



City of Port Moody

Report/Recommendation to Council

Date: September 12, 2023
Submitted by: Community Development Department – Policy Planning Division
Subject: Zoning Bylaw Housekeeping Amendments – September 2023

Purpose

To present a housekeeping amendment bylaw for City of Port Moody Zoning Bylaw, 2018, No. 2937 for Council consideration.

Recommended Resolution(s)

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 74, 2023, No. 3376 (Housekeeping) be read a first and second time as recommended in the report dated September 12, 2023, from the Community Development Department – Policy Planning Division regarding Zoning Bylaw Housekeeping Amendments – September 2023;

AND THAT Bylaw No. 3376 be referred to a Public Hearing.

Background

City of Port Moody Zoning Bylaw, 2018, No. 2937 was adopted on July 10, 2018. This Zoning Bylaw covers the entirety of the City and regulates, among other matters, the use and development of lands, buildings, and structures. Staff generally prepare a housekeeping amendment bylaw on an annual basis to address errors or omissions, improve language clarity, and address changes to procedures or industry practices.

Discussion

Zoning Bylaws are wide-ranging and include hundreds of pages of regulations that have intricate relations in their application to development proposals. Through the practical use of the Zoning Bylaw, staff have identified several areas where minor amendments are necessary to ensure the Zoning Bylaw's effectiveness and clarity of intention.

City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 74, 2023, No. 3376 (Housekeeping) (**Attachment 1**) provides for the following housekeeping amendments:

General

- Replace all instances of m2 with m²

Rationale: Replacing all instances of the abbreviation for 'metre squared' from m2 to m² will improve the clarity and readability of the Zoning Bylaw.

- Remove the following duplicate zones from the Zoning Bylaw:
 - Section 176 Comprehensive Development Zone (CD 72)
 - Section 177 Comprehensive Development Zone (CD 71)
 - Section 179 Comprehensive Development Zone (CD 73)

Rationale: To remove duplicate CD Zones from the Zoning Bylaw.

Section 3.1 – Zone Designation

- Insert the following rows in the correct alphanumeric position, in the table in section 3.1.1:

CD25	Comprehensive Development Zone 25
CD57	Comprehensive Development Zone 57
CD74	Comprehensive Development Zone 74
CD75	Comprehensive Development Zone 75
CD76	Comprehensive Development Zone 76
CD77	Comprehensive Development Zone 77
CD78	Comprehensive Development Zone 78
CD82	Comprehensive Development Zone 82
CD83	Comprehensive Development Zone 83
CD85	Comprehensive Development Zone 85
CD86	Comprehensive Development Zone 86
CD87	Comprehensive Development Zone 87
CD88	Comprehensive Development Zone 88

Rationale: To update the table in section 3.1.1 of the Zoning Bylaw to more accurately reflect the Comprehensive Development Zones that form part of the Zoning Bylaw.

Section 4.0 – Zone Designation

- Replace the existing definition of 'HEIGHT' with:

““HEIGHT” means the vertical distance from the Grade adjoining a Building or Structure to the highest point of the roof deck of a flat roof or the highest point of any affixed structures or features not exempted under Section 5.3.3 Height Exceptions, to the deck line of a mansard roof, and the mean level between the eaves and the ridge of a gable, hip, gambrel, or other sloped roof, and to the highest point of a Structure other than a Building. Refer to RS1 and RS1-S for zone specific Height definitions.”

Rationale: To include a limit to the number and size of an exempted feature on a roof top. Roof top floor areas are becoming more frequent in residential architecture; however, the permitted size and number are not currently clearly defined. Features like roof top access landings (doghouse), sun shelters, cupolas, pergolas, privacy screens, multiple flue chimneys in a chase, air handlers, swim spas, and hot tubs, etc. could present a visual distraction or block views in a residential zone. The new definition also references the provisions in RS1 and RS1-S zones for consistency.

- Replace the existing definition of 'TOWNHOUSE' with:

““TOWNHOUSE” means a Multi-Residential use in a Building used for three or more Dwelling Units separated from one another by party walls, where the units are side-by-side or stacked on top of each other, with each dwelling unit having a separate, direct entrance at ground level.”

Rationale: To expand the existing definition to include permission for stacked townhouse forms, and to provide clearer language regarding the ground level entrance requirements for each townhouse unit.

Section 5.0 – Use in All Zones

- Renumber section to 5.1

Rationale: Incorrect numbering.

Section 5.1 – Specific Use and Conditions

- Renumber to section 5.2

Rationale: Incorrect numbering.

Section 5.2.5 – Bed and Breakfast

- Delete “or Secondary Suite” under (d)

Rationale: This section update was missed in a previous Zoning Bylaw housekeeping amendment. This change allows for a Secondary Suite and a Bed and Breakfast to operate on the same lot.

Section 5.2.6 – Boarding Use

- Delete “or Secondary Suite” under (c)

Rationale: This section update was missed in a previous Zoning Bylaw housekeeping amendment. This change allows for a Secondary Suite and a Boarding use to operate on the same lot.

Section 5.2.7 – Secondary Suites

- Delete (a)
- Renumber list

Rationale: This section update was missed in a previous Zoning Bylaw housekeeping amendment. This change removes the restriction prohibiting a Secondary Suite from operating on the same lot as a Bed and Breakfast, Boarding use or Child Care.

Section 5.2.8 – Child Care Use

- Delete “or a secondary suite” under (a) (ii)

Rationale: This section update was missed in a previous Zoning Bylaw housekeeping amendment. This change removes the restriction prohibiting a Secondary Suite from operating on the same lot as Child Care.

Section 5.2.11 – Landscaping Walls and Retaining Walls

- Delete (d) and replace with:

“for multiple Retaining Walls, the total required setback to an interior side or rear lot line is measured from the closest retaining wall and shall be equal to the sum of the height of multiple retaining walls within side or rear yards;”

Rationale: To improve visual appearance and reduce the impact of retaining walls on adjacent properties, the total height of multiple retaining walls would be treated as the height of a single retaining wall when calculating the required setback.

Section 5.2.15 – Mechanical Equipment

- Replace the existing paragraph with:

“For all Single-Detached and Semi-Detached Residential zones, mechanical equipment located outside of a Building, including but not limited to heat pumps, air conditioners, and pool pumps, shall have a minimum setback of 1.8 metres from all Interior Lot lines.”

Rationale: The Zoning Bylaw currently restricts the placement of heat pumps to the rear yard which eliminates the option to install heat pumps in some instances. Permitting heat pumps in the front, rear and possibly side yards removes the restriction on their placement and encourages the installation of low carbon energy systems consistent with the City’s climate action goals and targets. The minimum setback distance of 1.8 metres intends to balance the desire for heat pump installation with potential noise impacts on neighbouring properties.

Section 5.2 – Area, Height, and Siting Regulations

- Renumber section 5.3

Rationale: Incorrect numbering.

Section 5.3.2 – Siting Exceptions

- add to (b) a new section (iv): “Accessory Buildings under 10m² and used as a garbage enclosure may be sited in the front yard.”

Rationale: To allow for a storage structure to secure garbage/recycle containers to be consistent with section 8.1 c) of City of Port Moody Solid Waste Bylaw, 2016, No. 3058.

Section 5.3.3 – Height Exceptions

- Delete (b) (iii) and replace with: “chimneys and flues to the extent required by the *BC Building Code*; and”
- Add (b) (iv): “guards required by the *BC Building Code* to a maximum height of 1.2m.”

Rationale: To include a limit to the number and size of an exempted feature on a roof top. Roof top floor areas are becoming more frequent in residential architecture; however, the size and number are currently not clearly defined. Features like roof top access landings (doghouse), sun shelters, cupolas, pergolas, privacy screens, multiple flue chimneys in a chase, air handlers, swim spas and hot tubs etc. could present a visual distraction or block views in a residential zone.

Section 5.3.4 – Floor Area Exemptions

- Replace (a) (iii) with: “exclude the total Floor Area of a Basement where the total volume of the Basement is 60% or more below Grade;”
- Replace the third bullet under (a) (v) with: “exterior wall thickness in excess of 0.165m, up to a maximum exclusion of 0.305m, provided that wall thicknesses are used exclusively for the provision of insulating materials and/or protection against wind, water, and vapour;”
- Replace (a) (ix) with: “exclude the equipment, access and servicing area floor area 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.”
- Replace the third bullet under (b) (iii) with: “exterior wall thickness in excess of 0.165m, up to a maximum exclusion of 0.305m, provided that wall thicknesses are used exclusively for the provision of insulating materials and/or protection against wind, water, and vapour;”
- Revise wording for (b) (viii) to read “exclude Green Building Systems, as follows:”
- Replace second bullet under (b) (viii) with: “exclude the equipment, access and servicing Floor Area 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”

Rationales:

To provide a clearer definition of when basements are excluded from Floor Area Ratio calculations in the Single and Semi-Detached Residential zones.

To update the parameters around the provision of floor area exemptions for thicker walls arising from more efficient buildings. Expanding the definition to include other measures

beyond insulation intends to mitigate the potential loss of livable/saleable floor area from thicker wall assemblies arising from high performing buildings.

To clarify the size of the portion of the floor area to be exempted from the Floor Area Ratio calculation as being the size of the equipment plus the size of the area to access and service the equipment.

Section 5.3 – Streamside Protection

- Renumber to 5.4
- Capitalize the defined terms “Daylighted Streams”, “Development”, “Landscaping”, “Riparian Area Restorative and Enhancement Works”, and “Setback” throughout section 5.4.

Rationales: Incorrect numbering. Capitalizing section specific definitions adheres to the standard practice of capitalizing defined terms that is applied throughout the Zoning Bylaw.

Section 5.4.1 – Definitions

- Replace the existing, section specific definition of “Stream” with:

““Stream” means:

- (a) a watercourse or body of water, whether or not usually containing water, and
- (b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
 - (i) a ditch, whether or not usually containing water;
 - (ii) a spring, whether or not usually containing water;
 - (iii) a wetland.”

Rationale: To align the Zoning Bylaw definition with the Official Community Plan and Provincial definitions.

- Replace the existing, section specific definition of “Watercourse” with:

““Watercourse” means a flowing waterbody, including those with flows that may be ephemeral, intermittent, temporary or seasonal in nature that is connected to a downstream waterbody, either naturally or artificially, including via a storm sewer pipe. Class A, B or C Watercourses are described in accordance with the City’s OCP.”

Rationale: To align the Zoning Bylaw definition with the Official Community Plan and Provincial definitions.

Section 5.4.5 – Minimum Riparian Management Setbacks

- Replace the wording in the 'All Shores' section of the table in 5.4.5 to:

All Shores	All Watersheds	Unlisted Class A Watercourse in accordance with the City's OCP	15.0	5.0
		Unlisted Class B Watercourse in accordance with the City's OCP	10.0	5.0
		Class C Watercourses	≥5	0

Rationale: To align with the Official Community Plan definitions and recommendations from the Moody Centre Stormwater Management Servicing Plan.

Section 5.4 – Detached Accessory Dwelling Units

- Renumber to 5.5

Rationale: Incorrect numbering.

Section 5.5.2 – Detached Accessory Dwelling Units

- Add the following sentence at the end of the paragraph: "Secondary access from a Collector Road is subject to Engineering department approval."

Rationale: To allow for the possibility of access to a Detached Accessory Dwelling Unit from a collector road for lots with front and rear lot lines abutting a collector road, subject to Engineering department approval.

Section 5.5.4 – Detached Accessory Dwelling Units

- Delete (a)
- Delete (b) and replace with: "6.71m measured from Grade to the highest point of the roof structure, parapet or guard; and"
- Renumber list

Rationale: To clarify the overall height maximum for Detached Accessory Dwelling Units and remove reference to the number of storeys.

Section 6.6.2 – Parking Dimensions, Layout, and Manoeuvring Aisles

- Delete section and replace with:
 - (a) "For parking within a single garage or double garage, or within a garage designed to accommodate Tandem Parking, the width and length of the Parking Space, required in accordance with the minimum standards, shall be measured from the inside of the finished wall to the inside of the opposite finished wall of the garage, and the Parking Space, along its entire width and length, shall be clear of any protrusions or encroachments by any structural and non-structural elements; and

- (b) In RS and RT zones, parking spaces provided for the use of Secondary Suites and Detached Accessory Dwelling Units may not be in a Tandem Parking configuration.”

Section 6.6.6 – Parking Dimensions, Layout, and Manoeuvring Aisles

- Delete section and replace with:

“Notwithstanding section 6.6.1, where a Parking Space or manoeuvring aisle abuts a wall or a fence, including walls of a garage or carport, along its side greater than 0.3m in height, the space or aisle shall be 0.3m wider than otherwise required in this Bylaw. In the case where a wall or a fence exists on either side of a single parking space, the space shall be 0.6m wider than otherwise required in this Bylaw.”

Rationale: To clarify that parking spaces adjacent to walls and/or fences of a garage, carport, etc. are required to be 0.3m wider on the abutting side to facilitate appropriately sized parking spaces.

Section 8.4.3 – Development Regulations

- Delete b) (i) and replace with:

“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 and with parapets less than 0.6m in height”

Rationale: To clarify where the height of a flat roof is measured to and to limit parapet height so as not to provide the appearance of a taller building or parapets acting as guards or privacy screens.

Section 8.4.6 – Conditions of Use

- Delete (a) and replace with:

“Height for the Principal Use means the vertical distance from the Grade to the highest point of the roof deck of a flat roof or to the highest point of any affixed structures or features not exempted under Section 5.3.3 Height Exceptions; to the deck line of a mansard roof; and to the highest point of a gable, hip, gambrel or other sloped roof.”

Rationale: To include a limit to the number and size of an exempted feature on a roof top. Roof top floor areas are becoming more frequent in residential architecture; however, the size or number are not clearly defined. Features like roof top access landings (doghouse), sun shelters, cupolas, pergolas, privacy screens, multiple flue chimneys in chase, air handlers, swim spas and hot tubs etc. could present a visual distraction or block a view in a residential zone.

- Delete (b) and replace with:

“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 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 under Section 219 of the *Land Title Act*, or a Statutory Right of Way, the elevations for the purpose of establishing Grade shall be taken at the intersections of the defined no-build covenant, development permit covenant or Statutory Right of Way, and the property lot lines. Where a lot grading plan has been approved by the City, the elevations at the corners of the property, or intersections of the defined no-build covenant, development permit covenant or Statutory Right of Way and the property lines, 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 two new corners.”

Rationale: To clarify that the calculation of grade is taken from the corners of the useable areas of the property.

Section 8.5.3 – Development Regulations

- Delete b) (i) and replace with:

“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 and with parapets less than 0.6m in height”.

Rationale: To clarify where the height of a flat roof is measured to and to limit parapet height so as not to provide the appearance of a taller building or parapets acting as guards or privacy screens.

Section 8.5.5 – Parking

- Add (b): “Notwithstanding section 8.5.5 (a), one (1) parking space per principal Dwelling Unit is required;
- Renumber list

Rationale: To reduce the number of required parking spaces for the Principal Dwelling unit in the RS1-S zone from two (2) parking spaces to one (1) parking space. This reduction in the required parking for the principal Dwelling Unit is intended to address a challenge that can be experienced with the development of RS1-S lots. Specifically, when a Secondary Suite and/or Detached Accessory Dwelling Unit is also being proposed as part of the RS1-S development, the constrained nature of RS1-S lots may not allow for the number of parking spaces required to accommodate these secondary uses. While there are other factors and constraints, a reduction in the parking spaces required for the principal Dwelling Unit may provide greater flexibility and a less challenging environment for the inclusion of additional Dwelling Units and/or secondary uses on RS1-S sites.

Section 8.5.6 – Conditions of Use

- Delete (a) and replace with:

“Height for the Principal Use means the vertical distance from the Grade to the highest point of the roof deck of a flat roof or to the highest point of any affixed structures or features not exempted under Section 5.3.3 Height Exceptions; to the deck line of a mansard roof; and to the highest point of a gable, hip, gambrel or other sloped roof.”

Rationale: To include a limit to the number and size of an exempted feature on a roof top. Roof top floor areas are becoming more frequent in residential architecture; however, the size or number are not clearly defined. Features like roof top access landings (doghouse), sun shelters, cupolas, pergolas, privacy screens, multiple flue chimneys in chase, air handlers, swim spas and hot tubs etc. could present a visual distraction or block a view in a residential zone.

- Delete (b) and replace with:

“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 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 under Section 219 of the *Land Title Act*, or a Statutory Right of Way, the elevations for the purpose of establishing Grade shall be taken at the intersections of the defined no-build covenant, development permit covenant or Statutory Right of Way and the property lot lines. Where a lot grading plan has been approved by the City, the elevations at the corners of the property, or intersections of the defined no-build covenant, development permit covenant or Statutory Right of Way and the property lines, 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 two new corners.”

Rationale: To clarify that the calculation of grade is taken from the corners of the useable areas of the property.

Section 8.7.6 – Conditions of Use

- Delete (a) (i) and replace with:

“have a maximum permitted Floor Area Ratio and maximum permitted Lot Coverage calculated with the size of Lot identified on the survey plan of the property registered with the Land Title Office, as of July 1, 1994;”

- Delete (a) (iii) and replace with:

“have a building setback from the High Water Mark of 3.0m without any further siting exceptions from 5.3.2;”

Rationales: To provide clarification that it is the Lot size, as identified on the historical survey, that will be used to calculate a site's maximum permitted Floor Area Ratio and maximum permitted Lot Coverage.

To provide clarification that no further siting exceptions as listed in section 5.3.2 are applicable with respect to this zone's Rear Yard Setback.

Section 10.3.2 (c) – Site Specific

- Delete Legal description under (v) and replace with:

“Plan RP70815, District Lot 201, New West District Parcel A, PID 002-870-355 (for 2816 St. Johns Street – Kiaro)”

Rationale: The current legal description is incorrect.

Section 12.1.2 – Permitted Use

- Under (a.) Principal Use:
 - Add (viii) Child Care

Rationale: To permit Child Care in the M1 zone. Including Child Care as a permitted Principal Use in the M1 zone provides further opportunity for potential Child Care spaces in Port Moody.

Section 12.1.6 – Conditions of Use

- Under (e):
 - Section (i) delete "and be physically on the same Lot"
 - Section (ii) delete entire section
 - Section (iii) delete "including public property"
 - Renumber sections

Rationale: To allow for the potential leasing of City boulevard area for restaurant/brewery patios.

Section 102.2 – Permitted Use

- Add (4) Secondary Suite

Rationale: This change is consistent with Secondary Suite provisions in other duplex zones.

Section 104.2 – Permitted Use

- Delete (4) One Secondary Suite

Rationale: To correct an error made in a previous housekeeping update.

Section 181 Comprehensive Development Zone 74 (CD 74)

- Delete the section header for Section 181. Comprehensive Development Zone 74 (CD74) and replace with:

“Comprehensive Development Zone 78 (CD78)”

Rationale: The current section heading is incorrect, and an update will make it consistent with the remainder of the zone's provisions.

Future Changes

Staff will continue to monitor the Zoning Bylaw for any additional changes that are warranted for clarification or to respond to new policies.

Other Option(s)

1. THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 74, 2023, No. 3376 (Housekeeping) be amended as follows:
2. THAT the report dated September 12, 2023, from the Community Development Department – Policy Planning Division regarding Zoning Bylaw Housekeeping Amendments – September 2023 be received for information.

Financial Implications

There are no financial implications associated with the proposed amendments to City of Port Moody Zoning Bylaw, 2018, No. 2937.

Communications and Civic Engagement Initiatives

Should Council choose to refer Bylaw No. 3376 to a Public Hearing, notification will occur in accordance with notification requirements set out in the City's Development Approval Procedures Bylaw and the *Local Government Act*.

Council Strategic Plan Objectives

Maintaining the effectiveness of the City's Zoning Bylaw through the proposed amendments is consistent with the Sustainable Core Services priority of the 2023-2026 Council Strategic Plan.

Attachment(s)

1. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 74, 2023, No. 3376 (Housekeeping).

Report Author

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Report Approval Details

Document Title:	Zoning Bylaw Housekeeping Amendments - September 2023.docx
Attachments:	- Attachment 1 - Draft City of Port Moody Zoning Bylaw 2018 No. 2937 Amendment Bylaw No. 74 2023 No. 3376 (Housekeeping).pdf
Final Approval Date:	Aug 31, 2023

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

Mary De Paoli, Manager of Policy Planning - Aug 30, 2023 - 2:26 PM

Kate Zanon, General Manager of Community Development - Aug 31, 2023 - 11:17 AM

Tracey Takahashi, Deputy Corporate Officer, for Stephanie Lam, City Clerk and Manager of Legislative Services - Aug 31, 2023 - 12:29 PM

Lindsay Todd, Manager of Communications and Engagement - Aug 31, 2023 - 1:38 PM

Tyson Ganske, Manager of Financial Planning, for Paul Rockwood, General Manager of Finance and Technology - Aug 31, 2023 - 3:53 PM

Kate Zanon, General Manager of Community Development, for Tim Savoie, City Manager - Aug 31, 2023 - 8:30 PM