



City of Prince Rupert

AGENDA

For the **PUBLIC HEARING** to be held on June 27, 2022 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. 3493, 2022**
 - A) Report from Planning
 - B) Public asked to provide comments
3. **ADJOURNMENT OF PUBLIC HEARING**



REPORT TO COUNCIL

Regular Meeting of Council

DATE: April 25, 2022
TO: Robert Buchan, City Manager
FROM: Myfannwy Pope, Planner

SUBJECT: ZONING AMENDMENT ZBLA-22-05

RECOMMENDATION:

THAT Council:

- 1) GIVE First and Second Readings to City of Prince Rupert Zoning Bylaw No. 3493, 2022 to permit multiple changes.

- 2) PROCEED to the Public Hearing.

REASON FOR REPORT:

Bylaw No. 3493, 2022 is a general collection (omnibus) of amendments to Zoning Bylaw No. 3462, 2021. A number of the changes are of a housekeeping nature—correcting and clarifying language. Other proposed amendments address topical issues that have emerged since the last Zoning Bylaw update. Undertaking the amendments will streamline regulatory interpretations and approvals. These amendments ensure that Zoning Bylaw No. 3462, 2021 is a 'living document' that is a clear, cohesive, and effective land use tool.

Amendments are presented in two sections. Section 1 covers 12 items that include additions and alteration of definitions, permitted uses within existing zones, and signage regulations, as well as the removal of Marina District Zone from Industrial Zones and the consequent renumbering. Section 2 provides a report on accessory dwelling units that includes a proposed permitting of lock-off suites in multi-family building and expanding secondary suites to be

permitted in duplexes. The adoption or rejections of each item in Section 1 can be considered independently from each other. Similarly, amendments supporting duplexes in secondary suites and those permitting lock-off suites can be considered independently.

SECTION 1: ZONING BYLAW AMENDED ITEMS 1-12

1. Animal Hospital or Clinic

- a. Add Animal Hospital or Clinic as a definition under Section 1: Definitions, as follows:

ANIMAL HOSPITAL or CLINIC means the use of land, buildings or structures for the care, examination, diagnosis and treatment of sick, ailing, infirm, or injured pets, including medical intervention, surgery, and may include accessory short-term accommodation of pets, pet grooming, and the sale of medicine and pet supplies.

- b. Permit Animal Hospital or Clinic as a land use in all zones that currently permit retail. This includes all C-commercial zones, all MD - marina district zones, and M-1 and M-2 zones.

BACKGROUND:

There are currently very few businesses offering veterinary or animal hospital services in Prince Rupert despite high demand, with the closest alternatives in Terrace or Smithers. This bylaw change would help increase the accessibility of individuals with pets to obtain basic and emergency pet services, support the retention and attraction of residents in this field of work by increasing locations to open clinics, and potentially aid in the efforts to reduce street cat populations.

Animal Hospital or Clinic is not explicitly recognized within the Zoning Bylaw as a use, but is included within parking requirements. This use may be interpreted under Commercial Service and Retail uses; however, precedence set out in other community zoning bylaws, for example Terrace and Quesnel, shows that Veterinary or Animal Hospitals are differentiated as an explicit use. This differentiation adds clarity for the public about where and what is permitted as an Animal Hospital or Clinic.

POLICY ANALYSIS

Increased clarity can help to support adoption of this use by signaling openness to the use and facilitating development processes. Consequent increased access to pet services supports OCP principles of Complete Communities and Healthy Communities. These changes may provide opportunities for Animal Hospital or Clinics to be located closer to residential zones and the commercial core. Additional support in owning pets can encourage residents to get outside, form communities, and combat loneliness.

2. Gross Floor Area and Building Foot Print

- a. Alter definition for Gross Floor Area as follows:

Existing Regulation	Proposed Amendment
<p>GROSS FLOOR AREA means the total floor area as measured to the outer walls of the building, but excludes parking structures, swimming pools and deck, balcony and patio areas as long as such structures or areas do not exceed 0.6m above the average ground elevation</p>	<p>GROSS FLOOR AREA means the total floor area as measured to the extreme outer limits of the external walls of the building, with the exclusion of exterior wall thickness that is exclusively used for the provision of insulating materials and non-structural exterior cladding. Gross Floor Area does not include parking structures, swimming pools, or decks, balcony, and patios that are not fully enclosed.</p>

- b. Add Definition for Building Footprint as follows:

BUILDING FOOTPRINT means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage. It does not include areas of porch, deck, and balcony more than 0.6 metres above average ground elevation; cantilevered covers, porches or projections; or ramps and stairways required for access.

BACKGROUND:

The addition of a definition for Building Footprint and the alteration of the definition for Gross Floor Area are intended to bring clarity to the interpretation of these regulations during development processes and support development.

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Gross Floor Area is currently regulated within each zone, and has become particularly relevant within Section 5 of the Zoning Bylaw, which regulates residential zoning. Over the past few months, clarifications have been sought regarding how to interpret the existing Gross Floor Area definition in order to process development variance applications. Areas of ambiguity include what part of the structure cannot exceed 0.6 metres and the definition of outer walls. Furthermore, legal advice has provided an interpretation of the current wording to include any parking structures, swimming pools and deck, balcony, and patio areas that exceed 0.6m above average ground elevation within the calculation of Gross Floor Area. This significantly adds to GFA and may dissuade development as it triggers variance requirements which may slow down the process. Furthermore, ambiguity about outer walls may dissuade more efficient housing designs as it asks too much sacrifice for floor area. The proposed alternative definition is intended to provide more clarity to these ambiguities, as well as explicitly address potential disincentives to development by removing certain structures from GFA calculations completely and excepting wall thickness related to insulation or cladding. These changes are derived from a report performed by the City of Burnaby regarding Gross Floor Area, which is attached as schedule 2.

The definition of Building Footprint is proposed to add clarity for the calculation related to lot coverage, which references building footprint in its definition. This definition is based on precedence set by other legally used definitions and is intended to decrease need for and accelerate lot coverage variances to avoid disincentivizing development.

POLICY ANALYSIS

These items are aligned with OCP goals regarding residential and downtown core development as they streamline development processes.

3. Creative Industry

- a. Alter Definition for Creative Industry as follows:

Existing Regulation	Proposed Amendment
<p>CREATIVE INDUSTRY refers to a range of economic activities which are concerned with the generation or exploitation of knowledge and information. This includes</p>	<p>CREATIVE INDUSTRY refers to a range of economic activities which are concerned with the generation or exploitation of knowledge and information. This includes technology</p>

<p>technology development, operations and manufacture, Studios (creating and sales of product), galleries, marine manufacture spaces, live-work spaces, education uses and facilities</p>	<p>development, research centres, operations and manufacture, studios (creating and sales of product), galleries, museums, aquariums, marine manufacture spaces, live-work spaces, education uses and facilities</p>
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- b. Add Creative Industry as permitted land use in C5: Marine Commercial Zones and M1: Light Industrial Zones.

BACKGROUND

The proposed new Creative Industry definition is intended to create specificity in what is included under this use.

POLICY ANALYSIS

These specific examples reflect goals and visioning from the Redesign Rupert Vision, the OCP, and inquiries that have since been received by Development Services at City Hall. The addition of Creative Industry as a permitted use within the C5 and M1 zones further reflects waterfront visioning from the 2030 Vision, as well as provides more opportunity for industrial diversification along our waterfront and within our industrial zones.

4. MD1: Marina District Zone

- a. Remove MD1: Marina District Zone from Industrial Zones to make its own Section, renumber subsequent sections accordingly.

BACKGROUND

Marina District Zone is proposed to be its own section for zoning, and consequently removed from Industrial Zones. The nature of this Zone is distinct from Industrial uses, and the primary location of this location is within the waterfront area. This change would require renumbering accordingly.

5. Shipping Containers

- a. Add the following to section 3.1 Uses Permitted in Several Zones.

l) Shipping containers are permitted for up to 60 days for temporary storage in all zones on private property.

- b. Update 3.19 Shipping Containers to align with proposed section 3.1 amendment.

BACKGROUND

Storage Containers are currently subject to the Temporary Use Permit application process, which requires review before council and public notification. Consequently, it takes at least one month, if not several, for permits for temporary use of shipping containers to be issued. For emergency uses, such as flooding, and for temporary storage that would be completed within the timeframe it takes to get a permit, this permitting process adds unnecessary burden.

6. Signage

- a. Add Domestic Sign definition and permit Domestic Signs in all residential Zones.

DOMESTIC SIGN means a sign used for domestic purposes.

- b. Permit Projecting Signs in all Commercial and Marina District Zones.
- c. Alter definition of Canopy to align with OCP definition, as follows:

Existing Regulation	Proposed Amendment
CANOPY means a non-retractable, solid projection which extends from the wall of a building and includes a structure commonly known as the theatre marquee but does not include normal architectural features such as lintels, sills, and mouldings.	Canopy means a rigid structure extending out from the building face to provide shelter from sun and rain, and is entirely supported from the building. It does not include normal architectural features such as lintels, sills, and mouldings.

- d. Alter 10.12.0 Painted Wall Signs to 11.12 Wall Signs as follows:

Existing Regulation	Proposed Amendment
10.12.0 Painted Wall Sign Painted Wall Sign are permitted as follows: (a) Painted wall signs are permitted in the C- commercial	11.12 Wall Signs Wall Signs are permitted as follows: (a) Wall signs may be painted or attached through poster frames. (b) Wall signs are permitted in the C-commercial zones, M-industrial

<p>zones, M-industrial zones and P zones.</p> <p>(b) One painted wall sign shall be permitted per business for every wall facing a highway or yard.</p> <p>(c) For each wall the maximum area permitted for painted signs shall not exceed 25 percent of the façade upon which the sign or signs have been painted.</p>	<p>zones, MD- marina district zones and P- public facilities zones.</p> <p>(c) One painted wall sign and one poster frame shall be permitted per business for every wall facing a highway or yard.</p> <p>(d) For each wall the maximum area permitted for painted signs shall not exceed 25 percent of the façade upon which the sign or signs have been painted or attached.</p>
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e. Renumber accordingly

BACKGROUND

These alterations and additions result from various clarifications that have arisen from development processes and public inquiries. The intent is to provide clarification, reduce burdens, and permit signage that is encouraged in the OCP.

POLICY ANALYSIS

These additions in signage regulation bring the Zoning Bylaw more into alignment with City Core Development permit guidelines.

7. Marina Parking

a. Add Row to Parking Requirement Table designating parking requirements for Marine Use as follows:

Marina Use | 1 space per 2 mooring spaces and 1 space per 2 rental boats

BACKGROUND

The proposed parking requirements for Marina Use are intended to address anticipated growth in marina and wharf use with planned developments to the waterfront. This ratio of parking is adapted from the City of North Vancouver’s Zoning Bylaw, which includes marine residential and recreational waterfront use, both of which are envisioned for Prince Rupert.

POLICY ANALYSIS

This amendment supports the OCP goal of maintaining and expanding access to and use of the waterfront and will provide support for development of waterfront parks or marine residential development.

8. Home-office

- a. Alter definition for Home Office as follows:

Existing Regulation	Proposed Amendment
<p>HOME OFFICE means a home occupation which operates without the on-site attendance from clients or customers.</p>	<p>HOME OFFICE means a home occupation which operates without the regular on-site attendance from clients or customers.</p>

BACKGROUND

The proposed change to Home Office definition would allow some on-site attendance from clients or customers but maintain the spirit of the bylaw to maintain that home offices are not meant to services customers, in contrast to home business uses.

POLICY ANALYSIS

Continuing support of home office maintains the Complete Neighbourhood principle present in the OCP. Furthermore, it provides more flexibility to remote work opportunities within Prince Rupert that contribute to economic diversity and resilience.

9. Off-street parking:

- a. Alter definition for Off Street Parking as follows:

Existing Regulation	Proposed Amendment
<p>OFF STREET PARKING means a use providing for temporary parking or storage of vehicles.</p>	<p>OFF STREET PARKING means a use providing for parking or storage of vehicles.</p>

BACKGROUND

The proposed change to Off Street Parking definition recognizes the practicality that off-street parking is not limited to providing temporary storage of vehicles, but may provide permanent parking spots as well.

10. Single family dwellings

- a. Alter definition of Single Family Dwelling as follows:

Existing Regulation	Proposed Amendment
<p>(b) SINGLE FAMILY DWELLING means a detached building that is used for a residential use. It must contain one dwelling unit, or one dwelling unit with a secondary suite if permitted. This does not apply to any mobile or modular units.</p>	<p>(b) SINGLE FAMILY DWELLING means a detached building that is used for a residential use. It must contain one dwelling unit, or one dwelling unit with a secondary suite if permitted. This does not apply to any mobile units.</p>

BACKGROUND

The proposed removal of “modular” from the definition of Single Family Dwellings is intended to allow single-family homes to be built using modular housing provided that they are not captured by the mobile home definition and are subject to Residential and OCP Bylaws. Legal advice received on the inclusion of modular homes within this definition suggested that the Zoning Bylaw may be over-stepping by regulating how homes are built.

POLICY ANALYSIS

This change is aligned with OCP goals for housing as it may support housing development in the area by decreasing building costs in some circumstances.

11. C2: General Commercial Zone

- a. Alter permitted use list under Section 6.2: General Commercial Zones as follows:

Existing Regulation	Proposed Amendment
<p>6.2.0 C2: General Commercial Zone Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted: (a) Retail use. (b) Cannabis retail stores (subject to section 3.17.0). (c) Personal service establishment. (d) Office.</p>	<p>Remove and Renumber: (e) Entertainment centre. (m) Entertainment centre located beyond 200 metres of</p>

<p>(e) Entertainment centre. (f) Traveler accommodation. (g) Child Care Facility. (h) Theater. (i) Multiple family dwelling Buildings. (j) Sales of alcoholic beverages on lots with a minimum area of 250m². (k) Entertainment centre located beyond 200 metres of a school property line. (l) Student housing. (m) Entertainment centre located beyond 200 metres of a school property line.</p>	<p>a school property line.</p>
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BACKGROUND

The proposed removal of 6.2.1 (e) Entertainment Centre recognizes that permitting this use is in conflict with the use of (k) Entertainment centre located beyond 200 metres of a school property line. Therefore, to reduce repetition and conflicting uses (e) and (m) would be removed and the regulation renumbered.

12. C3: Service Commercial Zone

- a. Alter Minimum Dimensions Required for Yards in C3: Service Commercial Zone as follows:

Existing Regulation	Proposed Amendment
<p>Minimum Dimensions Required for Yards Front yard 3.6 metres.</p>	<p>Minimum Dimensions Required for Yards For service stations, traveler accommodation, and theatres the minimum front yard shall be 3.6 metres.</p>

BACKGROUND

The proposed limiting of front yard setback requirements in the Service Commercial Zone brings zoning requirements into alignment with the OCP development guidelines for commercial areas in the City Core, where several C3 Zones are located.

Items 1-12 Overall

COST/ BUDGET ANALYSIS

There are no foreseen budget implications for the proposed Zoning Bylaw amendments related to Items 1-12.

POLICY ANALYSIS

Items 1-12 are consistent with the OCP objectives.

COUNCIL OPTIONS:

Council may:

First, consider Items 1-12 independently and proceed by:

1. Accepting proposed amendments.
2. Requiring alterations to the proposed amendments.
3. Rejecting the proposed amendments.

Items include:

1. Animal Hospital or Clinic
2. Gross Floor Area and Building Foot Print
3. Creative Industry
4. MD1: Marine District Zone
5. Shipping Containers
6. Signage
7. Marina Parking
8. Home-office
9. Off-street parking
10. Single family dwellings
11. C2: General Commercial Zone
12. C3: Service Commercial Zone

SECTION 2: ACCESSORY DWELLING UNITS

The following elements present in Prince Rupert encourage the adoption of a Zoning Bylaw amendment that would permit accessory dwelling units (ADU) in duplexes and multi-family buildings.

- Higher assessed values for homes or rapidly rising values.
- Variety of housing types needed in the community.
- Adequate municipal servicing or septic carrying capacity to support additional units.
- Tight rental supply.

- High cost of ground-oriented housing.
- Public acceptance to increase density.
- OCP policies favourable to infill housing via ADUs.

This proposed amendment to Zoning Bylaw No. 3462, 2021 includes the introduction of lock-off Suites in multi-family housing and the permitting of secondary suites in two-family dwellings or duplexes. The following proposed changes would allow the introduction of these uses:

1. Alter Definition for Two-Family Residential Dwelling as follows:

Existing Regulation	Proposed Amendment
<p>TWO-FAMILY RESIDENTIAL DWELLING means a building or single lot that contains two principal dwelling units. These units may be either one above another and separated by a ceiling and floor that extends from an exterior wall to exterior wall, or they may be located side by side and separated by a common party wall that extends from ground to roof. This includes detached dwelling units that are connected by a carport or garage if they share a continuous permanent foundation and common roof area.</p>	<p>TWO-FAMILY RESIDENTIAL DWELLING means a building or single lot that contains two principal dwelling units, and may include up to one secondary suite per principle dwelling. These principle dwelling units may be either one above another and separated by a ceiling and floor that extends from an exterior wall to exterior wall, or they may be located side by side and separated by a common party wall that extends from ground to roof. This includes detached dwelling units that are connected by a carport or garage if they share a continuous permanent foundation and common roof area. This does not apply to any mobile units.</p>

2. Add Definition for Lock-off Suite, as follows:

LOCK-OFF SUITE means an accessory dwelling unit located within a multi-family dwelling unit, with a separate lockable entrance access to a shared

common hallway and shared internal access, and which can be locked-off from the primary dwelling unit, but does not include a secondary suite.

3. Alter Section 3.4, describing general provisions for Secondary Suites, as follows:

3.4 Accessory Dwelling Units

a) A Secondary Suite is permitted as an accessory use to a single or two-family dwelling as permitted in Section 5 of this Bylaw.

b) A Lock-off Suite is permitted as an accessory use to a dwelling unit within multifamily housing buildings, or other type of dwelling unit as permitted in Section 5-7 of this Bylaw.

3.4.1 General Regulations for Accessory Dwelling Units

- a) Secondary Suites must have a floor area of no more than 90m², or 40% of the building's habitable area, whichever is less.
- b) Lock-offs Suite must have a floor area of no more than 45m² or 40% of the building's habitable area, whichever is less.
- c) A single additional off-street parking space per accessory dwelling unit must be provided for the exclusive use of the occupants.
- d) The suite and primary dwelling must be a single real estate entitlement, Strata titling is not permitted. To achieve this, the owner shall register a covenant that specifically prohibits stratification of the suite.
- e) Accessory dwelling units must not be short term rental (less than one month).
- f) There is only one accessory dwelling unit permitted for each principle dwelling.
- g) Accessory dwelling units must be completely contained within the primary dwelling building.

4. Replace Secondary Suites with Accessory Dwelling Units in auxiliary uses in Sections 5.1 and 5.2 of the Zoning Bylaw No. 3462, 2021.

5. Add Accessory Dwelling Units as auxiliary uses in Sections 5.3-5.9: Residential Zones, Section 6: Commercial Zones & Section 7: Marina District Zone of the Bylaw where single-family, two-family, or multi-family housing is permitted.

These proposed changes would allow Accessory Dwelling Units subject to Section 3.4 to be implemented in developments that include single, two-family and multi-family housing with the exception of supportive housing units.

BACKGROUND & CONTEXT ANALYSIS:

Prince Rupert is facing a local housing supply shortage. This shortage is characterized by comparatively expensive building costs, a lack of strong local development industry, aging and inadequate homes, and increasing housing demand. This housing supply challenge has resulted in rapidly rising costs for homeownership, with assessed values rising by 31% on average from 2021 to 2022, and a downloaded cost burden onto renters. A shortage of rental units further exacerbates a rental crisis in Prince Rupert, where a shadow population and port expansion has resulted in extremely low vacancy rates and young and aging community members being priced out of the rental market.

Council has been actively working on the housing challenge. This has included the development and approval of an interim housing strategy, amending the zoning bylaw to allow secondary suites in single-family homes, and adopting a renovation bylaw. The introduction of lock-off and secondary suites in duplexes is particularly appropriate given this context in Prince Rupert and the goals set out within the Interim Housing Strategy and OCP.

Accessory dwelling units (ADU) can provide rental income to homeowners and offer an affordable way for renters to live in residential neighbourhoods. The option of rental income incentivizes new growth and home ownership as it can off-set high building costs characteristic of the North Coast and be a mortgage helper. Permitting one accessory dwelling unit per principle dwelling in both duplexes and multi-family homes significantly increases potential density. Furthermore, ADUs often have one and two bedrooms, adding housing for smaller households and single dwellers. This can help loosen the rental market to support a growing younger population, incoming workers for the port and other industries, and family members or caregivers to help residents “age in place”. These actions can help maintain families here and support anticipated growth without significant form and character change to existing residential neighbourhoods or introducing sprawl. Further ADU

considerations are outlined in a 2021 report from BC Housing, attached as schedule 3.

The addition of ADUs in two-family homes in the form of secondary suites specifically would support conditions in Prince Rupert by increasing efficiencies of building and operating one dwelling for homeowners, allowing homeowners to convert flex space within a primary dwelling to provide additional housing units, and offset building and mortgage costs. Furthermore, secondary suites are suitable for smaller lots and may face easier community acceptance as it is contained within one building. Implementing one secondary suite per principle dwelling would significantly increase this invisible density. The council may consider implementing these ADUs as subject to development permit area guidelines for multifamily areas at first in order to control form and character in new builds and renovations.

Lock-Off Suites are a fit for Prince Rupert for similar reasons; however, they may face further barriers such as complicated building code requirements for smaller units and increased parking requirements. Lock-off suites, as a function of being enclosed within multifamily housing buildings, are subject to multi-family housing development permits when applicable.

POLICY ANALYSIS

a. Interim Housing Strategy

In 2021, council endorsed a series of housing actions resulting from the Council Housing Actions Workshop on June 15, 2021. One of these actions was to consider amending the zoning bylaw to allow secondary suites in duplexes and multifamily buildings (limited to bachelor or one-bedroom lock-off suites to a maximum size of 500SF). The proposed changes in this report are a result of this action.

b. The Official Community Plan

The OCP identifies housing as a key issue and includes targets for additional units needed in the community. These targets include an additional 2000 market units of new mostly single-family residential development, with suites and some multifamily residential units in existing neighbourhoods, as well as 2300 market units of single-family homes (often with secondary suites). ADUs

in multi-family housing and duplexes would be one step toward reaching these targets by reducing barriers to building or renovating existing units and providing additional, invisible density within single or two-family residential neighborhoods. Permitting lock-off suites may further incentivize the development of multi-family buildings, as they offer opportunity to condo and town-home owners to have a rental income. ADUs in residential neighbourhoods also align with smart growth principles within the OCP, as they would provide a range of housing opportunities in order to increase neighborhood density and housing diversity while maintaining the community character.

IMPLEMENTATION CONSIDERATIONS

Generally, the recommended bylaw amendments address key considerations for the implementation of ADUs. These include:

1. Maintaining use as long-term rentals to prevent commercialization as tourism spots and maintain units on the rental market.
2. Restricting stratification of units.
3. Restricting size of units to maintain character and form of single or two-family home areas.

In the short term, Council may consider the following recommendations in implementing the proposed amendments.

1. **Include new builds and renovations with secondary suites in duplexes under Multifamily Development Permits Area in the short term.** This would help ensure that new and renovated two-family homes with proposed secondary suites adhere to character and form of neighbourhoods. This type of regulation in the short term may help increase community acceptance by easing in this and additional density-increasing bylaws. However, this process may discourage adoption of secondary suites in duplexes or result in increased illegal non-conforming secondary suites.
2. **Continue to waive development and building inspection and permit fees for secondary and lock-off suites.** This may incentivize adoption

of secondary and lock-off suites in the short term by reducing costs to build. This may also increase conformity of new secondary suites.

In the long term, Council may consider the following recommendations in implementing the proposed amendments.

1. Reinstate permit fees for ADUs in the long term to support service operation costs.
2. Remove DPA guidelines for secondary suites in new and renovated duplexes once community acceptance of ADU density is more widespread. Once permit fees are reinstated, the removal of DPA requirements will help incentivize continued adoption of secondary suites in duplexes.

COSTS/BUDGET IMPACTS

In the short term, increased administrative burden and cost to the City may result from adopting secondary suites in duplexes as subject to Multifamily Development Permit Areas.

In the long term, the proposed amendment may reduce costs to the City by reducing requests for rezoning and variance applications, which are often processed at a loss; increasing the tax base by incentivizing development and supporting population growth; and optimizing service provision and community infrastructure once utility fees for ADUs are reinstated.

COUNCIL OPTIONS

Council may:

1. Consider the proposed amendments to Zoning Bylaw no. 3462, 2021 to permit accessory dwelling units in two-family or duplexes in the form of secondary suites by:
 1. Accepting proposed amendments subject to Multifamily Development Permit Areas.
 - a. Accepting proposed amendments not subject to Multifamily Development Permit Areas.
 - b. Requiring changes to proposed amendments.
 - c. Rejecting proposed amendments.

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2. Consider the proposed amendments to Zoning Bylaw no. 3462, 2021 to permit accessory dwelling units in Multi-family Buildings in the form of lock-off suites by:
 1. Accepting proposed amendments.
 2. Requiring changes to proposed amendments.
 3. Rejecting Proposed Amendments.

CONCLUSION:

It is recommended that Council give first and second reading to the Amendment Bylaw's #3493, 2022 and proceed to public hearing subject to:

1. Council's Decisions on which of the 12 Items should proceed.
2. Council's Decisions on Accessory Dwelling Units

Report Prepared By:

Report Reviewed By:

Myfannwy Pope
Planner

Robert Buchan,
City Manager

Attachments:

- Bylaw 3493, 2022

CITY OF PRINCE RUPERT

ZONING BYLAW AMENDMENT BYLAW NO. 3493, 2022

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

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

That the City of Prince Rupert Zoning Bylaw No. 3462, 2021 be amended as follows:

1. That sections of the City of Prince Rupert Zoning Bylaw No. 3462, 2021 shall be amended according to Schedule A attached hereto and forming a part of this Zoning Bylaw Amendment Bylaw No. 3493, 2022.
2. This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3493, 2022".
3. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

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

Section 1 – Definitions

Section	Change From	Change To/Add
Creative Industry	CREATIVE INDUSTRY refers to a range of economic activities which are concerned with the generation or exploitation of knowledge and information. This includes technology development, operations and manufacture, Studios (creating and sales of product), galleries, marine manufacture spaces, live-work spaces, education uses and facilities	CREATIVE INDUSTRY refers to a range of economic activities which are concerned with the generation or exploitation of knowledge and information. This includes technology development, operations and manufacture, studios (creating and sales of product), galleries, museums, aquariums, marine manufacture spaces, live-work spaces, education uses and facilities
Gross Floor Area	GROSS FLOOR AREA means the total floor area as measured to the outer walls of the building, but excludes parking structures, swimming pools and deck, balcony and patio areas as long as such structures or areas do not exceed 0.6m above the average ground elevation	GROSS FLOOR AREA means the total floor area as measured to the extreme outer limits of the external walls of the building, with the exclusion of exterior wall thickness that is exclusively used for the provision of insulating materials and non-structural exterior cladding. Gross Floor Area does not include parking structures, swimming pools, or decks, balcony, and patios that are not fully enclosed.
Home Occupation	HOME OFFICE means a home occupation which operates without the on-site attendance from clients or customers.	HOME OFFICE means a home occupation which operates without the regular on-site attendance from clients or customers.
Off Street Parking	OFF STREET PARKING means a use providing for temporary parking or storage of vehicles.	OFF STREET PARKING means a use providing for parking or storage of vehicles.
1 Definitions		Add LOCK-OFF SUITE means an accessory dwelling unit located within a multi-family dwelling unit, with a separate lockable entrance access to a shared common hallway and shared internal access, and which can be locked-off from the

Schedule A

		primary dwelling unit, but does not include a secondary suite.
1 Definitions		<p>Add</p> <p>BUILDING FOOTPRINT means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage. It does not include areas of porch, deck, and balcony more than 0.6 metres above average ground elevation; cantilevered covers, porches or projections; or ramps and stairways required for access.</p>
1 Definitions		<p>Add</p> <p>ANIMAL HOSPITAL or CLINIC means the use of land, buildings or structures for the care, examination, diagnosis and treatment of sick, ailing, infirm, or injured pets, including medical intervention, surgery, and may include accessory short-term accommodation of pets, pet grooming, and the sale of medicine and pet supplies.</p>
Single Family Dwelling	(b) SINGLE FAMILY DWELLING means a detached building that is used for a residential use. It must contain one dwelling unit, or one dwelling unit with a secondary suite if permitted. This does not apply to any mobile or modular units.	(b) SINGLE FAMILY DWELLING means a detached building that is used for a residential use. It must contain one dwelling unit, or one dwelling unit with a secondary suite if permitted. This does not apply to any mobile units.
Two-Family Residential Dwelling	(c) TWO-FAMILY RESIDENTIAL DWELLING means a building or single lot that contains two principal dwelling units. These units may be either one above another and separated by a ceiling and floor that extends from an exterior wall	(c) TWO-FAMILY RESIDENTIAL DWELLING means a building or single lot that contains two principal dwelling units, and may include up to one secondary suite per principle dwelling. These principle dwelling units may be either one above

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	<p>to exterior wall, or they may be located side by side and separated by a common party wall that extends from ground to roof. This includes detached dwelling units that are connected by a carport or garage if they share a continuous permanent foundation and common roof area.</p>	<p>another and separated by a ceiling and floor that extends from an exterior wall to exterior wall, or they may be located side by side and separated by a common party wall that extends from ground to roof. This includes detached dwelling units that are connected by a carport or garage if they share a continuous permanent foundation and common roof area. This does not apply to any mobile units.</p>
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Section 3 – General Provisions

Section	Change From	Change To/Add
<p>3.4.0 Secondary Suites & 3.4.1 General Regulations for Secondary Suites</p>	<p>3.4.0 Secondary Suites A suite is permitted as an accessory use to a single family dwelling, or other type of dwelling unit as permitted in Section 5 of this Bylaw.</p> <p>3.4.1 General Regulations for Secondary Suites</p> <p>a) There is only one suite permitted for each applicable lot. b) The secondary suite must be completely contained within the single family dwelling. c) The secondary suite must have a floor area of no more than 90m², or 40% of the buildings habitable area, whichever is less. d) A single additional off-street parking space must be provided for the exclusive use of the tenant. e) The suite and the single family dwelling must be a single real estate entitlement,</p>	<p>3.4 Accessory Dwelling Units</p> <p>a) A Secondary Suite is permitted as an accessory use to a single or two-family dwelling as permitted in Section 5 of this Bylaw. b) A Lock-off Suite is permitted as an accessory use to a dwelling unit within multifamily housing, or other type of dwelling unit as permitted in Section 5 and 6 of this Bylaw.</p> <p>3.4.1 General Regulations for Secondary and Lock-Off Suites</p> <p>a) Secondary suites must have a floor area of no more than 90m², or 40% of the buildings habitable area, whichever is less. b) Lock-offs suite must have a floor area of no more than 45m² or 40% of the buildings habitable area, whichever is less.</p>

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	<p>Strata titling is not permitted. To achieve this, the owner shall register a covenant that specifically prohibits stratification of the suite.</p> <p>f) A secondary suite must not be short term rental (less than one month).</p>	<p>c) The minimum size for an accessory dwelling unit is 22 m²</p> <p>d) The suite and primary dwelling must be a single real estate entitlement, Strata titling is not permitted. To achieve this, the owner shall register a covenant that specifically prohibits stratification of the suite.</p> <p>e) A suite must not be short term rental (less than one month).</p> <p>f) There is only one suite permitted for each principle dwelling.</p> <p>g) The suite must be completely contained within the primary dwelling.</p> <p>h) A single additional off-street parking space per accessory dwelling must be provided for the exclusive use of the occupants.</p>
<p>3.1.0 Uses Permitted in Several Zones</p>		<p>Add</p> <p>l) Shipping containers are permitted for up to 60 days for temporary storage in all zones.</p>
<p>3.19 Shipping Containers</p>	<p>3.19.0 Shipping Containers</p> <p>(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.</p> <p>(b) Shipping containers are permitted only in the M1, M2, M3 and M6 zones and are not to be stored in any other zone.</p>	<p>3.19 Shipping Containers</p> <p>(a) No shipping container may be located on any property and/or used as a temporary structure on any property except as designated in this Bylaw.</p> <p>(b) Shipping containers are permitted only in the M1, M2, M3 and M6 zones and are not to be stored in any other zone unless otherwise permitted in this Bylaw.</p>

Section 5 – Zoning Regulations & Requirements: Residential zones.

Section	Change From	Change To/Add
5.1.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted	Subject to general provisions, the following accessory uses and no others are permitted: (a) One Secondary Suite.	Subject to general provisions, the following accessory uses and no others are permitted: (a) One Accessory Dwelling Unit.
5.2.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted	Subject to general provisions, the following accessory uses and no others are permitted: (a) One Secondary Suite.	Subject to general provisions, the following accessory uses and no others are permitted: (a) Accessory Dwelling Units.
5.3.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.
5.4.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.
5.5.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.
5.6.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (f) Accessory Dwelling Units.

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5.7.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.
5.8.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.
5.9.0 Permitted Uses: Subject to general provisions, the following accessory uses and no others are permitted		Add (c) Accessory Dwelling Units.

Section 6 – Zoning Regulations & Requirements: Commercial zones

Section	Change From	Change To/Add
6.2.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted:	6.2.0 C2: General Commercial Zone Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted: (a) Retail use. (b) Cannabis retail stores (subject to section 3.17.0). (c) Personal service establishment. (d) Office. (e) Entertainment centre. (f) Traveler accommodation. (g) Child Care Facility.	6.2 C2: General Commercial Zone Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted: (a) Retail use. (b) Cannabis retail stores (subject to section 3.17.0). (c) Personal service establishment. (d) Office. (e) Traveler accommodation. (f) Child Care Facility. (g) Theater. (h) Multiple family dwelling buildings. (i) Sales of alcoholic beverages on lots with a minimum area 250m ² .

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	<p>(h) Theater. (i) Multiple family dwelling Buildings. (j) Sales of alcoholic beverages on lots with a minimum area of 250m². (k) Entertainment centre located beyond 200 metres of a school property line. (l) Student housing. (m) Entertainment centre located beyond 200 metres of a school property line.</p>	<p>(j) Student housing. (k) Entertainment centre located beyond 200 metres of a school property line.</p>
<p>6.5.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted:</p>		<p>Add (k) Creative Industry. (l) Animal Hospital or Clinic.</p>
<p>6.1.0 Permitted Uses: Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings</p>		<p>Add (b) Accessory Dwelling Units.</p>
<p>6.1.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted:</p>		<p>Add (j) Animal Hospital or Clinic.</p>
<p>6.2.0 Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings</p>		<p>Add (b) Accessory Dwelling Units.</p>

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6.3.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted:		Add (j) Animal Hospital or Clinic.
6.3.0 Permitted Uses: Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings	(a) Multiple family dwellings with separate exterior entrances.	(a) Multiple family dwellings with separate exterior entrances that may include accessory dwelling units.
6.4. 0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted:		Add (f) Animal Hospital or Clinic.
6.3.4 Permitted Uses: Minimum Dimensions Required for Yards	Minimum Dimensions Required for Yards Front yard 3.6 metres.	Minimum Dimensions Required for Yards For service stations, traveler accommodation, and theatres the minimum front yard shall be 3.6 metres.
6.4.0 Permitted Uses: Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings	(a) Multiple family dwellings with separate exterior entrances.	a) Multiple family dwellings with separate exterior entrances that may include accessory dwelling units.
6.5.0 Permitted Uses: Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings	(a) Multiple family dwellings with separate exterior entrances.	a) Multiple family dwellings with separate exterior entrances that may include accessory dwelling units.
6.6.0 Permitted Uses: Subject to general provisions, the following		Add (k) Animal Hospital or Clinic.

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principal uses and no others are permitted		
6.6.0 Permitted Uses		Add Subject to general provisions, the following accessory uses or buildings and no others are permitted in multiple family dwelling buildings: (a) Accessory Dwelling Units

Section 7 – Zoning Regulations & Requirements: Industrial zones.

Section	Change From	Change To/Add
7	Section 7 – Zoning Regulations & Requirements: Industrial Zones	Section 7 – Zoning Regulations & Requirements: Marina District
7.1.0 Permitted Uses: Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings		Add (b) Accessory Dwelling Units.
7.1.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted		Add (k) Animal Hospital or Clinic.
7.2.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted		8.1.1 Add (m) Animal Hospital or Clinic. (n) Creative Industry.
7.3.0 Permitted Uses: Subject to general provisions, the following principal uses and no others are permitted		8.2.1 Add (v) Animal Hospital or Clinic.

Section 9 – Off-Street Parking and Off-Street Loading

Section	Change From	Change To/Add
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9.1.2 Parking Requirements		Add Row to Parking Requirement Table Marina Use 1 space per 2 mooring spaces and 1 space per 2 rental boats
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Section 10 - Signs

Section	Change From	Change To/Add
10.1.0 Definitions		Add DOMESTIC SIGN means a sign used for domestic purposes.
10 Signs		Add 11.18 Projecting Signs Projecting Signs are permitted as follows: (a) Projecting Signs are permitted in all Commercial Zones and Marine District Zones
10 Signs		Add and Renumber 11.19 Domestic Signs Domestic Signs are permitted as follows: (a) Domestic Signs are permitted in all Residential Zones
10.1.0 Definitions	CANOPY means a non-retractable, solid projection which extends from the wall of a building and includes a structure commonly known as the theatre marquee but does not include normal architectural features such as lintels, sills, and mouldings.	Canopy means a rigid structure extending out from the building face to provide shelter from sun and rain, and is entirely supported from the building. It does not include normal architectural features such as lintels, sills, and mouldings.
10.12.0 Painted Wall Sign	10.12.0 Painted Wall Sign Painted Wall Sign are permitted as follows: (a) Painted wall signs are permitted in the C- commercial zones, M-industrial zones and P zones. (b) One painted wall sign shall be permitted per business for every wall facing a highway or yard.	11.12 Wall Signs Wall Signs are permitted as follows: (a) Wall signs may be painted or attached through poster frames. (b) Wall signs are permitted in the C- commercial zones, M-industrial zones, MD- marina district zones and P- public facilities zones.

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	<p>(c) For each wall the maximum area permitted for painted signs shall not exceed 25 percent of the façade upon which the sign or signs have been painted.</p>	<p>(c) One painted wall sign and one poster frame shall be permitted per business for every wall facing a highway or yard.</p> <p>(d) For each wall the maximum area permitted for painted signs shall not exceed 25 percent of the façade upon which the sign or signs have been painted or attached.</p>
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