

DATE: March 10, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Amendment to the City of Prince George Zoning Bylaw No. 7850, 2007 (Bylaw No. 9109)

APPLICANT: City of Prince George

ATTACHMENT(S): Exhibit "A" to RZ100653

RECOMMENDATION(S):

1. THAT Council GIVES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9109, 2020".
2. THAT Council WAIVES the requirements for a public hearing for proposed "Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9109, 2020", pursuant to Section 464 (2) of the *Local Government Act*.

PURPOSE:

The purpose of this report is to outline the text amendments required to Zoning Bylaw No. 7850, 2007 ("Zoning Bylaw") so it is consistent with the BC Building Code update regarding the floor area of secondary suites. Administration is proposing a text amendment to Section 5.7.4 of the Zoning Bylaw to remove the 90.0 m² size restriction for secondary suites, as shown on Exhibit "A" to RZ100653.

POLICY / REGULATORY ANALYSIS:

BC Building Code

The latest update to BC Building Code was in effect on December 12, 2019. The update includes the removal of the floor area and percentage distribution of secondary suites. BC Building Code indicates that regardless of the updates to the BC Building Code, an applicant shall not contravene existing land use bylaws respecting secondary suites.

Zoning Bylaw

Currently, Section 5.7.4 "Secondary Suites" restricts the maximum floor area of a secondary suite to not exceed the lesser of 90 m² or 40% of the total floor area of the principal dwelling. This regulation establishes the secondary suites as being ancillary to the principal use that is occurring on the subject property (i.e. single detached dwelling).

In order to maintain the ancillary nature of the secondary suite to the principal use, Administration proposes to remove the 90.0 m² secondary suite area, and keep the percentage floor area restriction of a secondary suite to a maximum of 40% of the total gross floor area of the principal dwelling as shown on Exhibit “A” to RZ100653.

Table 1 outlines the current zoning bylaw regulations and the proposed zoning amendment for Zoning Bylaw No. 7850, 2007 for secondary suites.

Table 1: Comparison of Current and Proposed Secondary Suite Regulations

	Current Zoning Bylaw No. 7850, 2007 Regulations	Proposed Zoning Bylaw No. 7850, 2007 Amendments
Total floor area and percentage distribution (%) of the secondary suite	<ul style="list-style-type: none"> Total floor area shall not exceed 90 m² or 40% of the total floor area of the principal dwelling 	<ul style="list-style-type: none"> Total floor area shall not exceed 40% of the total floor area of the principal dwelling
Building Type where secondary suites are permitted	<ul style="list-style-type: none"> Only permitted in single detached housing; Only permitted on a lot width of 12.0 m or more; No more than one secondary suite shall be permitted per principal dwelling Secondary suites are not permitted in conjunction with: <ul style="list-style-type: none"> agri-tourist accommodation; bed and breakfast; community care facility; secondary dwelling; and boarding or lodging house 	<ul style="list-style-type: none"> No change proposed to these regulations.

The proposed text amendment is also consistent with the Secondary Dwelling regulations that restrict the size of the secondary dwelling to 40% of the total gross floor area (GFA) of the principal dwelling.

Administration is supportive of the proposed text amendment to remove the 90.0 m² size restriction to secondary suites as identified in Exhibit “A” to this report.

OTHER CONSIDERATIONS:

Council Procedures during COVID-19

As a result of the COVID-19 pandemic and Ministerial Order No. M083 issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for rezoning

applications as described below. This decision is effective for the period that Ministerial Order No. M083 applies.

Legislation specifies that a local government may waive the holding of a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the official community plan. Further, Council resolved that in addition to the legislative requirements above, in order for Staff to recommend that Council waive a public hearing, the following criteria must also be met:

- a. Approval of the rezoning application is supported by Staff; and
- b. A determination has been made that the public hearing on the application is not expected to generate significant public input.

Notice of City Council's decision to waive the public hearing and the opportunity to provide written comments, will be published in accordance with legislative requirements. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time third reading of the bylaw is proposed to be considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

Subject to Council's approval of first two readings of Bylaw No. 9109, 2020, third reading and adoption of the proposed bylaw may be considered at the next regularly scheduled council meeting.

Public Hearings

Pursuant to Section 464(2) of the *Local Government Act*, Staff recommends that Council waive the requirement for a public hearing in relation to proposed Bylaw No. 9109, 2020, as the application is consistent with the City's Official Community Plan, approval of the rezoning application is supported by Staff, and a public hearing on the application is not expected to generate significant public input.

ALTERNATIVES:

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9109, 2020 be approved.

SUMMARY AND CONCLUSION:

Administration is proposing an amendment to Section 5.7.4 of the Zoning Bylaw (Amending Bylaw No. 9109, 2020) to remove the 90.0 m² secondary suite area to reflect the recent changes to the BC Building Code.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Melissa Nitz, Planner

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/04/27