



City of Port Moody

Report/Recommendation to Council

Date: September 17, 2021
Submitted by: Community Development Department – Development Planning Division
Subject: Zoning Bylaw Housekeeping Amendment – Retail Service Use (Group A)

Purpose

To present a housekeeping text amendment to the Zoning Bylaw for Council consideration.

Recommended Resolution(s)

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 60, 2021, No. 3325 (Housekeeping) be read a first and second time as recommended in the report dated September 17, 2021 from the Community Development Department – Development Planning Division regarding Zoning Bylaw Housekeeping Amendment – Retail Service Use (Group A);

AND THAT that notice be given that Council is waiving the requirement to hold a Public Hearing for Bylaw No. 3325.

Background

The Zoning Bylaw was adopted on June 26, 2018. As and when the need for amendments is identified to address errors or omissions, improve language clarity, and address changes to procedures or industry practices, staff bring forward a housekeeping amendment Bylaw to address those changes.

Discussion

Retail Service Use (Group A) and Retail Service (Group B)

It has been identified, through the review of business licence inquiries for a number of Comprehensive Development (CD) Zones, that there is a lack of clarity over the permitted uses. The CD Zones in question allow for either, or both 'Retail Service Use (Group A)' and 'Retail Service Use (Group B),' which were both defined uses in the previous Zoning Bylaw and allowed for a variety of commercial uses as follows:

"RETAIL SERVICE USE (GROUP A)" means a use providing for the retail sale of goods, or for commercial services; includes without limitation appliance stores, art galleries, bakery shops, banks, barbers, billiard halls, book shops, bowling alleys, business offices, business schools, cafes, camera shops, clothing stores, coffee houses, credit unions, dance studios, delicatessens, department stores, dressmakers, drugstores, dry cleaners, finance offices, fish markets, fraternal lodges, grocery stores, hairdressers, hardwares, health clubs, home furnishing stores, launderettes, locksmiths, meat markets, music studios, passenger depots, personal shops, printers, professional offices, restaurants, shoemakers, social clubs, stationary stores, supermarkets, tailors, theatres, toy stores, trade schools, variety stores, veterinary hospitals, and video retailers which may include a joint holder as defined in the Motion Picture Act Regulations (B.C. Reg.260/86), excludes gasoline service station use and excludes Retail Service Use (Group B) uses.

"RETAIL SERVICE USE (GROUP B)" means a use providing for the sale of automotive goods, bowling alleys, building supply sales, business schools, car washes, curling rinks, drive-in facilities, drive-in restaurants, dry cleaners, flea markets, glass sales, health clubs, heating shops, light machinery sales, light marine sales, mortuaries, new automobile sales, nurseries, plumbing shops, printers, recreation clubs, repair of automobiles, roller rinks, social clubs, trade schools, used automobile sales, veterinary hospitals; excludes gasoline service station use.

As the current Zoning Bylaw relies on updated modernized definitions, it is no longer clear what the permitted employment generating uses are for these properties. In total, there 11 properties where either, or both, 'Retail Service Use (Group A)' and 'Retail Service Use (Group B)' are listed as a permitted use through CD zones that had been enacted under the old bylaw. The properties are either standalone commercial developments or mixed-use developments, which also include residential uses, with the exception of CD29, which is residential only. The 11 properties affected are listed below:

- CD27 – 2609-2615 Clarke Street;
- CD28 – 101 Klahanie Drive;
- CD29 – 100 Klahanie Drive;
- CD36 – 3240-3266 St. Johns Street;
- CD54 – 2708-2750 St Johns Street and 91-97 Moody Street;
- CD62 – 2501-2549 Clarke Street and 80-88 Kyle Street;
- CD63 – 2621 St Johns Street;
- CD64 – 2721-2781 Clarke Street, 83-87 Moody Street, 2708-2730 Spring Street;
- CD71 – 2312 St Johns Street; and
- CD73 – 50 Electronic Avenue.

In order to provide clarification of what permitted uses are allowed in these CD zones, it is proposed to add to the Zoning Bylaw an additional definition specifically for Retail Service Use (Group A), which reflects the original intent of the CD zones and would allow for the same range of commercial uses, as is presently permitted under the new Four Storey Mixed-Use (CRM-1) and Six Storey Mixed-Use (CRM-2) zones. The new definition called "Retail Service Use (Group A)" would be as follows:

“RETAIL SERVICE USE (GROUP A)” where such use is listed as a permitted use in Comprehensive Development zones, means the use of premises for the following uses: Artist Studio – Type A, Assembly, Child Care, Civic, Commercial Athletic and Recreation, Community Care, Entertainment, Hotel, Office, Personal Service, Restaurant, Retail Food Service, Retail and Work Live.”

Comprehensive Development Zone 8 (CD8)

In the review of commercial properties with a CD zoning, it was also identified that CD8, an older CD zone, which is located at 3003-3017 St Johns Street, is not part of the current Zoning Bylaw, nor did the original bylaw specify permitted uses. For this reason, it is proposed to re-insert and clarify this zone into the Zoning Bylaw, with ‘Retail Service Use (Group A)’ as a permitted use.

Zoning Bylaw Text Amendment

City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 60, 2021, No. 3325 (Housekeeping) is included as **Attachment 1**.

Statutory Notification Requirements

Given that the bylaw proposed a more general housekeeping change which applies to more than 10 properties, notifications to surrounding residents and businesses is not required. Given that the proposed bylaw is consistent with OCP policies in support of promoting economic development and the City’s overall growth management strategy, Council may waive the requirement to hold a Public Hearing. If the Public Hearing is waived, advertisement of the waiving is still required.

Other Option(s)

1. THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 60, 2021, No. 3325 (Housekeeping) be read a first and second time and referred to a Public Hearing as recommended in the report dated September 17, 2021 from the Community Development Department – Development Planning Division regarding Zoning Bylaw Housekeeping Amendment – Retail Service Use (Group A).
2. THAT the report dated September 17, 2021 from the Community Development Department – Development Planning Division regarding Zoning Bylaw Housekeeping Amendment – Retail Service Use (Group A) be received for information.

Financial Implications

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

Communications and Civic Engagement Initiatives

There are no communications and engagement initiatives associated with the recommendations of this report.

Council Strategic Plan Objectives

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

Attachment(s)

1. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 60, 2021, No. 3325 (Housekeeping).

Report Author

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Report Approval Details

Document Title:	Zoning Bylaw Housekeeping Amendment – Retail Service Use (Group A).docx
Attachments:	- Attachment 1 - Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 60, 2021, No. 3325 (Housekeeping).pdf
Final Approval Date:	Oct 4, 2021

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

André Boel, City Planner - Sep 30, 2021 - 3:45 PM

Kate Zanon, General Manager of Community Development - Oct 1, 2021 - 12:25 PM

Dorothy Shermer, Corporate Officer - Oct 4, 2021 - 9:08 AM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement - Oct 4, 2021 - 11:21 AM

Paul Rockwood, General Manager of Finance and Technology - Oct 4, 2021 - 11:22 AM

Tim Savoie, City Manager - Oct 4, 2021 - 1:48 PM