

What We Heard

Jasper Zoning Regulations and Housing



Public Consultations
Spring 2019

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Background

The Parks Canada Agency is charged with the protection and presentation of Canada's national heritage places. In national parks, the Agency must ensure the protection of the environment and ecology while facilitating the enjoyment of these places by the visiting public.

Parks Canada is the steward of thousands of square kilometres of federal crown lands and is reviewing several regulations under the *Canada National Parks Act* with the goal of modernizing our approach to planning and land use, including the *Town of Jasper Zoning Regulations*. These will be replaced by a single streamlined regulation, tentatively titled 'Land Use Management Regulations'. To support this work, the first phase of public consultations was conducted across Canada in 2018 and focused on developing a nationally consistent and transparent planning permit process for construction and renovation projects at Parks Canada places. A What We Heard Report for those consultations was released in February 2019 and is available online. Draft regulations and Interpretive Guidelines clearly explaining the permit process are expected to be released for public comment in spring 2020.

During consultations in Jasper in 2018, the Municipality and participants requested a separate meeting be arranged to discuss specific local issues as they relate to the *Town of Jasper Zoning Regulations*. A second phase of public consultations was arranged to discuss housing issues in the Park community and options to permit more rental housing inside the townsite, on existing properties, through zoning changes.

There is a housing shortage in Jasper, especially for renters. Vacancy rates are near zero. Safety is a concern for residents who are living in non-compliant suites, and well-being is a concern for families who face eviction when illegal suites are discovered. In addition, some employers are unable to hire and house staff, negatively affecting visitor services for the whole Park. Parks Canada and the Jasper Community Housing Corporation are working together to develop solutions.

The 2011 Jasper Community Sustainability Plan supports increasing the amount of affordable housing in Jasper, and the 2010 Jasper Park Management Plan also recognizes housing issues in the community.

One potential solution is the addition of Accessory Dwelling Units (ADUs). These are small independent residential dwelling units located on the same lot as existing residential homes. The term includes both internal secondary suites such as basement suites, and external suites in detached buildings, like above-garage suites or stand-alone garden suites. Allowing ADUs in Jasper could permit more rental units in town without changing the look of a neighbourhood. Parks Canada hosted an open house on March 14, 2019 to present information and seek input from the public on these issues.

How We Consulted

Consultations included meetings with stakeholder organizations and a public open house throughout February and March 2019. This was complemented by additional opportunities for input through written submissions.

The purpose of the consultations was threefold, to gather input about:

1. Options for updating Jasper's *Zoning Regulations*.
2. Considerations for Accessory Dwelling Units in the Jasper townsite:
 - a. Where should ADUs be allowed?
 - b. Should ADUs have parking requirements?
 - c. Should owner-occupancy be required for ADUs?
 - d. Should owner-occupancy rules change in the Compact Lot District?
 - e. How many ADUs should be allowed per lot? In which Districts?
 - f. What are your concerns about heights and setbacks for garage and garden suites?
 - g. What should a path to compliance look like for existing suites?
3. How to mitigate the impact of Private Home Accommodations on the supply of Accessory Dwelling Units.
 - a. How can we be sure that ADUs are used for housing?

Meetings were held with the Chamber of Commerce, on February 21, 2019, and the Private Home Accommodation Association, on February 28, 2019. The goal of these meetings was to introduce the consultation material, provide notice of the public open house, and gather initial feedback from these key stakeholder groups.

A total of 206 people attended a public open house on March 14, 2019. The event had two identical sessions, one beginning at 5:00PM and the next at 7:00PM. Each session included a brief presentation by Parks Canada Staff, followed by small group discussions and a chance for the public to interact and ask questions. Information on various topics was presented on display boards arranged around the room. Each discussion table addressed a different theme related to modernizing the *Zoning Regulations*, ADUs and Private Home Accommodations. Comments were recorded on large poster paper so that attendees could review others' comments and express agreement or disagreement with recorded ideas. In addition, more than 130 people filled out written comment cards during the open house.

What We Heard

Participants provided a tremendous amount of feedback about modernizing the *Zoning Regulations*, ADUs and affordable housing, and Private Home Accommodations. This summary of feedback is organized according to the questions that were posed to stakeholders and the public.

Options for updating Jasper's Zoning Regulations

Zoning is a land use planning tool to tell us how a property in a community can be used and where structures on a lot may be built. In a typical municipality, zoning is set out through bylaws adopted by the town council. Since Jasper is in a National Park, Parks Canada manages land use through the *Town of Jasper Zoning Regulations* and other policies.

Zoning is also used to separate land uses that do not work well together. For example, to make sure that homes are located near other homes and amenities like coffee shops or grocery stores, instead of near industrial uses like a bottle depot. In Jasper, there are different zones for:

- residential
- commercial
- open space
- institutional and public services
- railyard

Two main topics were discussed: issues with the current zoning and alternative approaches to zoning in Jasper.

1) Current Zoning Issues

Participants raised issues with the current zoning especially as they relate to increasing housing in the townsite. Some participants felt that there has been a housing shortage in Jasper for decades, dating back to the 1970s. A summary of the suggestions, listed in order of prevalence, is below.

- Eliminate the R1 (one-unit) zone, and re-zone those districts to R2 (two-unit) or R3 (multi-unit), depending on lot sizes.
- Rezone the Compact Lot District to R1, R2, or R3, to both encourage trailers to be converted to houses and to add more density to the district.
- Allow residential use, specifically staff housing, in S Block.
- Relax building height restrictions to improve buildability of new homes, especially in the R4 (compact lot district), and increase potential density.
- Allow spot zoning to allow larger multi family dwellings on larger lots.
- Allow tiny homes in Jasper.

Several comments suggested that the current zoning should be more flexible to allow:

- more density on larger corner lots, regardless of their district,
- more density to respond to housing demand,

- more options for architectural design, and
- requirements to be related to lot dimensions, accounting for variability in lot sizes across the townsite.

Finally, suggestions about improving the *Zoning Regulations* included making them less confusing, easier to read, using plain language, and ensuring that they can adapt to innovative ideas.

2) Alternative Approaches to Zoning

Across North America, municipalities take different approaches to zoning. Some municipalities use more than one type of zoning, and some use different zoning approaches for specific areas, such as for main streets. Some have decided to have no zoning ordinance at all. Three key zoning approaches were presented for feedback:

Prescriptive Zoning

- Clear standards of property use and building location.
- Requirements are clearly listed, such as number of dwellings per lot, size of dwelling, and number of on-site parking stalls required.
- The current *Town of Jasper Zoning Regulations* are written in this way.

Performance zoning

- Sets clear goals for the community, such as affordable housing or protecting nature.
- Measures a development proposal based on how well it meets the community goals.

Form-based zoning

- Based on physical size, look and feel of buildings.
- Focuses on how a neighbourhood will look, rather than how the land will be used.

Most participants were in favour of performance or form-based zoning, or a combination of the two. Only one person preferred the existing prescriptive zoning, feeling that it favours clarity and consistency, and is less subject to interpretation.

Considerations for Accessory Dwelling Units (ADUs)

The current *Town of Jasper Zoning Regulations* do not permit Accessory Dwelling Units in any residential zone in Jasper. An accessory dwelling means that the dwelling is secondary to a main dwelling, and is typically smaller than the main dwelling. In the context of the multi-unit dwelling districts (i.e. R2, R2H and CCWb), permission for ADUs would mean potential for each main dwelling on a lot to have an ADU associated with it.

Where should ADUs be allowed?

The National Building Code has provisions concerning secondary suites in single detached, duplex and row housing. Best practices research had identified that most municipalities allow garage suites and garden suites only when the main dwelling is a single detached house. Since the Compact Lot District does not have laneway or alley access and lot sizes are smaller, garage suites and garden suites are not recommended for this district.

Participants were asked for their input on where ADUs could be allowed, and any location restrictions that should be considered.

All the feedback was supportive of allowing ADUs, and most favoured allowing ADUs anywhere that is permitted by the size of the lot and building code requirements. In the Compact Lot (R4) District, the majority were in favour of allowing secondary suites inside the main dwelling to increase the affordability of redeveloping trailers into new dwellings. A few did not support any type of ADU in the R4 District.

Suggestions on where to allow ADUs included:

- limiting ADUs where there is not an adequate amount of parking in the neighbourhood. Cabin Creek and the west end of town were cited as examples of already congested neighbourhoods.
- focusing ADUs where lot sizes are larger and can easily accommodate more dwelling units.
- permitting ADUs everywhere possible to increase the amount of rental housing.

Additionally, several participants suggested that the “need to reside” regulatory requirement should apply for ADU dwellers. Many also suggested that ADUs should not be used for tourist accommodation. A few suggested that tiny homes could be used as detached ADUs.

Should ADUs have parking requirements?

Most municipalities take one of three approaches to parking requirements for ADUs.

- No parking requirements: this is typically used in areas well served by public transit, cycling, and walking infrastructure.
- Context-sensitive parking requirements: in cases where there is plenty of on-street parking available, or if there is already adequate parking provided on-site, then extra parking is not required for ADUs. Some municipalities do not require parking for ADUs within 1km of the town centre.
- Parking required: some municipalities require one on-site parking stall per ADU in all cases.

The breakdown of preferences is shown in the table below, from the 57 participants who provided their opinions on parking requirements.

Prefer 1 Parking Stall per ADU Required On-site	68%
Prefer Context Sensitive	14%
Prefer No on-site Parking Required	18%

Most of the public feedback favoured the option of on-site parking be required for ADUs. The primary reason for this was the feeling that on-street parking is already congested in many parts of town, and owners should be responsible for accommodating on-site parking for renters.

Those who favoured a context-sensitive approach to parking suggested that parking approaches could differ depending on the level of parking congestion in a neighbourhood, vehicle ownership in a neighbourhood, or whether the ADU renters owned a vehicle.

Participants who favoured no parking requirements cited that on-site parking requirements are already excessive, that housing people is more important than vehicles, and investments should be made in alternative transportation options like public transit, cycling and car sharing to reduce automobile dependence in Jasper.

Additional feedback was received that is out of the scope of Parks Canada's work and will be shared with the Municipality for their consideration. Namely, a strong theme emerged on developing an on-street parking permit system in Jasper. Many participants suggested managing on-street parking to alleviate pressure in the more congested neighbourhoods like Cabin Creek and the Compact Lot District. Some also suggested that priced parking in downtown and the commercial areas would generate revenue for the Municipality and help manage parking demand. An on-street parking permit system was also seen as an opportunity to increase enforcement of parking in the Municipality, to address abandoned vehicles and the issue of off-street parking being used as storage instead of vehicle parking.

Should owner-occupancy be required for ADUs?

Municipalities have been removing the owner-occupancy requirement for ADUs because it is seen to be a barrier to developing a suite.

Not requiring that the owner occupy the property would allow three options:

- Own two, rent none – is typically used by large or multi-generational families wishing to live near each other.
- Own two, rent one – is most common and allows home-owners to supplement their income or reduce housing costs through rental.
- Own two, rent both – gives owners the flexibility to maintain ownership and rent both units.

Participants were asked their opinion on whether owners should be required to occupy properties with ADUs.

Most of the feedback was in favour of owners occupying the properties where ADUs are developed. In many cases, the logic for this is to reduce partying and the impact on neighbours, and to increase the accountability of owners.

Still, a substantial contingent supported the idea that owners of properties with ADUs do not need to occupy the property with the intent to encourage more rental units and keep options flexible for owners.

The table below shows the breakdown of the 46 responses related to ADU owner occupancy.

Owners Should Occupy Property with ADU	63%
Owners Should Not Need to Occupy Property with ADU	37%

Whether in support of owner occupancy, or not, many people stated the importance of enforcing the “need to reside” requirement for all residents.

Should owner-occupancy rules change in the Compact Lot District?

Today, in the compact lot (R4) district, it is a requirement that the property owners must live on the property. Sometimes this requirement is restrictive for homeowners because they cannot rent their property to eligible residents.

Participants were asked for input on the current rule and whether they support a change in the rules to allow owners the option to rent.

The table below shows the breakdown of preferences for owner occupancy in the Compact Lot District, based on a total of 35 responses, with the majority preferring to change the rules to allow rentals in the R4 District. Again, comments suggested that eligible residency be enforced. As well, it was suggested that owner-occupancy of trailers be maintained, but rentals be allowed in homes when they are redeveloped, to encourage the redevelopment of trailers.

Maintain Owner Occupancy in R4 District	11%
Allow Owners to Rent in R4 District	89%

How many ADUs should be allowed per lot? In which Districts?

It is possible to allow multiple ADUs per primary dwelling (a secondary suite, garage or garden suite). Where multiple primary dwellings exist on the same lot (e.g. a duplex) then each dwelling could be allowed a secondary suite, garden and/or garage suite.

Some municipalities require that garden and garage suites have laneway access. When laneway access is required, many municipalities maintain the laneway to a higher standard (snow removal priority in the winter) and this comes with additional costs.



Image from Kronberg Wall Architecture
Image de Kronberg Wall Architecture

The majority of the feedback supported more than one suite per main dwelling, such as an internal secondary suite and a garage or garden suite, where the lot size and on site parking permit. Some participants suggested an unlimited number of suites per lot as long as the building footprint complies with code, height and parking requirements.

Another large group supported only one suite per main dwelling, and some of this group favoured internal secondary suites over detached suites.

Finally, a few comments were in support of only one suite per lot, regardless of the District permitting one-unit or two-unit primary dwellings.

The breakdown of the 30 comments regarding the number of suites participants would prefer per lot is shown in the table below.

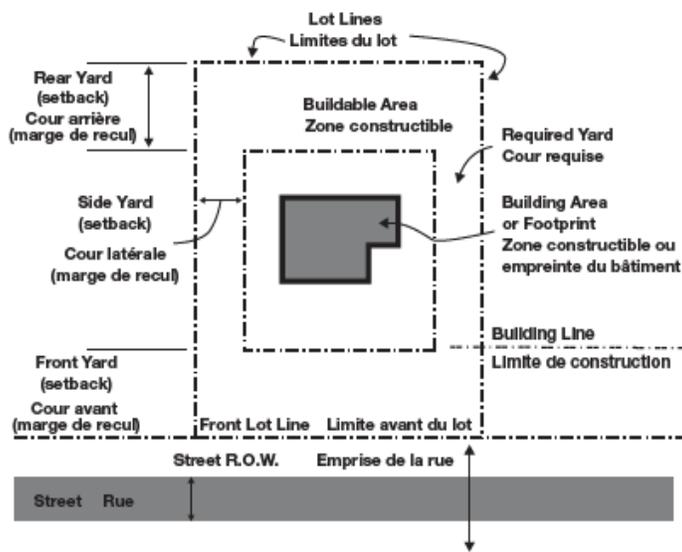
One Suite per Lot	10%
One Suite per Main Dwelling	33%
More than One Suite per Main Dwelling	57%

What are your concerns about heights and setbacks for garage and garden suites?

All municipalities set maximum building heights for garden and garage suites, and define minimum setbacks from neighbouring property lines. The requirements vary, depending on the municipality.

Setbacks from neighbouring properties range from 0.6 m to 2.0 m. When the setback is less than 1.2 m, special privacy measures and fire-stopping materials are required.

Maximum building heights for garage and garden suites range from 3.5 m to 7.5 m. The benefit of smaller setbacks and higher buildings is more living space. However, this needs to be balanced with safety, privacy, construction costs, and maintaining consistency within neighbourhoods.



Feedback from participants favoured relaxing height restrictions for garage and garden suites, and main dwellings; however maintaining a reasonable maximum height for the community. Most suggested a maximum of two storeys, and that the garage or garden suite not exceed the height of the main building. Some comments also suggested allowing two-storey homes in the R4 District to remove barriers to buying prefabricated homes. Another suggestion was that some areas, such as near Bear Hill, could build higher without obscuring views. In total, there were 23 comments about building heights, and the breakdown of preferences is shown in the table below.

Feedback on building setbacks for garage and garden suites was limited to four responses, with the breakdown shown below. The majority preferred maintaining existing setbacks, to retain the existing aesthetic of neighbourhoods.

Relax Height Restriction	57%	Relax Setbacks	25%
Maintain Height Restriction	43%	Maintain Setbacks	75%

What should a path to compliance look like for existing suites?

Some municipalities put temporary systems in place to allow residents to voluntarily apply for permits on existing non-compliant suites within a one- or two-year grace period.

The compliance process is important to ensure the safety and security of homeowners and renters.

Feedback was focused on how long a grace period should be in order to allow owners of non-compliant units to voluntarily apply for permits. All agreed that some amount of time would be necessary to allow work to be done on existing non-compliant suites. Suggestions ranged from three months to two years, with the majority suggesting the window of six months to two years.

Some agreed with providing penalties for non-compliant suites, such as higher taxes or utilities.

A number of comments also suggested setting up a program to monitor and enforce the rules concerning compliance, feeling that this is currently a weakness in the system.

How can we be sure that ADUs are used for housing?

A private home accommodation (PHA) is a licenced visitor accommodation, within a residential dwelling unit, intended for nightly rentals. They are only allowed in the residential districts R1, R2, R2H, CCWa, CCWb and are controlled through a license from the Municipality.

The following table compares PHAs in Jasper with Banff and Nelson, two comparable communities. Both Banff and Nelson have put a cap on PHAs.

	Jasper	Banff	Nelson		Jasper	Banff	Nelson
Population (2016)	4,590	7,850	10,660	Population (2016)	4 590	7 850	10 660
Total Private Dwellings	1,580	2,540	4,870	Nombre total de résidences privées	1 580	2 540	4 870
Total Private Home Accommodations	155	46	110	Nombre total de gîtes touristiques	155	46	110
Percentage of Dwellings with Home Accommodations	10%	2%	2%	Pourcentage de résidences assorties de gîtes touristiques	10 %	2 %	2 %

The higher percentage of PHAs in Jasper makes it more difficult for people to find rental housing. It also may inflate the value of homes, making it difficult for buyers to enter the housing market. Best practices research suggests that it is critical that the new ADUs in Jasper will be used for rental housing; otherwise, the housing situation will not improve.

Feedback about balancing PHAs and housing for residents, and ensuring ADUs are used for housing, was mixed. Overall, 58% of the comments supported tightening the rules for PHAs, while 42% supported fewer rules on PHAs. The quantitative results shown in the table below reflect several repeating comments from PHA owners, and the Private Home Accommodation Association was given additional opportunity to provide their feedback in a separate meeting.

More Regulation for PHAs	58%
Less Regulation for PHAs	42%

Those who supported managing PHAs more strictly suggested a range of ideas, listed below in order of prevalence:

- enforcing PHA rules concerning guest parking, number of rooms, and including penalties for non-compliance
- capping the number of PHAs in Jasper, similar to Banff and Nelson
- not allowing ADUs to become PHAs
- phasing out PHAs by not allowing more licenses
- taxing PHAs more heavily or charging higher license fees
- no longer allowing PHAs in Jasper

Those who supported less regulation for PHAs generally suggested that there was sufficient space in Jasper’s residential districts for both tourist accommodation and residents. Their ideas are listed below in order of prevalence:

- continuing to allow PHAs while also allowing new ADUs
- not capping PHAs
- allowing homeowners to choose who rents their ADU (tourists or residents)
- relaxing rules on PHAs to allow homeowners to use their homes as they wish

Any other comments or concerns?

Attendees of the public open house also had the opportunity to provide any additional comments that were not covered under the zoning, ADU or PHA questions. A number of themes emerged from these comments, and are listed below.

- Enforcement of regulations is essential, regardless of what the new rules are.
- Review the Architectural Motif at the same time as reviewing the *Zoning Regulations*.
- Consider looking into the causes of population growth in Jasper, and the sustainable population size for a development-restricted townsite.
- Consider creative new solutions for staff accommodations, which is an issue for many commercial entities.
- Develop more seniors' housing.
- Consider a cap on tourism to make housing and operations more predictable year-to-year.
- Densify S Block and clean it up. Also consider allowing staff accommodation in S Block.
- Create a long-term development plan for Walkerville.
- Allow apartment buildings up to three storeys.
- Create another affordable apartment complex like Cavell.
- Consider moving gas stations to S Block to free prime commercial space in the townsite.

Next Steps

There was strong support for ensuring that revised zoning rules are less prescriptive in nature and can more flexibly incorporate innovative ideas to improve the community of Jasper. We also heard strong support for allowing ADUs in certain districts in Jasper and updating the rules concerning the owner-occupancy in the R4 District.

Feedback from this engagement will not be used in isolation. Parks Canada will consider this input in conjunction with the Park Management Plan, the Jasper Community Sustainability Plan, and other key documents and legislation, as we draft new "Land Use Management Regulations", Interpretive Guidelines. Draft Regulations and Interpretative Guidelines are expected to be available for public comment by spring 2020.

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