



Meeting Notes

Zoning Bylaw Public Engagement Session

August 28, 2024

Purpose of engagement:

Council is seeking additional input on the following topics, following the second reading of the Zoning Bylaw:

1. Residential use of industrial lots. Should existing zoning compliant residences in Light Service Industrial zones be excluded from the maximum size restriction of 1076' GFA, if rebuilding after a catastrophic loss?
2. Short-Term Rentals. Should the Short-Term Rental (STR) restrictions be removed from the Zoning Bylaw and instead be placed in the pending STR Bylaw?
3. Rezoning of Tourist Commercial to Commercial Mixed. Review of the recently updated draft Zoning Map, including re-zoning of most second-street Tourist Commercial properties to Commercial Mixed

Discussion notes:

- Comment - concerns were raised over the safety of STRs, and whether they are insured, inspected by the Fire Marshall, etc.
- Comment - concerns were raised that it is not a fair playing field for hotels who do have to pay insurance and be inspected.
- Comment - Residential zones are for residential use. Businesses are to be in commercial and industrial zones and not in residential zones -- this is why we have zoning.
- Question - why is there a need to permit STRs across zones? Allowing short term rental business activity in residential areas would be a significant departure from what has been going on in the community for a very long time. This would create a need for additional parking and additional noise in residential areas.
 - The OCP provided guidance to this revision of the Zoning Bylaw regarding housing, specifically to reduce housing costs and increase housing density, as this will increase the available housing stock and make entry-level housing more affordable. Some families will not be able to afford a home without a rental suite.
- Question - Does the municipal water and sewer have the capability to handle increased density (e.g. carriage houses, mother-in-law suites)?
 - The lagoon can handle a doubling of the population.
- Question - Will carriage houses fit on small urban-sized lots?
 - Not all lots will be able to physically accommodate the construction of a carriage house

- Comment – It won't be an issue of only a handful of residents build a second dwelling; however, if many people do it will be problematic. Concerns were expressed over not knowing what the uptake will be.
 - Whistle Bend saw 10% of residential lots create second dwellings.
 - Limiting factors include cost of construction, setbacks.
- Comment – Concerns were shared about the consultation process for the OCP; that it was limited and not many people were engaged.
 - Others expressed that this was one of the most consulted OCPs in the territory.
- Comment - Why is the Village putting effort into facilitating affordable housing? Affordable housing shouldn't be the mandate of the Village, this should be the responsibility of the territorial and federal governments. We have potholes on the roads and the landfill has metals accumulating and these issues are of greater importance for the Village to address.
- Question - Does the taxpayer pay for hookup of secondary dwellings to water and sewer?
 - The Village doesn't pay for hookups, this is the responsibility of the property owner.
- Comment – There is a difference between a STR (a business) and a mother-in-law suite (a long-term rental). A STR takes a home away from someone who needs a place to live. A vacationer should not be more important than nurses, teachers who need a place to live to work in the community.
- Comment – Concerns were raised that fines were not issued to a property owner who started construction without having a development permit. Laws are needed, and need to be enforced, to reduce conflict between neighbours.
- Comment – Support was expressed for allowing Airbnb's in a primary residence as a mortgage helper, and for permitting mother-in-law suites (a separate living space within a home).
- Comment – Support was expressed for efforts being made by the Village to facilitate new affordable long-term rental opportunities in town. Five teachers turned down job offers this year alone because they could not find a place to live.
- Comment – Discomfort was expressed for telling someone how they are allowed to use their property; however, if someone does operate an STR it should be required to have commercial licensing, insurance and inspections.
- Question – It isn't clear what is going forward for third reading with respect to Airbnb's?
 - Including a clause in the Zoning Bylaw on STRs, in advance of doing full analysis and consultation, constrains the incoming Council on how they may want to approach the STR issue within the planned STR bylaw – for this reason Council is considering removing the clause in the current draft requiring STRs to be within a principle residence.
 - Currently there are 4 owner absent, and 1 potential owner absent, STRs within the Municipality. It is unlikely that this number will increase within the next six months while the planned STR bylaw is being developed
 - It will be easier to draft a new, specific STR bylaw than having to adjust and reopen the Zoning Bylaw to reflect how this issue will be regulated once this is decided. A separate bylaw can be more focused and intentional.

- In other communities STRs are regulated in a separate bylaw and not through the zoning bylaw. It would be less complex to not put these together into one bylaw.
- The initial intention, from the outset, was that STR's would be addressed separately from the Zoning Bylaw.
- There are limitations to what a zoning bylaw can do. For example, a Zoning Bylaw can't address inspection and licensing requirements.
- Question – Why is the zoning bylaw in such a rush to complete?
 - People are waiting for the Zoning Bylaw to be complete to begin construction per the new regulations.
 - It will be difficult to hand this project over to a new Council.
 - There was a clear commitment to get this done within this Council's term.
 - A good reason to separate the Zoning and STR bylaws is that combining them creates more complexity. Rushing through a complex bylaw can create even more problems.
 - The assumption is that the new Council will need to prioritize the STR bylaw.
- Comment – There are properties in the Village that remain undeveloped for many years. These are opportunities for both residences and businesses.
 - There is a RTC in tonight's Council package on this issue.
 - The St. Elias Chamber is working on a report to understand why these lots are undeveloped.
- Comment – The new Zoning Bylaw proposes to allow mobile homes on any lot in R-1. This seems unfair to everyone who invested a lot of time and money into the rules to build a home when could have just put up a mobile home. To change the rules is very upsetting. The rules were in place to prevent mobile homes being picked up and moved once title is granted. It would make more make sense to apply this to new subdivision developments instead of to existing subdivisions.
 - Mobile homes will be required to be on a permanent foundation
 - The new bylaw is intended to be more permissive, which will create feelings of unfairness.
 - Mobile homes won't hold their value as well; those who did follow the rules will benefit from the investment they put into their property.
 - The engagements to date suggested a desire to not ghettoize mobile homes.