council is worded in a way that is easier to enforce and the time frame should be sufficient for most projects. For those projects that require a longer time frame, it is recommended that a Temporary Use Permit be pursued.*

1.1.1.5 Property owner authorization

1.1.2 The City receives any relevant payments

Note: *The City's Fee-Setting Bylaw No. 3165, 2003 to be amended separately to have the following relevant fees: \$15 title search fee, \$2000 deposit to ensure shipping container removal; deposit to be returned to registrant(s) after shipping container removal, as verified by a Bylaw Officer or designate*

1.2 The placement of the shipping container must not be within a sight triangle (see Section 3.6.0 of the City's Zoning Bylaw No. 3462, 2021)

- 1.3** A notice, provided by the City, must be displayed at all times by the registrant(s) in a conspicuous place at the site or on the shipping container; the notice indicating:
- 1.3.1** Shipping container registration number
 - 1.3.2** Information on site of shipping container placement
 - 1.3.3** Date of shipping container placement
 - 1.3.4** Latest date of shipping container removal
- 1.4** Compliance with all of the City's bylaws in relation to shipping containers
- Note: The City's Fire Control and Protection Bylaw to be revised separately to add requirements in relation to shipping container ventilation and storage of dangerous goods*
- Note: The City's Ticket Information Bylaw to be revised separately to add the ability to impose fines for non-compliance with relevant bylaw sections*
- 1.5** The shipping container must be removed from the site by the registrant(s) by the latest removal date unless otherwise permitted by a Zoning Bylaw or Temporary Use Permit of/from the City. If the shipping container is removed from the site earlier than the latest removal date, the City must receive notice including the date of shipping container removal – to be verified by a Bylaw Officer or designate
- 1.6** No shipping container may be on the site for 30 days after the date of shipping container removal, as verified by a Bylaw Officer or designate, or latest date of shipping container removal, whichever is earlier, unless otherwise permitted by a Zoning Bylaw or Temporary Use Permit of/from the City

Note: Condition is included to prevent consecutive use of Zoning Bylaw provision

The current staff recommendation to Council was drafted with consideration of discussion during the Regular Meeting of Council meeting on June 27, 2022 regarding the previous staff recommendation to Council and the possibility of implementing a registration system. It should be noted that the current staff recommendation to Council does not allow the placement of a shipping container for temporary storage prior to registration with the City, as was contemplated by Council, since that would make it difficult for the City to ensure compliance.

COST AND BUDGET IMPACT:

In terms of costs or budget impacts to the City from proceeding with City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3505, 2022, it should be noted that it would result in fewer Temporary Use Permit applications. As application fees obtained by the City in relation to Temporary Use Permit applications may not entirely cover the expenses (especially staff time) incurred by the City while processing the applications, and as the registration system outlined under the proposed changes would not require the City to incur as much expenses (especially staff time), proceeding with City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3505, 2022 would likely save City funds.

Report Prepared By:

Report Reviewed By:

Myfannwy Pope,
Planning Manager

Robert Buchan,
City Manager

Attachment:

- Attachment 1 (A-C): Zoning Bylaw Amendment Bylaw No. 3505, 2022

CITY OF PRINCE RUPERT

ZONING BYLAW AMENDMENT BYLAW NO. 3505, 2022

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. That City of Prince Rupert Zoning Bylaw No. 3462, 2021 be amended as follows:
 - a. **Remove** Section 3.19.0 (a) and (b)
 - b. **Add** Section 3.19.1 **with** the following:

No shipping container may be located on any property and/or used as a temporary structure on any property unless it is designated in this Bylaw.
 - c. **Add** Section 3.19.2 **with** the following:

Shipping containers are permitted in the M1, M2, M3, and M6 zones.
 - d. **Add** Section 3.19.3 **with** the following:

One shipping container for temporary storage is permitted per property (placement on private property) in all zones with the following conditions:

 - a) The City receives a completed registration form provided by the City; the form including, without limitation:
 - i. Registrant(s) name(s) and contact information
 - ii. Information on site of shipping container placement
 - iii. Date of shipping container placement
 - iv. Latest date of shipping container removal, which can be:
 - i. Up to 60 days from date of shipping container placement; or
 - ii. Up to 365 days from date of shipping container placement with a relevant and active Building Permit
 - v. Property owner authorization
 - b) The City receives any relevant payments

- c) The placement of the shipping container must not be within a sight triangle (see Section 3.6.0 of the City’s Zoning Bylaw No. 3462, 2021)
- d) A notice, provided by the City, must be displayed at all times by the registrant(s) in a conspicuous place at the site or on the shipping container; the notice indicating:
 - i. Shipping container registration number
 - ii. Information on site of shipping container placement
 - iii. Date of shipping container placement
 - iv. Latest date of shipping container removal
- e) Compliance with all of the City’s bylaws in relation to shipping containers
- f) The shipping container must be removed from the site by the registrant(s) by the latest removal date unless otherwise permitted by a Zoning Bylaw or Temporary Use Permit of/from the City. If the shipping container is removed from the site earlier than the latest removal date, the City must receive notice including the date of shipping container removal – to be verified by a Bylaw Officer or designate
- g) No shipping container may be on the site for 30 days after the date of shipping container removal, as verified by a Bylaw Officer or designate, or latest date of shipping container removal, whichever is earlier, unless otherwise permitted by a Zoning Bylaw or Temporary Use Permit of/from the City

2. This Bylaw may be cited as “City of Prince Rupert Zoning Bylaw Amendment Bylaw No. 3505, 2022.”

Read a First time this ____ day of _____, 20__.

Read a Second time this ____ day of _____, 20__.

Public Hearing this ____ day of _____, 20__.

Read a Third time this ____ day of _____, 20__.

Final Consideration and Adopted this ____ day of _____, 20__.

MAYOR

CORPORATE ADMINISTRATOR