

DISTRICT OF KITIMAT

BYLAW NO. 1933, 2018

A BYLAW TO AMEND KITIMAT OFFICIAL COMMUNITY PLAN AND KITIMAT MUNICIPAL CODE WITH RESPECT TO CREATION OF DENSITY BENEFIT POLICY FOR MULTI-FAMILY RESIDENTIAL PROPERTIES.

WHEREAS THE *BC Local Government Act* specifies an *Official Community Plan* (OCP) is a statement of objectives and policies to guide decisions on planning and land use management which must include statements and map designations respecting (a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least five years;

AND WHEREAS THE *BC Local Government Act* allows a local government to divide portions of the municipality into zones and regulate the use of land within zones;

AND WHEREAS THE *BC Local Government Act* allows a local government to enact zoning for density benefits for amenities, affordable housing, and special needs housing;

AND WHEREAS Kitimat Council deems it is in the public interest to amend the OCP and *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as “DENSITY BENEFIT POLICY OCP AND ZONING AMENDMENT BYLAW NO. 1933, 2018”.
2. Kitimat *Official Community Plan* (2008) is hereby amended by:
 - a. adding text further to provisions outlined in Schedule ‘A’ which is attached to and forms part of this bylaw;
3. Re-number and amend sections of the *Kitimat Official Community Plan* (2008) as necessary.
4. *Kitimat Municipal Code* is hereby amended by:
 - a. Adding text further to provisions outlined as follows:
5. Part 9 Division 1 – General, Subdivision 1 – Interpretation

9.1.1.1

“Density Benefit (Accessible)” means at least 20% of the residential dwelling units on site meet all accessibility requirements of *British Columbia Building Code 2012 (BCBC) Section 3.8* or any replacement legislation.

“Density Benefit (Affordable, Rental)” means the developer enters into a Housing Agreement with the District of Kitimat, under s.482 of the *Local Government Act*, to ensure that at least 20% of rental residential units will be rented for at least 20% less than the average rental price for private apartment in British Columbia, as determined by the Canadian Mortgage and Housing Corporation (CMHC) for the latest year, and cannot be withdrawn from the rental stock for a period of ten years. Kitimat currently does not meet CMHC criteria to have its own data. Average rental price is calculated using latest median rental prices from Prince Rupert, Terrace, and Prince George. If CMHC begins publishing data for Kitimat, median rental price will include data from Kitimat, Terrace, Prince Rupert, and Prince George.

“Density Benefit (Affordable, Strata)” mean the property owner or developer enters into a Housing Agreement with the District of Kitimat, *under s.482 of the Local Government Act*, that guarantees a strata corporation will not prohibit rental of individual units for a period of ten years and to ensure residential units are subdivided under the *Strata Property Act* or otherwise sold separately.

6. Part 9 Division 4 – Residential Zoning, Subdivision 1 – General

9.4.1.

4. Notwithstanding the provisions within Part 9 Division 4, Subdivision 1, Section 2 (f) to (j), maximum density of multi-family residential developments may be increased by the amount indicated in table below, when specified density benefit amenities are provided.

- a. Where development provides one amenity in 20% to 49% of units, the maximum allowable Floor Area Ratio (FAR) may be increased by 0.1.
- b. Where development provides one amenity in 50% or more units, the maximum allowable FAR may be increased by 0.25.
- c. Where development provides two amenities in 20% or more units, the maximum allowable FAR may be increased by 0.25.

5. Notwithstanding provisions within 9.4.1.4, where the buildable area of a lot is reduced through a geotechnical report or similar, District of Kitimat may request s219 covenant to determine appropriate area for FAR calculations.

Amenity	Tier 1	Tier 2
Density Benefit (Accessible)	FAR +0.1	FAR +0.25
Density Benefit (Affordable, Rental)	FAR +0.1	
Density Benefit (Affordable, Strata)	FAR +0.1	

7. Re-number and amend sections of *Kitimat Municipal Code*, as necessary.

8. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this _____ day of _____, 2018.

READ a second time this _____ day of _____, 2018.

A PUBLIC HEARING was held this _____ day of _____, 2018.

READ a third time this _____ day of _____, 2018.

FINALLY ADOPTED this _____ day of _____, 2018.

MAYOR _____

CORPORATE OFFICER _____

Schedule "A"
OFFICIAL COMMUNITY PLAN AMENDMENTS

Housing

- Housing Diversity** 4.3.3 Preserve the diversity of housing types (e.g. single houses and multi-unit housing such as duplexes, row houses, apartments, and condominiums), lot sizes and price ranges by ensuring that infill and new development supports housing choice. As Kitimat currently has a significant inventory of both vacant, rental and affordable housing, there is no requirement for municipal programs to increase the availability of housing in these categories in the next five years. Kitimat should monitor this over time and adopt policies should the need arise in the future for affordable, rental and special needs housing.
- 4.3.4 Support the redevelopment of existing commercial/residential developments into live/work developments at appropriate sites.

Add and Amend Recommended OCP Text:		
Affordable & Special Needs Housing	4.3.10 4.3.5	Encourage senior levels of government, other agencies including BC Housing, and private groups to increase the supply of affordable and special needs housing, giving consideration to options to renew vacant multi-unit housing.
Accessible, Affordable, & Rental Housing	4.3.6	Support the development or redevelopment of residential properties to provide housing units. Explore opportunities to encourage construction of amenities including but not limited to accessible, affordable, and rental considerations.
Density Benefits for Amenities, Accessible, Affordable and Rental Housing	4.3.7	Encourage the development of accessible, affordable, and rental housing through density benefits. Pursuant to Section 482 of the Local Government Act, density maximum can be raised for selected multi-family sites, where amenities are provided.

- Housing Quality** 4.3.8 Explore opportunities to encourage owners and renters to improve the quality (e.g. aesthetics, safety) of their housing.

- Development Permit Area – Intensive and Multi-Family Residential** 4.3.9 All lands in the Kildala, Nechako (including Strawberry Meadows) and Whitesail (including Forest Hills Heights) neighbourhoods are designated as a Development Permit Area pursuant to Sections 488(1)(e) and (f) of the Local Government Act. This designation is to enhance the quality of development and to ensure that multiple family residential housing fits appropriately within what are presently predominantly one-family and two-family low-intensity neighbourhood.