



City of Port Moody

Report/Recommendation to Council

Date: June 1, 2021

Submitted by: Community Development Department – Building, Bylaw, and Licensing Division

Subject: Zoning Bylaw Housekeeping Amendments

Purpose

To present a housekeeping amendment bylaw for Zoning Bylaw No. 2937 for Council consideration.

Recommended Resolution(s)

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 56, 2021, No. 3317 (Housekeeping) be read a first and second time and referred to a Public Hearing as recommended in the report dated June 1, 2021 from the Community Development Department – Building, Bylaw, and Licensing Division regarding Zoning Bylaw Housekeeping Amendments.

Background

The Zoning Bylaw was adopted in June 26, 2018. Annually, staff prepare a housekeeping amendment Bylaw to address errors or omissions, improve language clarity, and address changes to procedures or industry practices.

Discussion

City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 56, 2021, No. 3317 (Housekeeping) (**Attachment 1**) provides for the following housekeeping amendments:

- In the definition of Commercial Athletic and Recreation, the word boarding was capitalized in error as a capitalized word indicates a defined term. The proposed amendment is to spell boarding with a lower-case b to remove confusion with the definition of Boarding in the Bylaw.
- In section 5.2.12, the word “height” was capitalized in error as a capitalized word indicates a defined term. This was not the intention of the use of the word height for this section. The proposed amendment is to spell height with a lower-case h to remove confusion with the definition of height in the Bylaw.

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- The regulations for fence height do not adequately consider properties that abut a major road or community pathway. Staff have received many inquiries for property owners who want to replace their existing fence but do not meet the current regulation. The proposed amendment will allow a maximum height of 3.0m for any side or rear property line that abuts a major road or a community pathway to allow for noise attenuation and privacy.
- The City has received inquiries and complaints about shipping containers being placed on residential properties. Shipping containers are not constructed to meet the standards of the BC Building Code, and, although modifications can be made to make them safe to occupy, staff do not recommend this use in residential neighbourhoods. The proposed amendment will not prohibit the use of shipping containers for both short-term storage use and construction use.
- The setback encroachment language is not clear in the Bylaw. The proposed amendment is to clarify when an encroachment is allowed, establish a consistent method of measurement, and list all applicable building components.
- The Zoning Bylaw includes the area for elevators on all floors in the Floor Area Ratio (FAR) calculation. To encourage building designs that would allow for aging in place, the proposed amendment is to exclude the area for elevators in the FAR calculation.
- The language for the required setback buffer between a Principal building and a Detached Accessory Dwelling Unit is not clear in the Bylaw. The proposed amendment clarifies that a deck from either building may project into the buffer area.
- The number of parking spaces required for a Service Station use is unclear. The proposed amendment clarifies the number of parking spaces for Service Stations with or without a retail store.
- Requirements for the provision of electric vehicle charging spots is unclear. The proposed amendment clarifies that all residential parking spots including residential Single Detached and Semi Detached are required to meet the requirements for electric vehicle charging.
- The requirements for the front yard setbacks for an accessory building in the A1 zone differs from other detached residential zones. The proposed amendment makes the front yard setback requirement for an accessory building consistent across all detached residential zones.
- Recent small-lot subdivision applications found the calculation of building height using existing grades challenging. The proposed amendments to the RS1 and RS1-S regulations will allow grade to be determined from a City-approved lot grading plan rather than existing property grade and thus measure building height from the approved grade on the lot grading plan.

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- In circumstances where a property is rezoned to small lot zoning and a subdivision is being requested, it was unclear at what point in the process the higher FAR calculation applies. The proposed amendment ensures that properties that have been rezoned, but have not completed the subdivision process, cannot build to the higher FAR until the subdivision process is completed.
- Seasonal pop-up businesses were not contemplated in the C3 zone. The proposed amendment will allow seasonal pop-up business such as garden centres to operate outside of a building in the C3 zone.

Other Option(s)

1. That the report dated June 1, 2021 from the Community Development Department – Building, Bylaw, and Licensing Division regarding Zoning Bylaw Housekeeping Amendments be received for information.

Financial Implications

There are no financial implications associated with the recommendations in this report.

Communications and Civic Engagement Initiatives

Statutory requirements for advertising and notification will be met if a Public Hearing is scheduled.

Council Strategic Plan Objectives

This report aligns with Council Strategic Plan Objectives by providing clarity for interpretation of the Building Bylaw by providing excellent customer service.

Attachment(s)

1. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 56, 2021, No. 3317 (Housekeeping).

Report Author

Robyn MacLeod, RBO, CRBO
Manager of Building, Bylaw, and Licensing

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Report Approval Details

Document Title:	Zoning Bylaw Housekeeping Amendments .docx
Attachments:	- Attachment 1 - Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 56, 2021, No. 3317 (Housekeeping).pdf
Final Approval Date:	Jun 14, 2021

This report and all of its attachments were approved and signed as outlined below:

Kate Zanon, General Manager of Community Development - Jun 10, 2021 - 10:24 AM

Dorothy Shermer, Corporate Officer - Jun 10, 2021 - 10:26 AM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement - Jun 10, 2021 - 11:31 AM

Paul Rockwood, General Manager of Finance and Technology - Jun 10, 2021 - 4:07 PM

Tim Savoie, City Manager - Jun 14, 2021 - 9:06 AM



City of Port Moody

Bylaw No. 3317

A Bylaw to amend the Zoning Bylaw.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 56, 2021, No. 3317 (Housekeeping)”.

2. Amendments

- 2.1 City of Port Moody Zoning Bylaw, 2018, No. 2937 is amended by replacing the following definition in section 4:

““COMMERCIAL ATHLETIC AND RECREATION” means a use within an enclosed Building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Use may include athletic, health, and fitness Clubs; martial arts, dance, yoga, and pilates studios; skate Boarding; racquet Clubs; and training of instructors in related activities.”

with the following definition:

““COMMERCIAL ATHLETIC AND RECREATION” means a use within an enclosed Building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Use may include athletic, health, and fitness Clubs; martial arts, dance, yoga, and pilates studios; skate boarding; racquet Clubs; and training of instructors in related activities.”

- 2.2 Bylaw No. 2937 is further amended by replacing the following section 5.2.10(d):

“5.2.10(d) Where an access driveway abuts a landscape screen, the screen shall be not more than 0.6m in Height for a minimum distance of 2.0m, except for RS and RT Zones.”

with the following section 5.2.10(d):

“5.2.10(d) Where an access driveway abuts a landscape screen, the screen shall be not more than 0.6m in height for a minimum distance of 2.0m, except for RS and RT Zones.”

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2.3 Bylaw No. 2937 is further amended by replacing the following section 5.2.12:

“5.2.12 Fences

- (a) Fences may be constructed in Single Detached Residential, Semi-Detached Residential, and Multi-Residential zones provided that:
 - (i) a Fence sited in a Front Yard shall be a maximum of 1.2m in Height; and
 - (ii) a Fence sited to the rear of the front face of the Building shall be a maximum of 2.0m in Height.
- (b) Fences may be constructed within all Industrial zones provided that:
 - (i) in Light Industrial zones, a Fence shall be a maximum of 3.1m in Height; and
 - (ii) in general Industrial zones, there shall be no limit on the maximum Height of any Fence.
- (c) In a public park located in any zone, there shall be no limit on the maximum Height of any Fence.
- (d) Barbed wire, razor wire, electrified, or similar materials are prohibited for Fences in all zones.”

with the following section 5.2.12:

“5.2.12 Fences

- (a) Fences may be constructed in Single Detached Residential, Semi-Detached Residential, and Multi-Residential zones provided that:
 - (i) a Fence sited in a Front Yard shall be a maximum of 1.2m in height; and
 - (ii) a Fence sited to the rear of the front face of the Building shall be a maximum of 2.0m in height.
- (b) Fences may be constructed within all Industrial zones provided that:
 - (i) in Light Industrial zones, a Fence shall be a maximum of 3.1m in height; and
 - (ii) in general Industrial zones, there shall be no limit on the maximum height of any Fence.
- (c) In a public park located in any zone, there shall be no limit on the maximum height of any Fence.
- (d) Barbed wire, razor wire, electrified, or similar materials are prohibited for Fences in all zones.”.

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2.4 Bylaw No. 2937 is further amended by adding the following as section 5.2.12(a)(iii):

“5.2.12(a)(iii) a fence built on a side or rear property line adjacent to a Major Road Network, Arterial road, Collector road and community pathway shall be a maximum of 3.0 metres in height.”.

2.5 Bylaw No. 2937 is further amended by replacing the following section 5.2.13(b)(i):

“5.2.13(b)(i) provide Screening to a minimum Height of 2.0m in the form of Buildings, a landscape screen, a solid decorative Fence, or a combination thereof; and”

with the following section 5.2.13(b)(i):

“5.2.13(b)(i) provide Screening to a minimum height of 2.0m in the form of Buildings, a landscape screen, a solid decorative Fence, or a combination thereof; and”.

2.6 Bylaw No. 2937 is further amended by adding the following as section 5.2.17:

“5.2.17 Shipping Containers

Shipping containers are prohibited in all residential zones.”.

2.7 Bylaw No. 2937 is further amended by replacing the following section 5.3.2(b):

“5.3.2 (b) The following siting exceptions shall apply in the RS and RT Zones:

- (i) where exterior cladding, Green Walls, pilasters, or belt courses project beyond the face of the principal Building, the minimum distance to an abutting Lot line as permitted elsewhere in this Bylaw may be reduced by 0.165m;
- (ii) where eaves, cornices, leaders, gutters, canopies, or Sunlight Control Projections project beyond the face of the principal Building, the minimum distance to an abutting Lot line as permitted elsewhere in this Bylaw may be reduced by:
 - 0.8m from an abutting Interior Side Lot Line, to a maximum of 50% of the required Setback;
 - 1.5m from an abutting exterior Lot line; and
 - 2.1m from an abutting front or Rear Lot Line;
- (iii) a Solar Collector may project 1.0m beyond the face of the principal Building or Accessory Building; and
- (iv) where Decks, Porches, and Stairs project beyond the exterior Building face, the Setback may be reduced up to 1.8m, except that it may not be reduced by more than

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50% to an Interior Side Lot Line or an Exterior Side Lot Line.”

with the following section 5.3.2 (b):

- “5.3.2 (b) The following siting exceptions shall apply in the RS and RT Zones:
- (i) where exterior cladding, Green Walls, pilasters, or belt courses project beyond the face of the principal Building, the minimum distance to an abutting Lot line as permitted elsewhere in this Bylaw may be reduced by 0.165m;
 - (ii) where Decks, Porches, eaves, cornices, leaders, gutters, chimneys, stairs, canopies or Sunlight Control Projections project beyond the face of the principal building, the minimum distance to an abutting Lot Line as permitted elsewhere in this Bylaw may be reduced by:
 - 0.8 m closer to an abutting Interior Side Lot Line, to a maximum of 50% of the required Setback;
 - 1.5m closer to an abutting Exterior Side Lot Line, to a maximum of 50% of the required Setback; and
 - 1.8m closer to an abutting Front Lot Line or Rear Lot Line;
 - (iii) a Solar Collector may project 1.0m beyond the face of the principal Building or Accessory Building”.

2.8 Bylaw No. 2937 is further amended by replacing the following section 5.3.4(a):

- “5.3.4 (a) For single and Semi-Detached Residential use and Detached Accessory Dwelling Units, the Floor Area calculation shall:
- (i) include all floor areas, but is not limited to, full Height bay windows, cellars, mechanical room, washrooms, hallways, Habitable Rooms, landings, Mezzanines, stairways, and storage rooms;
 - (ii) include the Floor Area of enclosed Parking Spaces in excess of 23m² for each required Parking Space;
 - (iii) exclude the Floor Area of a Basement or portion thereof that is 60% or more below Grade;
 - (iv) exclude Crawl Spaces;
 - (v) provided that the exterior weather protection wall system has been approved by a qualified professional, exclude either:

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- exterior cladding up to a maximum thickness of 0.165m;
 - for exterior solid wall systems, 50% of the thickness of the exterior solid wall system up to a maximum exclusion of 0.165m; or
 - exterior wall thickness in excess of 0.165m provided that wall thicknesses are used exclusively for the provision of insulating materials;
- (vi) exclude open to below areas, except when they are double Height with a dimension exceeding 4.57m measured from the floor to the ceiling directly above, at which point the open to below area will be counted twice;
- (vii) exclude areas providing roof access, up to a maximum of 3.5m² for each access;
- (viii) exclude any portion of a mechanical room containing a Green Building System, up to a maximum of 9.29m² for each Building, provided that the system be located in an accessible location within the Building, having a minimum headroom clearance of 2.0m; and
- (ix) for Detached Accessory Dwelling Units only, exclude Floor Area with no access from the interior of the Building up to a maximum of 4.6m² for the purpose of storing recycling and waste storage containers.”

with the following section 5.3.4(a):

- “5.3.4 (a) For single and Semi-Detached Residential use and Detached Accessory Dwelling Units, the Floor Area calculation shall:
- (i) include all floor areas, but is not limited to, full height bay windows, cellars, mechanical room, washrooms, hallways, Habitable Rooms, landings, Mezzanines, stairways, and storage rooms;
 - (ii) include the Floor Area of enclosed Parking Spaces in excess of 23m² for each required Parking Space;
 - (iii) exclude the Floor Area of a Basement or portion thereof that is 60% or more below Grade;
 - (iv) exclude Crawl Spaces;
 - (v) provided that the exterior weather protection wall system has been approved by a qualified professional, exclude either:

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- exterior cladding up to a maximum thickness of 0.165m;
 - for exterior solid wall systems, 50% of the thickness of the exterior solid wall system up to a maximum exclusion of 0.165m; or
 - exterior wall thickness in excess of 0.165m provided that wall thicknesses are used exclusively for the provision of insulating materials;
- (vi) exclude open to below areas, except when they are double height with a dimension exceeding 4.57m measured from the floor to the ceiling directly above, at which point the open to below area will be counted for all floor levels included in the calculation;
- (vii) exclude areas for passenger elevator shaft;
- (viii) exclude areas providing roof access, up to a maximum of 3.5m² for each access;
- (ix) exclude any portion of a mechanical room containing a Green Building System, up to a maximum of 9.29m² for each Building, provided that the system be located in an accessible location within the Building, having a minimum headroom clearance of 2.0m; and
- (x) for Detached Accessory Dwelling Units only, exclude Floor Area with no access from the interior of the Building up to a maximum of 4.6m² for the purpose of storing recycling and waste storage containers.”.

2.9 Bylaw No. 2937 is further amended by replacing the following section 5.5.5(b)(iii):

“5.5.5(b)(iii) decks and stairs may project up to 1.8m into the required setback between the Principal Building and the Detached Accessory Dwelling Unit; and”

with the following section 5.5.5(b)(iii):

“5.5.5(b)(iii) Decks, Porches, ramps and stairs may project up to 1.8m into the required setback buffer by either or both the Principal Building and the Detached Accessory Dwelling Unit; and”.

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2.10 Bylaw No. 2937 is further amended by replacing the following section 5.5.7:

“5.5.7 A minimum 6.0m setback is required between the Principal Building and the Detached Accessory Dwelling Unit.”

with the following section 5.5.7:

“5.5.7 A minimum 6.0 setback buffer is required between the Principal Building and the Detached Accessory Dwelling unit foundations.”.

2.11 Bylaw No. 2937 is further amended by replacing the following section 6.3.1:

“6.3.1 The minimum number of Off-Street Parking Spaces for any use shall be calculated in accordance with the following table. In the case of a use not being specifically mentioned, the required number of Off-Street Parking Spaces shall be the same as for the most similar listed use.

Type of Building or Use	Parking Required
Residential	
Apartment	<u>Market Ownership</u> 1 space per studio and 1-bedroom Dwelling Unit, 1.5 spaces per Dwelling Unit with 2 or more bedrooms, 0.2 visitor spaces per Dwelling Unit for the first 100 units and 0.1 visitor spaces for each additional unit.
	<u>Market Rental</u> 1.1 space per Dwelling Unit, 0.2 visitor spaces per Dwelling Unit for the first 100 units and 0.1 visitor spaces for each additional unit.
	<u>Below Market Rental</u> 0.9 spaces per Dwelling Unit, 0.1 visitor spaces per Dwelling Unit.
Artist Studio – Type A	1 space per Dwelling Unit plus 0.2 visitor spaces per Dwelling Unit.
Caretaker Unit	1 space.
Detached Accessory Dwelling Unit	1 space for exclusive use of the Detached Accessory Dwelling Unit.
Child Care (Group)	1 space per non-resident employee.

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Community Care	1 space per 4 Dwelling Units plus 0.2 visitor spaces per Dwelling Unit.
Home Occupation – Type B	1 space per non-resident employee.
Mobile Home Park	1 space per Dwelling Unit.
Semi-Detached Residential	2 space per Dwelling Unit.
Single Detached Residential	2 spaces per principal Dwelling Unit.
Secondary Suite	1 space for exclusive use of the Secondary Suite.
Townhouse, Triplex, or Quadruplex	<p>1.5 spaces per Dwelling Unit of 2 bedrooms or less</p> <p>2 spaces per Dwelling Unit for 3 bedrooms or more.</p> <p>For Tandem Parking arrangements, 1 space can be provided on the driveway apron outside the garage if the apron is at least 6.1m long, plus 0.2 visitor spaces per Dwelling Unit. Maximum allocation of Tandem Parking is 50% of the Residential Parking Spaces.</p>
Work-Live	1.0 space per Dwelling Unit plus 0.2 visitor spaces per Dwelling Unit.
Commercial	
Artist Studio – Type B	1 space per 100m ² of Floor Area minimum.
Bed and Breakfast	1 space per sleeping unit for guests.
Child Care (Group)	3 spaces per 93m ² of Floor Area.
Commercial Athletic and Recreation	1 space per 40m ² of Floor Area.
Service Station	1 space per 111m ² of Lot Area.
Hotel	0.8 spaces per sleeping unit.
Liquor Primary Establishment	1 space per 18m ² of Floor Area.
Marina	1 space per 2 berths, plus 25 spaces per launching facility or ramp for day use, 50% of which must be of double length.
Office	1 space per 50m ² of Floor Area.
Personal Service	1 space per 40m ² of Floor Area.
Restaurant	1 space per 18.0m ² of Floor Area.

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Retail, including Retail Food Service	1 space per 40m ² of Floor Area.
Industrial	
Industrial and Light Industrial	1 space per 93m ² of Floor Area, plus 1 space per 50m ² of Floor Area for commercial or Office use.
Institutional	
Assembly	1 space per 10m ² of Floor Area.
Civic	1 space per 37m ² of Floor Area.
Elementary and Middle School	1 space for every 10 students of school capacity.
High School	1 space for every 7 students of school capacity.
Hospital	0.3 spaces per patient bed.
Trade School or Post-Secondary School	1 space per 35m ² of Floor Area.

with the following section 6.3.1:

- “6.3.1 The minimum number of Off-Street Parking Spaces for any use shall be calculated in accordance with the following table. In the case of a use not being specifically mentioned, the required number of Off-Street Parking Spaces shall be the same as for the most similar listed use.

Type of Building or Use	Parking Required
Residential	
Apartment	<u>Market Ownership</u> 1 space per studio and 1-bedroom Dwelling Unit, 1.5 spaces per Dwelling Unit with 2 or more bedrooms, 0.2 visitor spaces per Dwelling Unit for the first 100 units and 0.1 visitor spaces for each additional unit.
	<u>Market Rental</u> 1.1 space per Dwelling Unit, 0.2 visitor spaces per Dwelling Unit for the first 100 units and 0.1 visitor spaces for each additional unit.

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	<u>Below Market Rental</u>
	0.9 spaces per Dwelling Unit, 0.1 visitor spaces per Dwelling Unit.
Artist Studio – Type A	1 space per Dwelling Unit plus 0.2 visitor spaces per Dwelling Unit.
Caretaker Unit	1 space.
Detached Accessory Dwelling Unit	1 space for exclusive use of the Detached Accessory Dwelling Unit.
Child Care (Group)	1 space per non-resident employee.
Community Care	1 space per 4 Dwelling Units plus 0.2 visitor spaces per Dwelling Unit.
Home Occupation – Type B	1 space per non-resident employee.
Mobile Home Park	1 space per Dwelling Unit.
Semi-Detached Residential	2 space per Dwelling Unit.
Single Detached Residential	2 spaces per principal Dwelling Unit.
Secondary Suite	1 space for exclusive use of the Secondary Suite.
Townhouse, Triplex, or Quadruplex	1.5 spaces per Dwelling Unit of 2 bedrooms or less 2 spaces per Dwelling Unit for 3 bedrooms or more. For Tandem Parking arrangements, 1 space can be provided on the driveway apron outside the garage if the apron is at least 6.1m long, plus 0.2 visitor spaces per Dwelling Unit. Maximum allocation of Tandem Parking is 50% of the Residential Parking Spaces.
Work-Live	1.0 space per Dwelling Unit plus 0.2 visitor spaces per Dwelling Unit.
Commercial	
Artist Studio – Type B	1 space per 100m ² of Floor Area minimum.
Bed and Breakfast	1 space per sleeping unit for guests.
Child Care (Group)	3 spaces per 93m ² of Floor Area.
Commercial Athletic and Recreation	1 space per 40m ² of Floor Area.

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Hotel	0.8 spaces per sleeping unit.
Liquor Primary Establishment	1 space per 18m ² of Floor Area.
Marina	1 space per 2 berths, plus 25 spaces per launching facility or ramp for day use, 50% of which must be of double length.
Office	1 space per 50m ² of Floor Area.
Personal Service	1 space per 40m ² of Floor Area.
Restaurant	1 space per 18.0m ² of Floor Area.
Retail, including Retail Food Service	1 space per 40m ² of Floor Area.
Service Station (with or without retail)	1 space per 111m ² of Lot Area.
Industrial	
Industrial and Light Industrial	1 space per 93m ² of Floor Area, plus 1 space per 50m ² of Floor Area for commercial or Office use.
Institutional	
Assembly	1 space per 10m ² of Floor Area.
Civic	1 space per 37m ² of Floor Area.
Elementary and Middle School	1 space for every 10 students of school capacity.
High School	1 space for every 7 students of school capacity.
Hospital	0.3 spaces per patient bed.
Trade School or Post-Secondary School	1 space per 35m ² of Floor Area.

” ”

2.12 Bylaw No. 2937 is further amended by replacing the following in section 6.3:

“6.8.2 In the Moody Centre and Inlet Centre Transit-Oriented Development areas as defined in Chapter 15 of the Official Community Plan, the required Off-Street Parking for Residential use shall be calculated in accordance with the following table.”

with the following:

“6.3.2 In the Moody Centre and Inlet Centre Transit-Oriented Development areas as defined in Chapter 15 of the Official Community Plan, the required Off-Street Parking for Residential use shall be calculated in accordance with the following table.”.

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2.13 Bylaw No. 2937 is further amended by replacing the following sentence in section 6.11.1:

“All parking spaces required for residential units including Apartments, Multi-Residential buildings, Townhouses, and Detached Accessory Dwelling Units shall include an Energized Outlet capable of providing Level 2 Charging or a higher charging level intended for Electric Vehicle charging, except:”

with the following sentence:

“All parking spaces required for residential units including Single Detached Residential, Semi-Detached Residential, Apartments, Multi-Residential buildings, Townhouses, and Detached Accessory Dwelling Units shall include an Energized Outlet capable of providing Level 2 Charging or a higher charging level intended for Electric Vehicle charging, except:”.

2.14 Bylaw No. 2937 is further amended by replacing the following section 8.1.3(d):

“8.1.3(d)

d. Front Lot Line Setbacks (minimum)	i. All Buildings and Structures – 7.5m
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”

with the following section 8.1.3(d):

“8.1.3(d)

d. Front Lot Line Setbacks (minimum)	i. All Buildings and Structures – 7.5m ii. Accessory Building or Structure – rear of the Principal Building
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”

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2.15 Bylaw No. 2937 is further amended by replacing the following section 8.4.6(b):

“8.4.6(b) Grade for the Principal use means the average of the existing elevations taken at each corner of the Lot as established by survey prepared and certified by a British Columbia Land Surveyor, except, where as a result of a covenant under Section 219 of the Land Title Act or a setback pursuant to this bylaw, a building may not be built, the elevations for the purpose of establishing Grade shall be taken at the edge of the covenant or setback areas.”

with the following section 8.4.6(b):

“8.4.6(b) Grade for the Principal use means the average of the existing elevations taken at each corner of the Lot as established by survey prepared and certified by a British Columbia Land Surveyor, except, where as a result of a covenant under Section 219 of the Land Title Act or a setback pursuant to this bylaw, a building may not be built, the elevations for the purpose of establishing Grade shall be taken at the edge of the covenant or setback areas. Where a lot grading plan has been approved by the City, the elevations at the corners of the property as indicated on the lot grading plan shall be used to determine Grade. Where a corner cut has been made to a property, one elevation shall be used for determining Grade in that location by averaging the two new corners.”

2.16 Bylaw No. 2937 is further amended by replacing the following section 8.5.3(a):

“8.5.3(a)

a. Density (maximum)	i. Floor Area Ratio of 0.7
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”

with the following section 8.5.3(a):

“8.5.3(a)

b. Density (maximum)	i. for Lots with a Lot Area of equal or greater than 555m ² : Floor Area Ratio of 0.5
	ii. for Lots with a Lot Area of smaller than 555m ² : Floor Area Ratio of 0.7

”

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2.17 Bylaw No. 2937 is further amended by replacing the following section 8.5.6(b):

“8.5.6(b) Grade for the Principal Use means the average of the existing elevations taken at each corner of the Lot as established by survey prepared and certified by a British Columbia Land Surveyor, except, when a property has an area where a Building may not be constructed as established through a no-build covenant or development permit covenant, the elevations for the purpose of establishing Grade shall be taken at the edge of the covenant or environmental Setback.”

with the following section 8.5.6(b):

“8.5.6(b) Grade for the Principal Use means the average of the existing elevations taken at each corner of the Lot as established by survey prepared and certified by a British Columbia Land Surveyor, except, when a property has an area where a Building may not be constructed as established through a no-build covenant or development permit covenant, the elevations for the purpose of establishing Grade shall be taken at the edge of the covenant or environmental Setback. Where a lot grading plan has been approved by the City, the elevations at the corners of the property as indicated on the lot grading plan shall be used to determine Grade. Where a corner cut has been made to a property, one elevation shall be used for determining Grade in that location by averaging the two new corners.”

2.18 Bylaw No. 2937 is further amended by replacing the following 10.3.6(b):

“10.3.6(b) Permitted commercial use shall be enclosed within a Building, except for any outdoor play area for Child Care Use.”

with the following section 10.3.6(b):

“10.3.6(b) Permitted commercial use shall be enclosed within a building, except for any outdoor area for Child Care Use or pop-up seasonal business.”

3. Severability

3.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of ____, 20__.

Read a second time this ___ day of ____, 20__.

Read a third time this ___ day of ____, 20__.

Adopted this ___ day of ____, 20__.

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R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3317 of the City of Port Moody.

D. Shermer
Corporate Officer