



City of Port Moody

Report/Recommendation to Council

Date: April 27, 2022
Submitted by: Community Development Department – Policy Planning Division
Subject: Termination of Land Use Contract at Benson Drive and Walton Way and Rezoning to RS1.

Purpose

To present Bylaw No. 3353 and Bylaw No. 3357 for consideration of first and second readings to repeal the Land Use Contract (LUC) at Benson Drive and Walton Way and to rezone this LUC area to RS1.

Recommended Resolutions

THAT City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3353 (Benson Drive and Walton Way) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 71, 2022, No. 3357 (Benson Drive and Walton Way) (RS1) be read a first and second time as recommended in the report dated April 27, 2022 from the Community Development Department – Policy Planning Division regarding Termination of Land Use Contract at Benson Drive and Walton Way and Rezoning to RS1;

AND THAT Bylaw No. 3353 and Bylaw No. 3357 be referred to a Public Hearing;

AND THAT the requirement to notify tenants and property owners within 140m of the perimeter boundary of the LUC area per Development Approval Procedures Bylaw, No. 2918 be waived.

Background

A land use contract (LUC) is a legislative tool that was used in the 1970s that encompasses a wide range of land uses and development components, until it was repealed in 1978. LUCs are site-specific contracts between the City and the property owner that are registered on title and operate as the governing land use tool for affected properties.

In May 2014, the *Local Government Act* was amended by Bill 17 to:

- automatically terminate all Land Use Contracts (LUCs) in BC on June 30, 2024;
- require municipalities to zone all lands subject to an LUC by June 30, 2022; and
- outline a process for local governments to undertake early termination of LUCs to ensure appropriate zoning is in place.

The new provincial legislation provides a process for the City to undertake early termination of LUCs to ensure that appropriate zoning is in place before the provincially-mandated deadline.

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On March 12, 2019, Council endorsed an approach for the termination of land use contracts to minimize anticipated costs through a hybrid approach. This approach involves the following:

1. LUCs for properties with suitable underlying zoning being left to expire; and
2. other properties being rezoned (beginning 2020).

At the October 13, 2020 Special Council meeting, the following resolution was passed:

RC20/363

THAT staff be directed to reorder the Land Use Contract Terminations process to prioritize single-family lots, and areas of town that have experienced zoning issues (large homes, view corridors, etc.) in the recent past;

AND THAT this reordering be referred to the House Size and Siting Task Force for comment prior to returning to Council.

At the January 20, 2022, House Size and Siting Task Force meeting, staff recommended a proposed approach and schedule to address the five remaining single-family LUC areas.

At the February 15, 2022, Special Council meeting, the following resolution was passed:

CW22/012

THAT staff be directed to proceed with the termination of the Land Use Contracts and rezoning of the properties at Walton Way/Benson Drive, Angela Drive, and Appleyard Court as outlined in the report dated January 17, 2022, from the Community Development Department – Policy Planning Division regarding Single-Family Land Use Contracts.

Discussion

The 40 properties located at 1-60 Walton Way and 2-22 Benson Drive were considered a high priority for rezoning since the existing LUC allows for larger homes (more density and more site coverage) than is allowed under the underlying RS1 zone. After comparing the existing provisions in the LUC and the provisions in RS1, staff recommended undertaking an early termination of the LUC and rezoning these properties to RS1 which was endorsed by Council at the Special Council Meeting on February 15, 2022.

Notification letters were mailed to Benson Drive and Walton Way properties on February 18, 2022, notifying all property owners and tenants of the land use contract on the property, of the proposed rezoning to the RS1 zone, and an information meeting scheduled on March 7, 2022. Two participants attended the information meeting. Notification signs were posted on the property prior to the information meeting inviting public comments and providing an email contact for inquiries. The presentation was also posted on the City's LUC website.

A summary of the land use contract and affected properties is outlined in *Table 1*. The location map and Land Use Contract for Benson Drive and Walton Way is included as **Attachment 1**. **Attachment 2** compares the provisions of the land use contract to the proposed RS1 zoning.

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Table 1: Summary of Benson Drive and Walton Way LUC

Name:	Benson Drive and Walton Way
Number of Properties:	41
Addresses:	1-60 Walton Way and 2-22 Benson Drive
Current Use:	Residential Dwelling Units and Park
OCP Designation	Single Family Low Density and Parks and Open Space
Underlying Zoning	RS1
Proposed New Zoning	1-60 Walton Way and 2-22 Benson Drive
LUC Intent:	<p>One principal building for Residential use on each subdivided lot, with accessory off-street parking use, as normally permitted in the One-Family Residential Zone (RS-1) of the City of Port Moody.</p> <p>Development on the 3.084 acre area designated for Park purposes shall be at the discretion of the City.</p>

LUC Termination Bylaw and Rezoning Bylaw

To facilitate early termination of the LUC for Benson Drive and Walton Way and to rezone the properties to RS1, draft City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3353 (Benson Drive and Walton Way) is included as **Attachment 3** and draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 71, 2022, No. 3357 (Benson Drive and Walton Way) (RS1) is included as **Attachment 4**.

Process to Address a Hardship Concern

If a property owner believes that the timing of the early LUC termination would cause hardship, an application can be made to the Board of Variance for consideration of an exemption under Section 533 of the *Local Government Act*. The Board of Variance may allow provisions of the LUC to continue to apply (no later than June 30, 2024). Application for exemption must be received within six months after the adoption of the LUC Termination Bylaw. Existing buildings and structures which were lawfully built will have legal non-conforming protection under Division 14 of the *Local Government Act*.

Should an LUC Termination Bylaw proceed, a letter is sent to each affected property owner advising them of this provision and the associated timelines.

Timeline and Next Steps

To rezone the properties at Benson Drive and Walton Way to RS1, the City will follow its established rezoning process as well as provincial LUC termination requirements, which include:

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- notification letter to property owners (February 18, 2022);
- information meeting (March 7, 2022);
- Council to consider first and second readings of LUC Termination Bylaw and the related Zoning Bylaw amendment to rezone the properties to RS1 (May 10, 2022);
- Public Hearing (date TBD);
- Council to consider third reading and adoption of the Zoning Amendment and LUC Termination Bylaws (date TBD), but will need to occur prior to June 30, 2022;
- notification of outcome to property owners (date TBD);
- one-year waiting period (LUC continues to be in effect during this waiting period);
- LUC Termination Bylaw and new zoning comes into effect after the one-year waiting period; and
- LUC notation is removed from property owner's Certificate of Title.

Notification Recommendation

Section 11 of the City's Development Approval Procedures Bylaw No. 2918 requires notification of a proposed rezoning to all owners and tenants in occupation of each parcel of land which is the subject of the proposed Bylaw and to all registered owners of property and tenants in occupation of property within 140m of the perimeter boundary of the parcel. Given that the rezoning of the LUC affected properties does not involve any new development on the site, staff propose that the notification requirement for properties within a 140m radius of the rezoning site be waived. Notification to the owners and tenants of the LUC properties would continue.

This approach is consistent with the notification process associated with the June 9, 2020 Public Hearing for the LUC termination and rezoning of Sentinel Hills, Inlet View, Eagle Point, Easthill, and Highland Park, as well as for a similar Public Hearing on October 12, 2020 for Balmoral Place.

Other Options

THAT the Land Use Contract associated with the properties at Benson Drive and Walton Way be left to expire leaving the existing underlying zoning of RS1 in place until the provincial deadline of June 30, 2024.

Financial Implications

The costs associated with the Public Hearing notifications and the discharge of the Land Use Contract at the Land Title and Survey Authority will be covered by the land use contract termination operating budget, which is funded from the Council Strategic Priorities Reserve.

Communications and Civic Engagement Initiatives

If Bylaw No. 3353 and Bylaw No. 3357 proceed to a Public Hearing, notification will occur in accordance with the requirements set out in the City's Development Approval Procedures Bylaw, No. 2918 and the *Local Government Act*, with the exception of the notice to surrounding areas within 140m of the perimeter boundary of the rezoning site, should this requirement be waived.

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Council Strategic Plan Objectives

The information and recommendations contained in this report align with the Council 2019-2022 Strategic Plan Objectives of Exceptional Service and Community Evolution.

Attachments

1. Map of Benson Drive and Walton Way and Land Use Contract.
2. Comparison of the Benson Drive and Walton Way LUC and RS1 Zone.
3. Draft City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3353 (Benson Drive and Walton Way).
4. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 71, 2022, No. 3357 (Benson Drive and Walton Way) (RS1).

Report Author

Jess Daniels
Policy Planner

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Report Approval Details

Document Title:	Termination of Land Use Contract at Benson Drive and Walton Way and Rezoning to RS1 and P1.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Map of Benson Drive and Walton Way Land Use Contract.pdf- Attachment 2 - Comparison of Benson Drive and Walton Way LUC and RS1 Zoning.pdf- Attachment 3 - Land Use Contract Termination Bylaw, 2022, No. 3353 (Benson Drive and Walton Way).pdf- Attachment 4 - Zoning Amendment Bylaw, 2022, No. 3357 (Benson Drive and Walton Way) (RS1).pdf
Final Approval Date:	May 2, 2022

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

Mary De Paoli, Manager of Policy Planning - Apr 27, 2022 - 6:44 AM

Mary De Paoli for Kate Zanon, General Manager of Community Development - Apr 27, 2022 - 5:18 PM

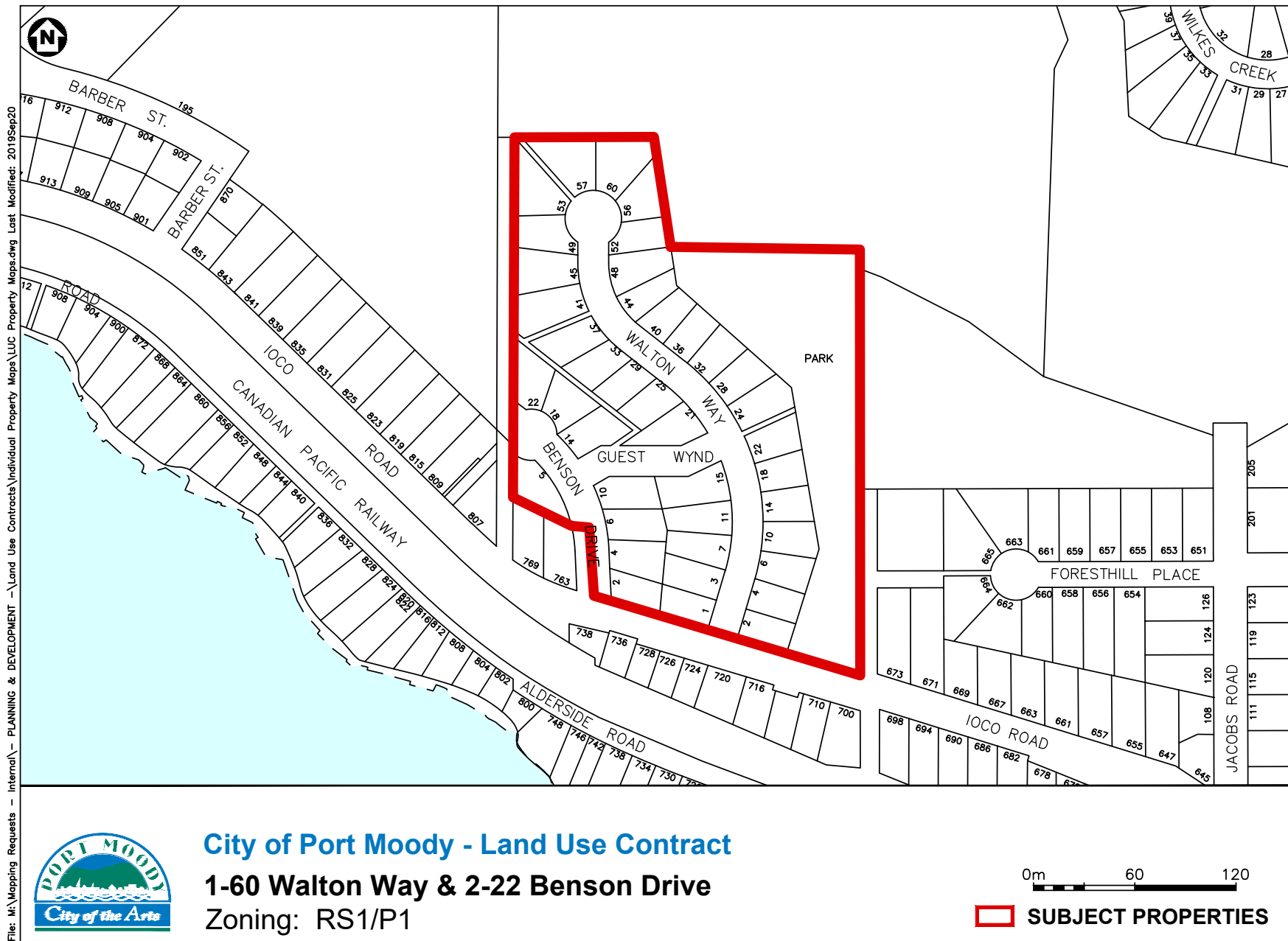
Rosemary Lodge, Manager of Communications and Engagement - Apr 28, 2022 - 10:39 AM

Paul Rockwood, General Manager of Finance and Technology - Apr 28, 2022 - 4:03 PM

Tim Savoie, City Manager - May 2, 2022 - 12:44 PM

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File: M:\Mapping Requests - Internal\ - PLANNING & DEVELOPMENT - Land Use Contracts\Individual Property Maps\LUIC Property Maps.dwg Last Modified: 2019Sep20

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CITY OF PORT MOODY

BY-LAW NO. 1187

A BY-LAW OF THE CITY OF PORT MOODY TO APPROVE A LAND USE CONTRACT

WHEREAS by By-law No. 1156 of the City of Port Moody, dated the 15th day of October 1973, the area of lands described as:

Blocks 3, 4, and 5, District Lot 227, Group I as shown on registered Plan 174 and the most southerly 400 feet of Lot "C", District Lot 227 as shown on registered Plan 23645, as further shown on map attached to By-law 1156

was designated as a Development Area within the meaning of Section 702 and 702A of the Municipal Act and pursuant to the provisions of the said Act;

AND WHEREAS by By-law No. 1156 of the City of Port Moody, dated the 15th day of October 1973, the City was authorized to enter into a Land Use Contract with the developer for the use and development of the said Development Area pursuant to the provisions of the Municipal Act;

AND WHEREAS notice of a Public Hearing to be held by the Council of the City of Port Moody in the Council Chamber of the Public Safety Building on Tuesday March 5, 1974 at the hour of 7:30 P.M. was published in the issues of the Columbian Newspaper, dated Monday, February 25, 1974 and Tuesday, February 26, 1974;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Municipal Council of the City of Port Moody in open session enacts as follows:

1. TITLE

This By-law may be cited for all purposes as "City of Port Moody Land Use Contract By-law No. 3, 1974".

2. APPROVAL OF CONTRACT

The Land Use Contract attached hereto and marked Schedule "A" is hereby adopted by the Council of the City of Port Moody.

READ A FIRST time this 18th day of March, 1974.

READ A SECOND time this 18th day of March, 1974.

READ A THIRD time this 18th day of March, 1974

RECONSIDERED AND FINALLY ADOPTED this 1st day of April, 1974.


Mayor


Municipal Clerk

I HEREBY CERTIFY that the above is a true copy of By-law No. 1187 of the City of Port Moody.

Municipal Clerk

AMENDED BY BY-LAW NO. 1267

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Certified true copy of Map referred to in By-law No. 1187.

Bob B. B. B.
Municipal Clerk

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558

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PL 12384

Considered at the Regular Council Meeting of May 10, 2022

LAND USE CONTRACT 3 day of April, 1974.

SCHEDULE "A"

L.R.O. FILING

K-87165

19/7/74

BETWEEN:

THE CORPORATION OF THE CITY OF PORT MOODY,
a Municipal Corporation having its
Municipal Offices at 2425 St. John's Street
in the City of Port Moody, in the Province
of British Columbia

(hereinafter called the "City")

OF THE FIRST PART

AND:

ARGON DEVELOPMENTS LTD, a Company duly
incorporated under the laws of British
Columbia, having its place of business at
125 West 2nd Street in the Municipality of
North Vancouver in the Province of British
Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS by By-law No. 1156 of the said City, dated the 15th day of October, 1973, the area of lands described as:

Blocks 3, 4 and 5, District Lot 227, Group 1, as shown on Registered
Plan 174 and the most southerly 400 feet of Lot "C", District Lot 227,
as shown on Registered Plan 23645, as further shown on the map attached
to By-law No. 1156

was designated as a Development Area within the meaning of Sections 702 and
702A of the "Municipal Act" and pursuant to the provisions of the said Act.

AND WHEREAS by By-law No. 1156 of the said City dated the 15th day of
October, 1973, the City was authorized to enter into a Land Use Contract
with the Developer for the use and development of the said Development Area,
in accordance with the terms and conditions hereinafter contained and pursuant
to the provisions of the "Municipal Act".

AND WHEREAS notice of a Public Hearing to be held by the Council of the City
of Port Moody in the Council Chamber of the Public Safety Building, Port
Moody, B. C., on Tuesday, March 5, 1974, at the hour of 7:30 p.m., was
published in the issues of the "Columbian" newspaper dated Monday,
February 25, 1974, and Tuesday, February 26, 1974.

AND WHEREAS the said Public Hearing was duly held at the time and place
above-mentioned.

1. The Developer and the City are owners of an estate in fee simple of
all and singular that certain parcel of land and premise situate,
lying and being in the City of Port Moody, in the Province of British
Columbia, more particularly known and described as:

That subdivided portion of District Lot 227, including Lots 228 to
269 inclusive, the area designated Park consisting of 3.084 acres
and all designated road allowances as shown outlined in red on a
subdivision plan prepared by Hunter, Crockford, Scobie & Associates,
Surveyors, and Engineers, dated February 4, 1974, attached hereto and
marked Plan No. L - 02.

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Land Use Contract

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SAVE AND EXCEPT those certain parcels of land lying and being in the City of Port Moody included in the afore-mentioned Subdivision that are in the joint ownership of William Farley and Sandra Farley of 745 Ioco Road of the City of Port Moody in the Province of British Columbia, more particularly described as follows:

Lots 1 & 2, Block 3, District Lot 227, Group 1, Plan 174, N.W.D.
Lots 1 & 2, Block 4, District Lot 227, Group 1, Plan 174, N.W.D.
Lots 14 & 15, Block 4, District Lot 227, Group 1, Plan 174, N.W.D.

which have been designated to be included in the Development Area, in accordance with an Agreement dated February 18, 1974, attached as a Schedule hereto and marked Schedule No. M - 1.

The following Maps, Plans and Schedules, marked as Schedule "A", are attached to form part of this Contract.

2. (a) Plan No.	Description
L - 01	Plan designating Road Closures
L - 02	Lot Subdivision Plan
S - 001	Overall Plan - Road and Sanitary Services
S - 01	Plan and Profile - Road No. 1
S - 02	Additional Plan and Profile Road No. 1
S - 03	Profile - Ioco Road
S - 04	Proposed Road - No. 2
S - 05	Profile Along C/L Of Road No. 3
S - 06	Plan and Profile - West Road
S - 07	Plan and Profile - Walkways 3 and 4
S - 08	Plan and Profile - "West Easement"
S - 09	Sections - Road No. 1
S - 010	Sections - Road No. 3
S - 011	Proposed Gravel Service Road
S - 012	Plan and Profile - Lower "Middle Route"
S - 013	Plan and Profile - Lower Gravel Road
S - 014	Plan Showing Down Stream Drainage
S - 015	Site Drainage Plan

(b) Schedule No.	
M - 1	Land Development Agreement between William and Sandra Farley, and A. Percy.
M - 2	Letter of Commitment re Downstream Drainage addressed to Ian E. Young by Argon Developments Ltd., endorsed by Ian Young.

3. The following Terms and Conditions shall apply to the said Development.

(a) Registration of Title

The Owner has deposited at the Land Registry Office, New Westminster District, the required Subdivision Plan referred to in Section 1, which consolidates Blocks 3, 4 and 5, District Lot 227, Group 1, as shown on Registered Plan 174 and the most Southerly 400 feet of Lot "C", District Lot 227, as shown on Registered Plan 23645, creating a Residential Subdivision and Parkland, as shown on Plan L - 02 of Schedule "A".

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3. (b) Permitted Use of Land

The following use, and no others, shall be permitted:

One principle building for Residential use on each subdivided lot, with accessory off-street parking use, as normally permitted in the One-Family Residential Zone (RS-1) of the City of Port Moody.

Development on the 3.084 acre area designated for Park purposes shall be at the discretion of the City.

(c) Size, Shape & Siting of Buildings and Structures

All buildings and structures to be constructed on the said land shall be in conformance with the requirements of the City of Port Moody Zoning By-law and the City of Port Moody Building By-law, with respect to size, shape and siting of buildings and structures.

(d) Inspections

The City Engineer, or his authorized agent, are hereby authorized to enter the lands and premises for the purpose of the administration and enforcement of this Land Use Contract.

(e) Municipal Services

- (i) All utilities, including Water, Sanitary Sewer, Storm Sewer, shall be installed underground.
- (ii) B. C. Hydro and B. C. Telephone cables shall be installed underground.
- (iii) All services detailed in Section 3 (e) (i) and (ii) above, and all other utilities, including Road Curbs, Street Lighting, Pathways, Service Roads and Surface Drainage, shall be constructed in conformance with Plan Nos. S - 01, S - 02, S - 03, S - 04, S - 05, S - 06, S - 07, S - 08, S - 09, S - 010, S - 011, S - 012 and S - 013, and shall further conform to City Specifications for such services.

Installation of Sidewalks are not Included in this Land Use Contract.

(f) Downstream Drainage Improvements

Downstream drainage improvements to the Subdivision shall be constructed in conformance with Plan No. S - 014 and Schedule No. M - 2, and shall further conform to City Specifications for such services.

(g) Amendments

This Land Use Contract may be amended for minor alterations to Plans and Specifications by mutual written agreement.

4. Covenants of the Developer and Security for Due Performance

- (a) The Developer covenants and agrees that he will commence construction in conformity with the terms and conditions of this Land Use Contract within a period of three months from the date of its execution, and shall complete all such works undertaken within a period of twelve (12) months from commencement of construction.
- (b) As a security for the due and proper performance of this Contract and the Covenants and Agreements herein contained, the Developer has deposited with the City, prior to the execution of this document, a cash deposit or irrevocable letter of credit drawn by a Canadian Chartered Bank, or such other financial security that is mutually acceptable to the City and the Developer, in the total amount of servicing costs.
- (c) As a Security for due and proper maintenance of all services detailed in Part 3(e) of this Contract, for a period of 12 months following completion, the Developer has deposited with the City a Cash Deposit or Performance Bond for an amount equal to 15% of all service costs.
- (d) The period of deposit or expiry date of letters of credit, or other financial security, shall be for a minimum period of two years from the execution date of this document, or upon receipt of Completion Certificate.
- (e) The Developer further covenants and agrees that he shall not, during construction and installation of services, remove or deliberately injure any tree that is presently existing, without prior written consent of the City.
- (f) And the Developer further agrees with the City that he will reimburse the City for all legal fees and costs incurred by the City in drawing up and executing this Contract.
- (g) This Contract shall inure to the benefit of and be binding upon the Developer, his successors and assignees. This Contract shall not be assigned to any Third Party, prior to its completion, without written consent of the City.
- (h) The Developer covenants to save harmless and effectively indemnify the Municipality against:
 - (i) All actions and proceedings costs, damages, expenses, claims and demands whatsoever and by whomsoever brought by reason of the construction of the said works.
 - (ii) All expenses and costs which may be incurred by reason of the execution of the said works resulting in damage to any property owned in whole or in part by the Municipality, or which the Municipality by duty or custom is obliged, directly or indirectly, in any way or to any degree, to construct, repair or maintain.
 - (iii) All expenses and costs which may be incurred by reason of liens for non-payment of labour or materials, Workmen's Compensation assessments, Unemployment Insurance, Federal or Provincial Tax, check-off and for encroachments owing to mistakes in survey.

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Land Use Contract

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4. (i) The City of Port Moody owns 45,818 square feet of land, which is to be contained in the aforementioned plan of Subdivision, for which the Developer will pay to the City the sum of \$ 56,000.00. The payment of this sum will vest the title of this additional land to the Developer. Such sum of money shall be paid to the City at the time of execution of this Contract.

(j) This Contract shall have the force and effect of a restrictive Covenant running with the land and shall be registered in the Land Registry Office by The City of Port Moody.

5. Covenants of the City

The Municipality hereby covenants and agrees with the Developer to permit the Developer to perform all the said work upon the terms and conditions herein contained.


6. In the interpretation of this Land Use Contract, all definitions of words and phrases contained in the City of Port Moody Zoning By-law 1968, No. 968, as amended, shall apply to this Land Use Contract and to the attachments hereto.

7. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer, other than those in this Contract.

8. WE, ARGON DEVELOPMENTS LTD., the Developer of the lands described above, do hereby agree and consent to all of the terms and conditions herein expressed and set forth.

IN WITNESS HEREOF this Land Use Contract has been executed under signature of Thomas W. Hall, Mayor, and Roy H. Blackwood, Municipal Clerk, and under seal of the Corporation of the City of Port Moody, at Port Moody, British Columbia, the 3 day of April, 1974.

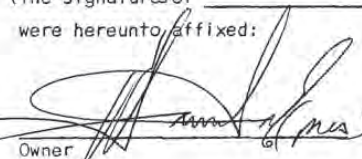
(The Corporate Seal of the Corporation of the City of Port Moody was hereunto affixed in the presence of:


Mayor


Municipal Clerk

(The Corporate Seal of the Corporation of Argon Developments Ltd., was hereunto affixed in the presence of:

(The signatures of _____
were hereunto affixed:


Owner

Owner

Considered at the Regular Council Meeting of May 10, 2022

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L.R.O. FILING:

M-9685 - Feb. 9/76.

CITY OF PORT MOODY

BY-LAW NO. 1267

A BY-LAW OF THE CITY OF PORT MOODY TO AMEND BY-LAW NO. 1187 WHICH IS CITED AS "CITY OF PORT MOODY LAND USE CONTRACT BY-LAW NO. 3, 1974".

WHEREAS by By-law No. 1187 of the City of Port Moody, authority was granted for the City to enter into a Land Use Contract with Argon Developments Ltd.:

AND WHEREAS for legal reasons the equity of Argon Developments Ltd. in the subdivision development has been transferred to Stanal Developments Ltd.

AND WHEREAS under the provisions of Section 4 (g) of Schedule "A" attached to and forming part of By-law No. 1187, the Land Use Contract cannot be assigned to a third party without the consent of the City.

NOW THEREFORE the Municipal Council of the City of Port Moody in open session enacts as follows:

1. TITLE

This By-law may be cited for all purposes as the "City of Port Moody Land Use Contract By-law No. 1187, Amendment By-law, 1976"

2. AMENDMENT

Amends Land Use Contract. Schedule "A" attached to By-law No. 1187 is amended by deleting the name "Argon Developments Ltd." wherever it appears and substituting the name "Stanal Developments Ltd.".

All other terms and conditions of the Land Use Contract shall remain the same in accordance with the first sentence of Section 4(g) of Schedule "A" attached to By-law No. 1187.

READ A FIRST time this 19th day of JANUARY, 1976.

READ A SECOND time this 19th day of JANUARY, 1976.

READ A THIRD time this 19th day of JANUARY, 1976.

RECONSIDERED AND FINALLY ADOPTED this 2nd day of FEBRUARY, 1976.


Mayor


Municipal Clerk

I hereby certify that the above is a true copy of By-law No. 1267 of the City of Port Moody.

Municipal Clerk

Considered at the Regular Council Meeting of May 10, 2022

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Attachment 2: Comparison of Benson Drive and Walton Way LUC and Port Moody Single Detached Residential (RS1) Zoning

Provision	Land Use Contract (1968 RS1 Zoning Bylaw No. 968)	RS1 Zoning (Zoning Bylaw No. 2937, 2018)	Comments
Intent	One principal building for Residential use on each subdivided lot, with accessory off-street parking use, as normally permitted in the One-Family Residential Zone (RS-1) of the City of Port Moody. Development on the 3.084 acre area designated for Park purposes shall be at the discretion of the City.	To accommodate Single Detached Residential development and Detached Accessory Dwelling Units on standard urban Lots.	Main use remains.
Min. Lot Size	Not specified.	Lot Area - 555.0m ² Lot Width - 15.0m	Adds clarification.
Permitted Uses	One principal building for residential use on each subdivided lot with and off-street parking use as normally permitted in the RS1 zone (<i>Zoning Bylaw at the time</i>)	Principal Uses: - Single Detached Residential Secondary Uses: - One of the following: • Bed and Breakfast • Boarding • Child Care • Community Care • Home Occupation – Type B • Secondary Suite ii. Detached Accessory Dwelling Unit (see section 5.5) iii. Home Occupation – Type A iv. Supportive Recovery	Main use remains, further principal and secondary uses added/clarified.
Max. Lot Coverage	All Buildings and Structures – 40% total Accessory Building – 15%	i. All Buildings and Structures – 40% total ii. Accessory Building or Structure (including Detached Dwelling Units) – 65m ²	Adds clarification.
Max. Floor Area	Shall have a residential floor area of not less than 800 sq ft or 74.32 m ² within each dwelling unit	All Buildings – FAR of 0.5	Adds clarification.

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Re: Land use contract for Benson Drive
February 18, 2022

Max. Building Height	Principal Building -35ft (max.) or 10.67m Accessory Building – 15 ft or 4.57 m	i. Principal Building – the lesser of 3 Storeys and the vertical distance from Grade to the highest point of the Building which shall be 10.5m for roofs with a pitch of 3:12 or greater, and 9.0m for roofs with a pitch less than 3:12 ii. Accessory Building – 3.7m for a flat roof and 4.5m for a roof with a slope angle more than 3:12 measured to the highest point iii. Detached Accessory Dwelling Unit (see Section 5.5)	Adds clarification.
Min. Front yard setback	Principal Building - 20ft or 6.1m Accessory Building – 25 ft or 7.62 m	i. Principal Building – 6.0m ii. Accessory Building or Structure – rear of the principal Building Setback	Adds clarification.
Min. Rear yard setback	Principal Building - 10ft or 3.05m Accessory Building – 4ft or 1.22m	i. Principal Building – 7.5m ii. Accessory Building or Structure – 1.5m iii. Detached Accessory Dwelling Unit – 1.5m	Adds clarification.
Min. Side yard setback	Principal Building - 5ft or 1.52m or 10% of Lot Width if less than 50ft or 15.24m Accessory Building – 10 ft or 3.05 m (interior) 5 ft or 1.52 m (exterior)	i. All Buildings or Structures (interior) – 1.5m ii. All Buildings or Structures (exterior) – 3.0m	Adds clarification.
Min. Setback between Buildings	Not specified.	2.0 metres	Adds clarification.
Parking	1 space per principal Dwelling Unit.	2 spaces per principal Dwelling Unit.	Adds clarification.



City of Port Moody

Bylaw No. 3353

A Bylaw to terminate the Land Use Contract for Benson Drive and Walton Way.

WHEREAS section 547 of the *Local Government Act* terminates all Land Use Contracts on June 30, 2024 and requires the adoption of a zoning bylaw that will apply to the land by June 30, 2022;

AND WHEREAS Council of the City of Port Moody deems it expedient to undertake the process for early termination of Land Use Contracts under section 548 of the *Local Government Act*;

NOW THEREFORE 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 Land Use Contract Termination Bylaw, 2022, No. 3353 (Benson Drive and Walton Way)”.

2. Land Use Contract Termination

- 2.1 The Land Use Contract between the Corporation of the City of Port Moody and Argon Developments Ltd., dated April 3, 1974, for the properties outlined and legally described in Schedule A, registered in the New Westminster Land Title Office under Filing Number K87165, is hereby discharged.

3. Repeal

- 3.1 City of Port Moody Land Use Contract By-law No. 3, 1974, No 1187 and all amendments thereto are hereby repealed.
- 3.2 City of Port Moody Land Use Contract By-law No. 1187, Amendment By-law, 1976, No. 1267 and all amendments thereto are hereby repealed.

4. Attachments and Schedules

- 4.1 The following schedule is attached to and forms part of this Bylaw:
 - Schedule A – List of Properties affected by charge number K87165 filed at the New Westminster Land Title Office

5. Severability

- 5.1 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.

Considered at the Regular Council Meeting of May 10, 2022

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6. Effective Date

6.1 This Bylaw shall come into effect one year after the date of adoption.

Read a first time this ____ day of _____, 2022.

Read a second time this ____ day of _____, 2022.

Public Hearing held this ____ day of _____, 2022.

Read a third time this ____ day of _____, 2022.

Adopted this ____ day of _____, 2022.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3353 of the City of Port Moody.

D. Shermer
Corporate Officer

Considered at the Regular Council Meeting of May 10, 2022

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Schedule A

Schedule A

List of Properties affected by charge number K87165 filed at the New Westminster Land Title Office

Address	P.I.D.	Legal Description
1 Walton Way	006-076-165	LOT 259 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
2 Walton Way	006-078-141	LOT 228 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
3 Walton Way	006-076-122	LOT 258 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
4 Walton Way	006-078-150	LOT 229 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
6 Walton Way	003-886-808	LOT 230 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
7 Walton Way	006-076-106	LOT 257 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
10 Walton Way	006-078-168	LOT 231 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
11 Walton Way	006-076-076	LOT 256 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
14 Walton Way	004-330-358	LOT 232 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
15 Walton Way	006-076-050	LOT 255 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
18 Walton Way	000-782-521	LOT 233 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
21 Walton Way	006-076-025	LOT 254 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
22 Walton Way	006-078-176	LOT 234 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
24 Walton Way	006-078-192	LOT 235 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
25 Walton Way	001-506-544	LOT 253 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
28 Walton Way	006-078-206	LOT 236 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
29 Walton Way	006-075-991	LOT 252 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
32 Walton Way	006-078-214	LOT 237 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
33 Walton Way	000-585-505	LOT 251 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
36 Walton Way	006-078-222	LOT 238 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
37 Walton Way	006-075-916	LOT 250 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
40 Walton Way	006-078-231	LOT 239 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496

Considered at the Regular Council Meeting of May 10, 2022

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Schedule A

Address	P.I.D.	Legal Description
41 Walton Way	006-075-886	LOT 249 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
44 Walton Way	006-078-249	LOT 240 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
45 Walton Way	006-078-290	LOT 248 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
48 Walton Way	001-328-239	LOT 241 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
49 Walton Way	006-078-281	LOT 247 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
52 Walton Way	000-965-146	LOT 242 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
53 Walton Way	001-874-888	LOT 246 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
56 Walton Way	004-806-280	LOT 243 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
57 Walton Way	006-078-265	LOT 245 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
60 Walton Way	006-078-257	LOT 244 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
2 Benson Drive	003-451-691	LOT 260 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
4 Benson Drive	006-076-181	LOT 261 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
5 Benson Drive	002-360-080	LOT 267 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
6 Benson Drive	001-622-234	LOT 262 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
10 Benson Drive	006-076-203	LOT 263 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
14 Benson Drive	006-076-238	LOT 264 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
18 Benson Drive	006-076-262	LOT 265 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
22 Benson Drive	003-175-529	LOT 266 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496



City of Port Moody

Bylaw No. 3357

A Bylaw to apply Single Detached Residential (RS1) Zoning to the properties previously subject to a Land Use Contract for Benson Drive and Walton Way.

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. 71, 2022, No. 3357 (Benson Drive and Walton Way) (RS1)".

2. Amendments

- 2.1 City of Port Moody Zoning Bylaw, 2018, No. 2937 is amended by rezoning the lands outlined in the following schedule to Single Detached Residential (RS1):
- Schedule A – Benson Drive and Walton Way Map and List of Properties.

3. Attachments and Schedules

- 3.1 The following schedule is attached to and forms part of this Bylaw:
- Schedule A – Benson Drive and Walton Map and List of Properties.

4. Severability

- 4.1 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.

5. Effective Date

- 5.1 This Bylaw shall come into effect one year after the date of adoption.

Read a first time this ____ day of _____, 2022.

Read a second time this ____ day of _____, 2022.

Public Hearing held this ____ day of _____, 2022.

Read a third time this ____ day of _____, 2022.

Adopted this ____ day of _____, 2022.

Considered at the Regular Council Meeting of May 10, 2022

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R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3357 of the City of Port Moody.

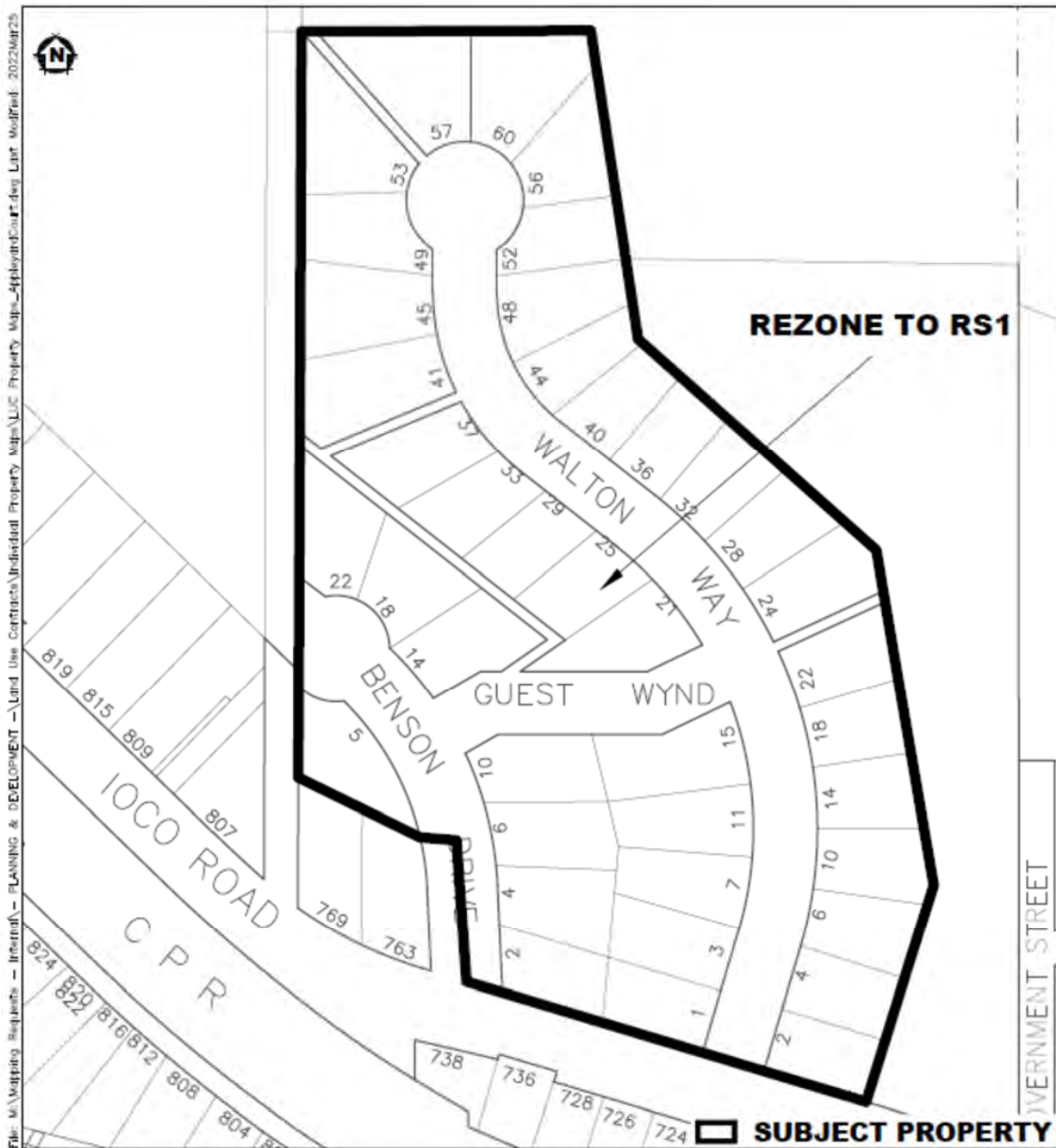
D. Shermer
Corporate Officer

Considered at the Regular Council Meeting of May 10, 2022

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Schedule A

Schedule A – Benson Drive and Walton Way Map and List of Properties



Considered at the Regular Council Meeting of May 10, 2022

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Schedule A

List of Properties

Address	P.I.D.	Legal Description
2 Benson Drive	003-451-691	LOT 260 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
4 Benson Drive	006-076-181	LOT 261 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
5 Benson Drive	002-360-080	LOT 267 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
6 Benson Drive	001-622-234	LOT 262 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
10 Benson Drive	006-076-203	LOT 263 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
14 Benson Drive	006-076-238	LOT 264 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
18 Benson Drive	006-076-262	LOT 265 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
22 Benson Drive	003-175-529	LOT 266 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
1 Walton Way	006-076-165	LOT 259 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
2 Walton Way	006-078-141	LOT 228 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
3 Walton Way	006-076-122	LOT 258 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
4 Walton Way	006-078-150	LOT 229 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
6 Walton Way	003-886-808	LOT 230 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
7 Walton Way	006-076-106	LOT 257 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
10 Walton Way	006-078-168	LOT 231 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
11 Walton Way	006-076-076	LOT 256 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
14 Walton Way	004-330-358	LOT 232 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
15 Walton Way	006-076-050	LOT 255 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
18 Walton Way	000-782-521	LOT 233 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
21 Walton Way	006-076-025	LOT 254 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
22 Walton Way	006-078-176	LOT 234 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
24 Walton Way	006-078-192	LOT 235 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496

Considered at the Regular Council Meeting of May 10, 2022

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Schedule A

Address	P.I.D.	Legal Description
25 Walton Way	001-506-544	LOT 253 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
28 Walton Way	006-078-206	LOT 236 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
29 Walton Way	006-075-991	LOT 252 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
32 Walton Way	006-078-214	LOT 237 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
33 Walton Way	000-585-505	LOT 251 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
36 Walton Way	006-078-222	LOT 238 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
37 Walton Way	006-075-916	LOT 250 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
40 Walton Way	006-078-231	LOT 239 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
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52 Walton Way	000-965-146	LOT 242 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
53 Walton Way	001-874-888	LOT 246 DISTRICT LOT 227 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 46496
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