

STAFF REPORT TO COUNCIL

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DATE: October 20, 2023

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Additional Information regarding Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341) and Rezoning Amendment Application No. RZ100746 (Bylaw No. 9342)

ATTACHMENT(S):

- Rationale Letter – attachment from report dated October 26, 2022, from the Director of Planning and Development titled “Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341) and Rezoning Amendment Application No. RZ100746 (Bylaw No. 9342)
- Zoning Bylaw No. 3482, 1980 (repealed) – C-1
- Zoning Bylaw No. 7850, 2007 – C1

RECOMMENDATION(S):

That Council RECEIVES FOR INFORMATION the report dated October 20, 2023, from the Director of Planning and Development titled “Additional Information regarding Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341) and Rezoning Amendment Application No. RZ100746 (Bylaw No. 9342)”.

PURPOSE:

At the Regular Council Meeting on October 16, 2023, Council passed the following resolution:

That after adjournment, the Public Hearing regarding “Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341), BE RESUMED on October 30, 2023, at 7:00 pm in Council Chambers at City Hall and Administration BE DIRECTED to return a report to Council at the October 30, 2023, public hearing including information regarding the subject property’s history pertaining to zoning and permitted use.

The purpose of this report is to address to the above-mentioned resolution.

DISCUSSION:

The applicant provided the City with a rationale letter which was attached to the report dated October 26, 2022, from the Director of Planning and Development titled “Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341) and Rezoning Amendment Application No. RZ100746 (Bylaw No. 9342)”. These bylaws were considered for First and Second Reading by Council on December 5, 2022.

The rationale letter has been re-attached to this report and clarifies the applicant’s intent to facilitate the warehousing of materials in the existing vacant building.

City of Prince George Zoning Bylaw No. 3482, 1980

The previous City of Prince George Zoning Bylaw No. 3482, 1980 (repealed) identified “Printing and Publishing” as a permitted use in the C-1: Central Business District (Section 10-26.2). “Printing and Publishing” is defined within Zoning Bylaw No. 3482 as:

“printing, publishing, engraving, photochemical reproduction or any similar process or related manufacturing activity, and includes the publishing of newspapers, commercial printing or publishing of any kind, photocopying or the manufacturing of stamps, plate or other devices or products related to any of the foregoing processes but excludes a photographic studio.”

This Bylaw was repealed on April 30th, 2007, and replaced with City of Prince George Zoning Bylaw No. 7850, 2007.

City of Prince George Zoning Bylaw No. 7850, 2007

The current Zoning Bylaw No. 7850, 2007 permits “Service, Business Support” as a principal use in the C1: Downtown zone (Section 11.1.2). “Service, Business Support” includes provisions for publishing and printing, as defined below:

“Services to businesses including security guard, patrol and security system services, packaging, labeling, document preparation, publishing and printing, testing laboratories, film developing and processing, and the servicing of office equipment and machines.”

Local Government Act

Section 528 (1) of the *Local Government Act* grants the authority to continue a non-conforming use if, at the time a land use regulation bylaw is adopted, land, or a building or other structure, to which that bylaw applies is lawfully used, and the use does not conform to the bylaw.

As defined in City of Prince George Zoning Bylaw No. 3482, 1980 and City of Prince George Zoning Bylaw No. 7850, 2007, “warehousing” is not permitted as a principal use and cannot be considered a legal non-conforming use.

SUMMARY AND CONCLUSION:

The current C1 zone allows for uses ranging from housing to commercial service, retail, and office. The C1 zone does not permit “warehousing” and does not comply with Section 528 (1) of the *Local Government Act* for non-conforming uses. As such, the applicant has applied to amend the OCP Future Land Use designation from Downtown to Light Industrial; and to rezone the subject property from C1: Downtown to M1: Light Industrial to facilitate a warehousing use at the subject property. Administration recommends that Council receive this report for information.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Imogene Broberg-Hull, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/10/30