

Considered at the June 11, 2024, Regular Council meeting

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City of Port Moody Report/Recommendation to Council

Date: June 11, 2024

Submitted by: Community Development Department – Policy Planning Division

Subject: Rezoning Suter Brook Village (CD92) and South Suter Brook Greenway (P1)

Purpose

To provide Council with two zoning amendment bylaws for consideration of first, second, and third reading:

- (1) to rezone Suter Brook Village from General Industrial (M2) and Acreage Reserve (A1) to Comprehensive Development Zone 92 (CD92) to align municipal zoning with the existing, high density mixed-use neighborhood, and;
- (2) to rezone South Suter Brook Greenway from General Industrial (M2) to Civic Institutional (P1) to appropriately reflect its intended use as a public greenway and future transfer to the City.

Recommended Resolution(s)

THAT City of Port Moody Zoning Bylaw, 2018, No. 2973, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92) be read a first, second, and third time as recommended in the report dated June 11, 2024, from the Community Development Department – Policy Planning Division regarding Rezoning Suter Brook Village (CD92) and South Suter Brook Greenway (P1).

AND THAT City of Port Moody Zoning Bylaw, 2018, No. 2873, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1) be read a first, second, and third time as recommended in the report dated June 11, 2024, from the Community Development Department – Policy Planning Division regarding Rezoning Suter Brook Village (CD92) and South Suter Brook Greenway (P1).

Background

Land Use Contracts (LUC) – site-specific legal agreements between local governments and landowners – were permitted in B.C. between 1971 and 1978. These agreements were a legislative tool that governed the use and development of a given property, and contained specifics ranging from land use, building siting and density, to details on development permit provisions and development cost charges (DCCs). When B.C.'s land use contract legislation was repealed in 1978, no new LUCs were permitted, but the existing contracts remained in place. Despite the application of zoning to properties under an LUC by municipal Zoning Bylaws, this is considered to be the 'underlying zone', which is superseded by the LUC.

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On May 29, 2014, the Province amended the *Local Government Act* (LGA) to streamline local government land use planning and development approvals. Bill 17, 2014, requires that all LUCs be terminated in the Province by no later than June 30, 2024. After this date, the underlying zoning will automatically come into effect as all LUCs in the Province expire.

Since 2019, staff have been working to ensure that properties in Port Moody that exist under an LUC are handled appropriately depending on the treatment required. A report presented at the March 12, 2019, Regular Council meeting (**Attachment 1**), details the endorsed approach for the termination of LUCs throughout the City. Included in this report is an approach for pursuing early terminations of LUCs, an undertaking that was required to be completed by 2022 and follow a distinct legislative process. While action is being proposed in the context of LUC R2002 and its impending termination, the proposed rezoning of Suter Brook Village is not considered an early LUC termination and is not bound by the same legislative requirements.

Discussion

Rezoning - Suter Brook Village (CD92)

Suter Brook Village, as shown on the Location Map (**Attachment 2**), comprises the final group of properties in Port Moody under an LUC (R2002)¹ that were identified as requiring rezoning in advance of the Province's LUC termination date. Currently, Suter Brook Village is zoned M2 (General Industrial) and A1 (Acreage Reserve). If a rezoning is not completed prior to June 30, 2024, this 'underlying zoning', which does not reflect the high-density, mixed-use nature of the Suter Brook neighbourhood, will come into effect.

Staff note that the other mechanisms employed during Suter Brook Village's development process – Development Authorizations (including architectural and landscaping plans), Statutory Right of Ways, Development Variance Permits, etc. – remain active and are not impacted by the termination of LUC R2002. Further, if the site is not rezoned before the end of June 2024, the existing buildings and structures which were lawfully built will have legal non-conforming protection under s. 533 of the LGA. However, outside of this legal non-conforming protection, any new structures and related uses on the site must comply with the Zoning Bylaw, and inconsistencies with the underlying zoning would trigger the need for zoning variances.

Given that Suter Brook Village is now complete, Bylaw No. 3458, a Comprehensive Development (CD92) Zone (**Attachment 3**), does not set the parameters for future development. Rather, it intends to, as much as is possible, translate the applicable development permissions in LUC R2002 into a legible zone that avoids major instances of non-conformity. The CD92 zone is a practical interpretation of LUC R2002, and generally does not intend to allow permissions for land use, density, building height and siting, etc. beyond what was originally envisioned. However, the draft bylaw is not an uncompromising replication of LUC R2002, and changes from the provisions of the LUC have occurred when required to support the functionality, accessibility, and effectiveness of the proposed CD92 zone.

¹ Land Use Contract (R2002) has been modified several times over the course of the development of Suter Brook Village neighborhood. In the context of this staff report, any reference to 'LUC R2002' should be considered to mean the version of LUC R2002 most recently modified.

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In the present context, it can be considered best practice for the site to be rezoned to reflect the development that has evolved there over the last 20+ years. By doing so, questions of interpretation for both staff and the public may be simplified; unnecessary uncertainty could be eliminated; and the neighbourhood would be regulated by, and be largely consistent with, the current Zoning Bylaw. Information about the process and rationale behind significant sections of the CD92 zone are detailed further below.

Land Use

The Principal, Secondary, and Site-Specific permitted uses in the CD92 zone are based on the uses permitted in LUC R2002. The intention of this section of the CD92 zone is to provide equivalent land use permissions to what is currently realized on the site, while purposefully excluding permissions that are outdated, do not have a corresponding permission in Zoning Bylaw No. 2973, or where the use would be incompatible with the current Suter Brook development and wider neighborhood context. Additionally, there are land use permissions (i.e., Commercial Athletic and Recreation) that have been included in the draft CD92 zone that are not present in the LUC, but that are commonly included in comparable Comprehensive Development zones.

The CD92 zone also identifies the locations in Suter Brook Village where specific uses are permissible. This information, which reflects the current use patterns in Suter Brook Village, is illustrated in Schedule C, which is one of three schedules that are attached to and form part of the CD92 bylaw.

Density

The provisions relating to density in LUC R2002 were approached as ranges, with various minimum and maximum allowances set out to guide the development of each parcel.² Minimum and maximum parameters were also provided for the site as a whole. The CD92 zone does not replicate this approach, rather, a maximum permitted Floor Area Ratio (FAR) is established on a parcel-by-parcel basis. This ratio was generally established using inputs from approved Development Authorization or Building Permit plans to reflect the current build out of Suter Brook Village as closely as possible. A similar methodology was employed to inform the minimum required floor area for Commercial and Office uses, as well as the maximum number of permitted Dwelling Units.

Affordable and Market Rental Housing Units

Suter Brook Village contains a six Storey building that comprises fifty (50) Affordable Housing Units and twenty-six (26) Market Rental Housing Units. The parameters governing the conditions of both the Affordable Housing Units and Market Rental Housing are established via their existing Housing Agreement. This agreement is not impacted by the impending LUC termination nor the proposed rezoning. The details that are outlined in the CD92 zone are included to provide visibility of this requirement should there be any redevelopment under the CD92 zone.

² In the context of this report and Bylaw No. 3458, a Parcel means any one parcel so designated on Schedule B which forms part of Bylaw No. 3458. Parcel A means the area designated "Parcel A" on the sketch and "Parcel B", "Parcel C", "Parcel D" and "Parcel E" each mean the area so designated on Schedule B.

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Building Height and Siting

The maximum number of Storeys permitted for each building in Suter Brook Village was also established using inputs from approved Development Authorization or Building Permit drawings. The maximum number of Storeys permitted is illustrated in Schedule B. Schedule B, as well as Schedule C, is also utilized in this section to illustrate the existing built form patterns in Suter Brook Village, and the requirement for general conformity to the present state should the site be redeveloped under this zone.

Setbacks

The minimum required setbacks detailed in the CD92 zone were taken directly from LUC R2002. The variances that are noted in LUC R2002 are also replicated in this section of the bylaw and reflected in Schedule D. Given that the setbacks stipulated are minimums, staff note the potential for some incongruity between these minimums and the actual siting of development in Suter Brook Village. Additionally, there may be instances where setback variances were approved under other development mechanisms (e.g., Development Authorizations) that are not captured in LUC R2002 and therefore not included in the CD92 zone.

The CD92 zone also includes setbacks for the siting of Buildings in relation to the Suter Brook Village Greenway and between underground parking structures and Lot boundaries, requirements which were taken directly from LUC R2002. Of note, is that these requirements were set some time ago with the establishment of LUC R2002. In the event that a Parcel adjacent to the Suter Brook Village Greenway were to be fully redeveloped under the CD92 zone, it is understood that the prevailing Provincial and/or City of Port Moody streamside setback and riparian area requirements would apply.

Parking, Loading and Bicycle Parking

The parking requirements in the CD92 zone were primarily established using the ratios and conditions specified in LUC R2002. The exception to this is Parcel D's parking requirements, where the parking ratios were informed by the approved Building Permit plans. This departure was an intentional decision, as given the distinct Dwelling Unit types present on Parcel D, it was felt to be important to specify the parking requirements for the different unit types. For all Parcels, the amount of required parking under the CD 92 zone is understood to be met by the existing parking built during the development of Suter Brook Village.

Amenity Space

The amenity space ratio detailed in the draft CD92 zone was taken directly from LUC R2002. However, LUC R2002 also includes a provision whereby the developer could, subject to City approval, pay an amount in lieu of constructing a portion of the required amenity space. Given this, and the retroactive nature of the CD92 zone, it would be difficult to ascertain how much of the required amenity space was built compared to how much may have been collected as cash in lieu. Should there be redevelopment under the CD92 zone, this could result in the provision of additional indoor amenity space beyond what is currently built.

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Conditions of Use

In 2014, LUC R2002 was amended to allow for, in addition to the already permitted Office use, Child Care as a Principal use on the second floor of the building known as 220 Brew Street (Schedule B – Building 15). The inclusion of section 92.9.2 aligns Bylaw No. 3458 with the permissions in LUC 2002, and allows for the continued operation of a daycare in that portion of the office tower.

Further, section 92.9.3 provides a measured expansion to the uses permitted in both of the buildings which are intended primarily for Office use (Schedule B – Buildings 15 & 13). By allowing for certain complementary Personal Service uses in these buildings (dental offices, registered massage therapy clinics, etc.), staff intend to provide some flexibility to allow for expanded, but compatible uses in these locations.

Rezoning - South Suter Brook Greenway (P1)

Creation of the wider Suter Brook Greenway was required as a condition of LUC R2002. As stipulated, once the northern half of Suter Brook Greenway was completed in 2015, ownership was transferred to the City. The southern portion of the Suter Brook Greenway is also intended to be transferred to the City when the remaining works have been satisfactorily completed. Given the timing of the proposed rezoning of Suter Brook Village, and in anticipation of the completion of these outstanding requirements, Bylaw No. 3459 (**Attachment 4**) is being brought forward to propose the rezoning of this portion of the Suter Brook Greenway from M2 (General Industrial) to Civic Institutional (P1). Should Council consider the first three readings of Bylaw No. 3459, staff anticipate bringing the bylaw for consideration of fourth reading and adoption once the outstanding works are completed and ownership has been transferred, or is in the process of being transferred, to the City.

Additional Legal Agreements

When LUC R2002 automatically terminates on June 30, 2024, the provisions and requirements contained within will no longer be in force. As Suter Brook Village is fully developed, the majority of the contents the LUC are no longer applicable or are codified through other means. However, there are obligations, primarily relating to the completion and transfer of the South Suter Brook Greenway, which remain outstanding. Given these outstanding requirements are not formally documented elsewhere, staff have identified the need for replacement legal agreement(s) to guide the completion and transfer of the South Suter Brook Greenway to the City. The process of drafting these legal agreement(s) is ongoing and it is currently anticipated that an initial draft will be brought for Council consideration before, or shortly thereafter, the Province's LUC termination date.

Other Option(s)

THAT City of Port Moody Zoning Bylaw, 2018, No. 2973, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92) and City of Port Moody Zoning Bylaw, 2018, No. 2873, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) be revised.

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THAT City of Port Moody Zoning Bylaw, 2018, No. 2973, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92) and City of Port Moody Zoning Bylaw, 2018, No. 2873, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) not be considered.

Financial Implications

There are no financial implications to consider regarding the proposed rezonings. Prior to Bylaw No. 3458 and Bylaw No. 3459 being considered for first reading, as per the LGA and City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417, a notice of a public hearing not being held was provided by mail. The cost associated with this mailout was approximately \$3,476.29 and was paid for using operating budgets previously approved for LUC terminations.

Communications and Public Engagement Initiatives

On April 9, 2024, Council passed resolution RC24/087 that directed staff to not hold a Public Hearing for the Zoning Bylaw amendments associated with Bylaws No. 3458 and No. 3459, as is permitted under LGA s.463 (**Attachment 5**). Prior to these Zoning Bylaw amendments being brought for consideration of first reading by Council, a notice of the Public Hearing not being held was distributed by mail (**Attachment 6**). Further, notification was provided electronically by distributing the notice through the City's email subscription service, by posting the notice on the City's official website, and by posting the notice on the City's official social media sites. The notice was also posted in the breezeway and on dedicated, forward facing notice boards at City Hall. Through these actions, the statutory notification requirements relating to a Public Hearing not being held outlined in the LGA and the City's Development Approval Procedures Bylaw, 2023, No. 3417 have been met.

Council Strategic Plan Goals

The recommendations in this report align with the following Council Strategic Plan Goal(s):

- Strategic Goal 1.3: Sustainable Core Services – Lead with good governance; and
- Strategic Goal 3.1: Resilient Natural Environment – Protect, integrate, and enhance our natural assets.

Attachment(s)

1. Report considered at the Mar 12, 2019, RC meeting – Proposed Approach for the Termination of Land Use Contracts.
2. Location Map.
3. Draft Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92).
4. Draft Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1).
5. Memorandum and Minute excerpts for Council Resolution RC24/087.
6. Notice of Public Hearing Not Held Postcard.

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Report Approval Details

Document Title:	Rezoning Suter Brook Village (CD92) and South Suter Brook Greenway (P1).docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - Report considered at the Mar 12 2019 RC meeting - Proposed Approach for the Termination of Land Use Contracts.pdf - Attachment 2 - Location Map.pdf - Attachment 3 - Draft Zoning Bylaw 2018 No. 2937 Amendment Bylaw No. 92 2024 No. 3458 (Suter Brook Village) (CD92).pdf - Attachment 4 - Draft Zoning Bylaw 2018 No. 2937 Amendment Bylaw No. 93 2024 No. 3459 (South Suter Brook Greenway) (P1).pdf - Attachment 5 - Memorandum and Minute excerpts for Council Resolution RC24-087.pdf - Attachment 6 - Notice of Public Hearing Not Held Postcard.pdf
Final Approval Date:	Jun 3, 2024

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

Mary De Paoli, Manager of Policy Planning - May 30, 2024

Kate Zanon, General Manager of Community Development - May 30, 2024

Stephanie Lam, City Clerk and Manager of Legislative Services - May 31, 2024

Lindsay Todd, Manager of Communications and Engagement - May 31, 2024

Paul Rockwood, General Manager of Finance and Technology - May 31, 2024

Anna Mathewson, City Manager - Jun 3, 2024

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Report/Recommendation to Council

Date: February 14, 2019

File No. 13-6430-00

Submitted by: Planning and Development Department – Policy Planning Division

Subject: Proposed Approach for the Termination of Land Use Contracts

Purpose / Introduction

1. To inform Council of changes to provincial legislation which terminates all Land Use Contracts on June 30, 2024;
2. To inform Council of the distribution of Land Use Contracts (LUC) in Port Moody; and
3. To propose a general process, timeline, and consultation framework for Council's consideration in order to undertake early termination of LUC's in the City of Port Moody.

Recommended Resolution

THAT the approach for the termination of Land Use Contracts be endorsed as recommended in the report dated February 14, 2019 from the Planning and Development Department – Policy Planning Division regarding Proposed Approach for the Termination of Land Use Contracts.

Executive Summary

The Provincial government is requiring that all Land Use Contract agreements (LUCs) in the Province be terminated by June 30, 2024. These agreements were a legislative tool used in the 1970s that encompassed a wide range of land uses and development components. LUCs have remained the *de facto* governing land use tool that trumps the underlying zoning applied by zoning bylaws. The new legislation includes provisions for local governments to terminate LUCs early to ensure that proper zoning is in place before the underlying zone automatically comes into effect after 2024.

Port Moody has 21 groups of areas with LUCs affecting approximately 2,230 fee simple and strata properties. Based on a preliminary staff review, approximately ten of the 21 groups appear to have suitable zoning in place; two may require minor amendments to the Zoning Bylaw to make them conform to the zone; two may require rezoning; and the remaining seven areas may require further staff analysis to determine if the underlying zones are suitable or if rezoning is required.

Each LUC terminated before June 30, 2024 would require Council adoption of an LUC Termination Bylaw, which requires a Public Hearing. Suitable underlying zoning must be in place by June 30, 2022 in advance of 2024. This means that five to six LUC areas would need to be considered by Council each year (i.e. 2019, 2020, 2021, 2022) to meet the deadline.

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The benefits of early termination of LUCs can include: simplifying problems of interpretation for both staff and the public; eliminating uncertainty and ambiguity; enabling all properties to be regulated by, and be consistent with, the Zoning Bylaw; and removing regulatory barriers for property owners. Further, early LUC termination is a thoughtful and proactive planning approach that engages neighbourhoods to create an orderly and coordinated community.

For these reasons, staff recommend that Council endorse the approach recommended in this report to pursue early land use contract terminations, which would require an estimated operating budget of \$72,678.38 over the years 2019-2022.

Background

In the 1970s, there were few legislative options for municipalities to create tailor-made zones for specific sites that differed from existing zones within a zoning bylaw. In 1972, the Province of British Columbia adopted legislation in response to this situation for municipalities to enter into Land Use Contract (LUC) agreements with landowners and developers.

An LUC is a site-specific contract approved by Council through Bylaw that governs the use and development of a property. LUCs contain specifics on land use, building siting, and density, including details on development permit provisions, subdivision layout approvals, development cost charges (DCCs), and engineering servicing agreements. Similar to restrictive covenants, LUCs were registered against the title of a property and could only be amended or terminated by an agreement between the local government and property owner. Properties which are regulated by an LUC have a notation that indicates this status on the title.

In 1978, the legislation to authorize LUCs was repealed by the Province. However, unless the LUCs were discharged by the City through an owner-initiated discharge application process, LUCs continue to remain in force as the *de facto* zoning. Despite the application of zoning to LUC properties by municipal Zoning Bylaws, this is considered to be the "underlying zone", which is trumped by the LUC. The underlying zone provides a general guide to land use, but the LUC is the legislative mechanism which continues to regulate land uses, density, and building siting on the property. This has created a situation throughout BC municipalities in which some properties are regulated by the Zoning Bylaw, while others may be regulated by an LUC, an outdated legislative tool that is prone to inconsistency, ambiguity, and uncertainty for both municipal staff and the public.

On May 29, 2014, the Province amended the *Local Government Act (LGA)* to streamline local government land use planning and development approvals. Bill 17, 2014 requires that all LUCs be terminated in the Province by no later than June 30, 2024. After this date, the underlying zoning will automatically come into effect and all LUCs in the Province will expire. As part of this amendment, the legislation allows for municipalities to initiate early termination of LUCs and requires that local governments establish underlying zoning for LUC properties, if necessary, by June 30, 2022.

The legislation also requires a Public Hearing and a Termination Bylaw for each LUC, which comes into effect one year after adoption. During this one-year period, the rules and regulations

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of the LUC will continue to apply. Under section 543 of the LGA, an owner of property within an LUC that has been terminated has the right to appeal to the Board of Variance for an exemption within six months of the adoption of the Termination Bylaw if the property owner alleges that the timing of the termination of the LUC would cause the owner hardship. As a result, an LUC would remain in effect only until 2024 wherein the LUC would automatically expire.

Some properties with LUCs may not correspond well to the underlying zoning that has been assigned to the property, which may require the municipality to consider a rezoning or a site specific Comprehensive Development (CD) Zone. As a result, many municipalities are opting to undertake early termination of LUCs within their boundaries as a proactive and thoughtful community planning approach.

Discussion

LUCs in Port Moody

A bylaw for an LUC is registered on title at the Land Title and Survey Authority (LTSA) by a charge number. This charge number appears on each property title that the LUC affects. In Port Moody, some properties are subject to more than one LTSA charge number, or LUC Bylaw. The simplest way to understand the distribution of LUCs in the City is to group properties according to the charge numbers that still apply to the property. This is because the original bylaw does not clearly indicate which properties are affected, and legal descriptions and plans have changed over time.

Based on a report generated from LTSA and combining this with the City's Tempest data, staff have compiled a master list of LUCs. This includes the distribution of groups of LUCs per land use type, the number of LTSA charges that affect each group, and the number of property owners that the LUC affects (fee simple and strata lots). This information is summarized in Table 1.

Table 1: LUCs by Land Use Designation and Affected Property Owners

Land Use	Distribution of LUCs	No. of LTSA Charges	No. of Owners of Fee Simple and Strata Lots
Duplex	1	1	1
Industrial	1	1	1
Marine Development	1	1	1
Multi-Family (Townhomes)	10	11	893
Multi-Family/Commercial Retail (Condos/Townhomes)	1	3	973
Single-Family	7	30	361
Total	21	47	2,230

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Attachment 1 details the location, LTSA charge number, current use, number of properties affected, underlying zoning, and zoning suitability based on a preliminary staff analysis. The preliminary staff analysis highlights that ten of the 21 LUC groups appear to have suitable zoning in place, two may require minor amendments to the Zoning Bylaw to make them conform to the zone; two may require rezoning; and the remaining seven areas may require further staff analysis to determine if the underlying zones are suitable or rezoning is required.

A map showing the locations of these LUC areas in the City is included as **Attachment 2**.

Proposed Sequencing of Termination

Staff propose to bring forward LUCs for Council's consideration in an order according to the following criteria: simplicity; appropriateness of underlying zoning; land use type; and number of properties affected. This is because LUCs that have one single-family dwelling unit on the property will likely be more straightforward to terminate than a residential/commercial area containing a variety of uses and many individual property owners, such as Suter Brook, which would be considered later in the termination process when most of the obligations of the land use contract have been met.

With 21 groups of land use contracts, this means that five to six groups would need to be considered by Council per year (i.e. 2019, 2020, 2021, 2022) to ensure that appropriate zoning is in place by the deadline of June 30, 2022 before all LUCs will terminate on June 30, 2024.

Proposed Process for Early LUC Termination

Should an LUC be considered for early termination in accordance with the *Local Government Act*, each LUC will require its own, separate, Termination Bylaw. These would be presented to Council through a Planning Report, including a staff analysis of the site and recommendation of zoning, if necessary. In conjunction with the termination of the LUC, more complex properties that are not consistent with the underlying zone would require a City-initiated rezoning to an appropriate zone under Zoning Bylaw, No. 2937 or to a new Comprehensive Development Zone. Hence, there would be two options for Council and staff to apply to LUCs to achieve early termination:

1. terminate LUC only and leave existing underlying zoning in place (*most simple*); or
2. terminate LUC and rezone the Property to a similar existing zone or a new comprehensive development zone (*most complex*).

The proposed process and timeline for the discharge of an LUC is included as **Attachment 3**.

Public Hearing

Provincial legislation requires that a Public Hearing be held for every LUC termination and that a Public Hearing Notice be delivered to all residents and tenants of properties within the LUC. Notice of the Public Hearing must also be delivered to adjoining property owners and tenants in accordance with the City's Development Approval Procedures Bylaw, which requires notification to owners and tenants of properties within 140 metres of the rezoning site. Under Provincial legislation, Public Hearing notices for LUC Termination Bylaws must contain a map of the LUC

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being discharged, as well as the names of roads adjacent to the LUC. The Public Hearing notice will also be published in two consecutive issues of the local newspaper in accordance with Provincial legislation and Port Moody's requirements. The date on which the LUC Termination Bylaw comes into effect can be any time set by Council, but: must not be adopted after June 30, 2022; must come into force on a date that is at least one year after the date the LUC Termination Bylaw is adopted and not later than June 30, 2024; and must not be adopted unless a Zoning Bylaw has been adopted that will apply to the land on the date the LUC Termination Bylaw comes into force (*LGA* section 548(3)(a-c)).

Bylaw Termination

Once an LUC Termination Bylaw is adopted, the City is required to provide a notice to the Land Title Office. The City is also required to provide a notification to all property owners subject to the LUC that was terminated. This notice must also advise landowners that they have the right to apply to the Board of Variance for an exemption under the provisions of section 543 of the *Local Government Act*. Under section 543, an owner of a property within an LUC that has been terminated has the right to appeal to the Board of Variance within six months of the adoption of the Termination Bylaw if the property owner alleges that the timing of the termination of the LUC would cause the owner hardship with respect to land use and building construction.

Benefits of Early LUC Termination

Whereas zoning designations are only a few pages in length and relatively easy to understand, LUCs are often dozens of pages in length, frequently complex and difficult to understand, and may require interpretation by City staff or legal services. This may be due to an absence of defined key terms; missing or indiscernible referenced plans/drawings; reference to Bylaws no longer in effect; or absence of other important information, such as measurements.

The early termination of LUCs has multiple benefits, which include: simplifying problems of interpretation for both staff and the public; reducing the amount of staff time related to properties regulated by LUCs; eliminating the uncertainty and ambiguity surrounding LUCs; enabling all properties to be regulated by, and be consistent with, the Zoning Bylaw; removing regulatory barriers for property owners; and maintaining consistency with other BC municipalities that are also terminating their land use contracts in advance of 2024 as a thoughtful and proactive planning approach.

Other Options

Council may choose to not endorse the approach for early termination of LUCs. This would mean that the underlying zoning presently applied to properties with LUCs will automatically come into effect on June 30, 2024. If existing uses and lawfully built structures do not comply with the underlying zoning, they will have legal non-conforming status under section 533 of the *LGA*, which means they will be allowed to continue in their existing state. However, any new structures and related uses must comply with the Zoning Bylaw. Inconsistencies with zoning would trigger the need for zoning variances.

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Financial Implications

The following provides an estimate of the financial impact to the City in undertaking early termination of Port Moody's LUCs. At this time, there is no supporting provincial funding or relaxation of land title fees. Table 2 lists estimates for the costs known at this time to terminate all Land Use Contracts in Port Moody. As this is a multi-year project, a portion of this amount, \$10,000, has been submitted as a 2019 operating project as part of the 2019-2023 Five-Year Financial Plan to be funded from the Council Strategic Priorities Reserve. Project funding for future years will be brought forward for consideration as part of the City's budget process.

Table 2: Early Land Use Contract Termination – Proposed Budget

Activity/Item	Number	Per unit Cost	Total Cost for Activity 2019-2022
Land Title Search	2,230 total properties	\$12.08	\$26,938.40
LTO Registration/Discharge Fee	47	\$33.34	\$1,566.98
Mail Notification to Owners	4,355*	\$1.00 x 3	\$13,065.00
Newspaper Ads (Public Hearing Notification)	42 notifications	\$632.00	\$26,544.00
Mailed Notices to Surrounding Properties	150 (average) per LUC x 21 = 3,150	\$1.00	\$3,150.00
Legal Costs			As needed
Approximate Total			\$71264.38 (excluding legal costs)

*As some properties are affected by more than one charge number, this is the total frequency of the number of properties affected by each Land Use Contract related charge.

There are also costs associated with the staff time required from the following departments: Administration; Development Planning; Policy Planning; Information Services; Communications and Engagement; Corporate services; as well as Council time to consider each LUC Termination Bylaw. This staff time includes the work to research, compile, and write staff reports, and for communications and civic engagement.

Communications / Civic Engagement

Informing the Public

To assist the general public in understanding the process and the impact on individual properties currently regulated by an LUC, the City will create an LUC web page to outline the LUC termination process, provide answers to frequently asked questions, and provide staff contact information.

Mail-Out

Staff will notify property owners by mail of the LUC that affects their property, the process for early land use termination and the proposed draft zone, and details for an information meeting hosted at City Hall.

Considered at the June 11, 2024, Regular Council meeting

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Considered at the March 12, 2019, Regular Council meeting

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Item 9.2

Report/Recommendation to Council

Proposed Approach for the Termination of Land Use Contracts

February 14, 2019

Information Meeting

Staff will provide information on the LUC process, receive owner feedback, and incorporate owner feedback into the draft zone (if required).

Public Hearings

The project will include Public Hearings for each LUC Termination Bylaw where Council can receive input from affected property owners. Public Hearing notices will be delivered to property owners within 140 metres of the LUC as required by the City's Development Approval Procedures Bylaw.

Newspaper Advertisements

The Public Hearing notice will be published in two consecutive issues of the local newspaper in accordance with Provincial legislation and Port Moody's requirements.

Council Strategic Plan Objectives

The early termination of Land Use Contracts aligns with the Council Strategic Plan goal of Community Planning, specifically proactive city planning for the short and long term that engages neighbourhoods to create orderly and coordinated community.

Attachments:

1. Table of Land Use Contracts in Port Moody.
2. Map of Land Use Contracts in Port Moody.
3. Proposed Process for a Land Use Contract Termination Bylaw.

Considered at the June 11, 2024, Regular Council meeting

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Considered at the March 12, 2019, Regular Council meeting

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Item 9.2

Report/Recommendation to Council

Proposed Approach for the Termination of Land Use Contracts

February 14, 2019

Prepared by:	Reviewed by:
 <hr/> Jess Daniels Policy Planner	 <hr/> Mary De Paoli, MCIP, RPP Manager of Policy Planning  <hr/> Andre Boel, MCIP, RPP General Manager of Planning and Development
Reviewed for Form and Content / Approved for Submission to Council:	
City Manager's Comments  <hr/> Tim Savoie, MCIP, RPP City Manager	
Corporate Review	Initials
Communications and Engagement	
Corporate Services (Human Resources, Legislative Services)	
Finance and Technology (Financial Services, Information Services)	

Considered at the June 11, 2024, Regular Council meeting

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Attachment 1

Considered at the March 12, 2019, Regular Council meeting

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Attachment 1

Land Use Contracts in Port Moody

	Address	LTSA Charge #	Current Use	Properties Affected	Underlying Zone	Zoning Suitability - Preliminary Staff Analysis
1	14 Dowding Road	M102350	Duplex	1	A1/RS1	<i>tbd</i>
2	2916 Murray Street	L41973	Industrial	1	M1	✓
3	Reed Point Marina	TBD	Marina	1	C7	✓
4	364 loco Road	K86907	Single family dwelling	1	RS1	✓
5	205-261 Angela Drive	P2003	Single family dwellings	15	RS1	RS1-S
6	1002-1015 Alpine Way 1102-1119 Barberry Place 1202-1224 Cypress Place 1302-1318 Campion Lane 3-17 Campion Court 1001-1124, 1208-1310 Noons Creek Drive 1502-1509 Fernwood Place 1402-1411 Dogwood Place 1602-1622 Hemlock Place 1904-1920 Ironwood Court 1802-1809 Juniper Lane	S3282 N114971	Single family dwellings	167		<i>tbd</i>

Considered at the June 11, 2024, Regular Council meeting

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Attachment 1

Considered at the March 12, 2019, Regular Council meeting

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Attachment 1

7	463-541 San Remo	AD100721	Single family dwellings	40	RS1	<i>tbd</i>
		AD199722				
		AD100723				
		AD100724				
		AD100725				
		AD100726				
		AD100727				
		AD100728				
		AD100729				
		AD137096				
		AD137097				
		AD137098				
		AD168036				
		AD168037				
		AD177803				
		AD177804				
		AD197720				
		AD201124				
		AD234679				
		BN190173				
		CA3721211				
		N18981				
8	1213-1224 Cypress Place	P89971	Single family dwellings	46	RS1	✓
	1201-1124 Noons Creek Drive					
	1502-1509 Fernwood Place					
	1402-1414 Dogwood Place					
	1908-1922 Ironwood Court					
9	2-57 Walton Way	K87165	Single family dwellings/park	40	RS-1/P-1	✓
	2-22 Benson Drive					
10	701-784 Appleyard Court	BT6819	Single family dwellings/park	52	RS1	✓
		P46163				

Considered at the June 11, 2024, Regular Council meeting

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Attachment 1

Considered at the March 12, 2019, Regular Council meeting

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11	403-527 Lehman Place 401-599 Carlsen Place	R5009	Townhomes	158	RM1	✓
12	3339-3343 Dewdney Trunk Road	N59128	Townhomes	16	RM1	✓
13	840-872 , 920-934 Blackstock Road 873-898 Cunningham Lane 801-841 Alexander Bay 902-915 Britton Drive	M79734	Townhomes (2-storey)	120	RM3	✓
14	178-191, 193- 316, 401-528 Cardiff Way 201-309, 202-244, 416-507 Cambridge Way 172-178, 180-320 Cornell Way	M99054	Townhomes (2-storey)	252	RM2/RM3	<i>tbd</i>
15	155-230 James Road 211-239 Moray Street	N23262	Townhomes (2-storey)	59	RM3	✓
16	2611-2621 Jane Street	N44292	Townhomes (3-storey)	6	RM2	RM4
17	201-286 Balmoral Place	P6033	Townhomes (3-storey) Recreation area	88	RM1	<i>tbd</i>
18	303-309, 310-316 Highland Way 302-304, 301-311 Afton Lane	N18186	Townhomes (clustered) Recreation building	150	RM1	Amend RM1 to include recreation building

Considered at the June 11, 2024, Regular Council meeting

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Considered at the March 12, 2019, Regular Council meeting

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19	301, 200, 400, Capilano Road 110, 121, 130, 220 Brew Street 3275 Murray Street 101, 201 Morrissey Road	R2002 BP9769 AD160835	Townhomes Condos Commercial Retail Park	973	M2/P1/A1	<i>tbd</i>
20	2223-2227 St. Johns Street	P90092 BT60261	Townhomes Heritage building	14	RM3/C3	Amend C3 to include Heritage building
21	15-25 Mercier Road 525-571 Ioco Road	K2856	Townhomes Sentinal Park	30	RS1/P1	<i>tbd</i>

Considered at the June 11, 2024, Regular Council meeting

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Attachment 1

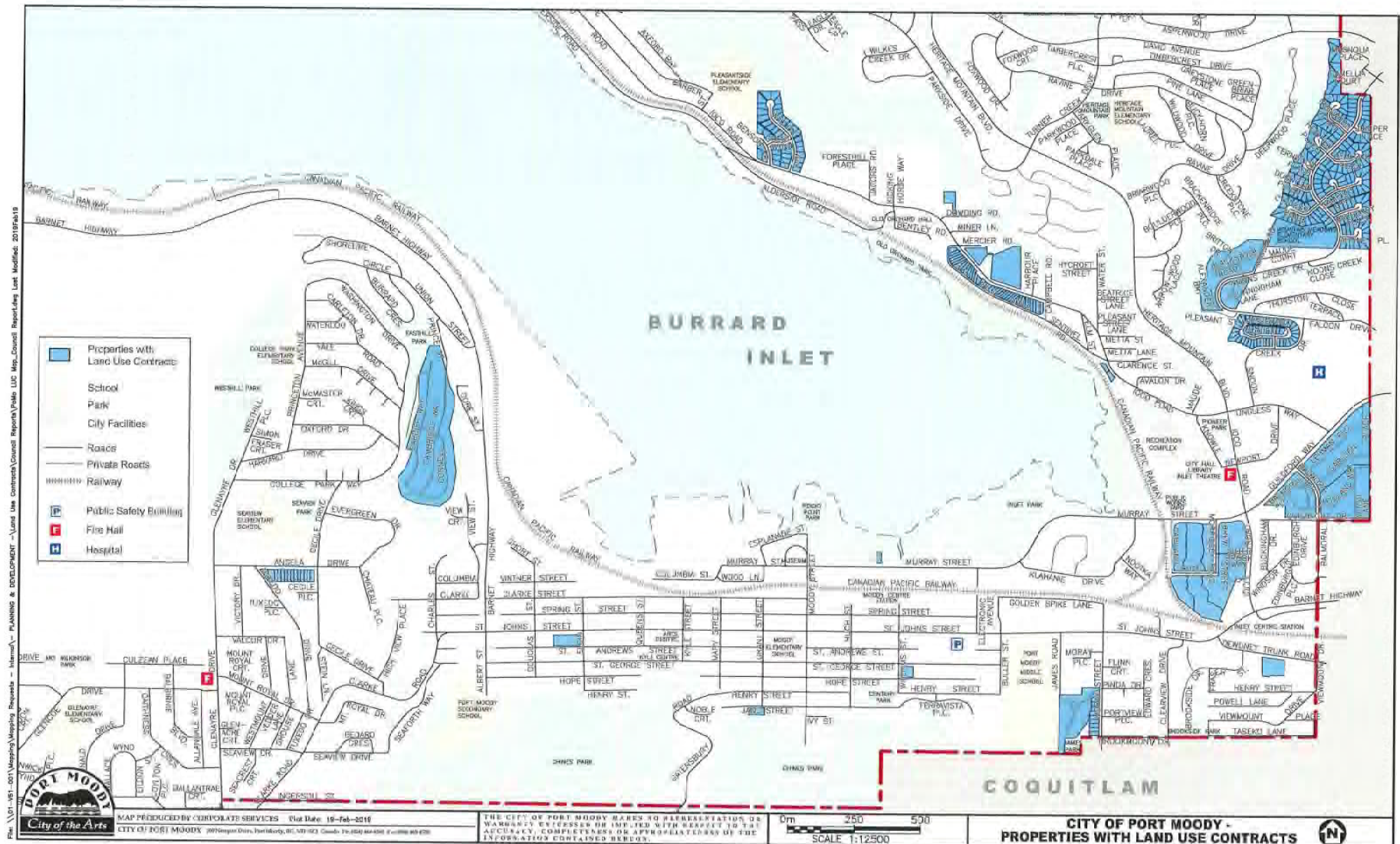
Considered at the March 12, 2019, Regular Council meeting

RC - Agenda - 2019 03 12

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Attachment 2



Considered at the June 11, 2024, Regular Council meeting

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Considered at the March 12, 2019, Regular Council meeting

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Attachment 3

Proposed Process for Each Land Use Contract (LUC) Termination

Staff Analysis – 1 month

1. Staff to assess appropriateness/relevance of underlying zoning of LUC.
2. Staff to draft zone (if required).

Consultation Framework – 2-3 months (for each LUC termination – approximately 21)

3. Letters mailed to property owners affected by LUC and proposed draft zone.
4. Information meeting hosted at City Hall (*where appropriate several LUCs will be addressed together at the same meeting*).
5. Staff receive owner feedback.
6. Staff incorporate owner feedback into draft zone (if required).

Bylaw Adoption – 2-3 months

7. Staff present LUC Termination Bylaw to Council via Planning Report.
8. Council to give First and Second Readings of the LUC Termination Bylaw.
9. Notice of Public Hearing delivered to property owners/occupants within 140 metres of LUC with information, including map, of LUC being discharged* (refer to S. 465, LGA).
10. Notice of Public Hearing posted in two consecutive issues of local newspaper*.
11. Public Hearing for LUC Termination Bylaw and Zoning Amendment Bylaw, as required.
12. Council to give third reading and adoption (with clause that Bylaw comes into effect 1 year from date of adoption).
13. Council considers date that LUC Termination Bylaw will come into force.
(note: must be at least one year after the Bylaw is adopted, but not later than June 30, 2022)

Waiting Period – 12 months

14. LUC termination Bylaw comes into effect 1 year after adoption. During this period, the rules and regulations of the LUC that is being terminated will continue to apply.
15. City gives written notification to Land Title Office to discharge the LUC within 30 days of adoption of Termination Bylaw (refer to s. 548 and s. 550, LGA).
16. City gives written notification to property owners within the terminated LUC (refer to s. 549, LGA for requirements) and advises owners of right to appeal to Board of Variance if the termination causes hardship (s. 543, LGA).
17. Information Services staff adjusts zoning map to reflect changes.

*required by City's Development Approval Procedures Bylaw

Last Modified: 5/7/2024

Considered at the June 11, 2024, Regular Council meeting

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Attachment 3



City of Port Moody

Bylaw No. 3458

A Bylaw to amend City of Port Moody Zoning Bylaw, 2018, No. 2937 to facilitate rezoning of the properties in the Suter Brook Village neighborhood from General Industrial (M2) and Acreage Reserve (A1) to Comprehensive Development Zone 92 (CD92).

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. 92, 2024, No. 3458 (Suter Brook Village) (CD92)”.

2. Amendments

- 2.1 City of Port Moody Zoning Bylaw, 2018, No. 2937 is amended by rezoning the lands shown on the map in Schedule A from General Industrial (M2) and Acreage Reserve (A1) to Comprehensive Development Zone 92 (CD92).
- 2.2 Bylaw No. 2937 is further amended by adding the following section CD92 to Schedule D:

“CD92. Comprehensive Development Zone 92 (CD92)

CD92.1

Intent

The intent of this zone is to provide for higher density, mixed-use Development in the Suter Brook Village neighborhood.

CD92.2

Definitions

For the purposes of the CD92 zone only, the following definitions will apply:

“AFFORDABLE HOUSING UNIT” means a multi-residential unit where the rent is based on the Housing Income Limits (“HILs”) as published by BC Housing on an annual basis, with monthly rents calculated as follows: Thirty (30%) Percent x the applicable HIL/12.

“BUILDING” means a Structure wholly or partly enclosed by a roof and used for the shelter or accommodation of persons, animals, or possessions, and includes a portion of a Building as well as any ancillary parking structures.

Considered at the June 11, 2024, Regular Council meeting

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For the CD92 zone, the definition applies to any of the Buildings identified in Schedule C, and a reference to “Building 1” or “Building 12”, for example, refers to the particular Building so numbered and identified in Schedule C.

“BUILDING HEIGHT” means the height of Buildings shown in Schedule B.

“MARKET RENTAL HOUSING UNIT” means a multi-residential unit that is made available for rent to a tenant for residential use, and where the monthly rent payable for any unit may be market rent (as determined by the Owner and the respective tenant), subject only to the provisions of the *Residential Tenancy Act* [SBC 2002], c. 78, as amended.

“PARCEL” means any one parcel so designated in Schedule B. Parcel A means the area designated “Parcel A” on the sketch attached as Schedule B hereto and “Parcel B”, “Parcel C”, “Parcel D”, and “Parcel E” each mean the area so designated in Schedule B.

“STRATA HOUSING UNIT” means any Dwelling Unit located in Building 8 and Building 6 on Parcel D.

CD92.3

Uses

The following uses are permitted in the CD92 zone, with the location of the uses as indicated in Schedule C:

Principal Use:

- (1) Commercial – Artist Studio – Type A
- (2) Commercial – Child Care
- (3) Commercial – Commercial Athletic and Recreation
- (4) Commercial – Community Care
- (5) Commercial – Personal Service
- (6) Commercial – Restaurant
- (7) Commercial – Retail
- (8) Commercial – Retail Food Service
- (9) Office
- (10) Multi-Residential

Site Specific Principal Use:

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1. One (1) Licensee Retail Store on the property legally described as:

“AIR SPACE PARCEL 10 DISTRICT LOT 233
GROUP 1 NEW WESTMINSTER DISTRICT AIR
SPACE PLAN BCP37032, PID 027-561-992”

Site Specific Principal Use:

2. One (1) Cannabis Retail Use on the property legally described as:

“LOT 2, DISTRICT LOT 233, GROUP 1, NWD, PLAN
BCP25118, EXCEPT PART IN AIR SPACE PLAN
BCP39090, PID 026-759-438”

Secondary Use:

1. Home Occupation – Type A

CD92.4 Building Height, Siting, and Form

- CD92.4.1 Buildings shall not exceed the number of Storeys indicated in Schedule B.
- CD92.4.2 The maximum height of buildings, as measured from Grade to the highest point of the roof, shall exclude all roof top mechanical equipment, elevator run-on shafts and unenclosed roof top amenity structures.
- CD92.4.3 The siting of Buildings and, where applicable, the separation between Buildings shall be in general conformity with Schedule B.
- CD92.4.4 The forms of all Buildings, including Building scale, massing, interrelationship of the built form components and the locations of access points, and open areas shall be in general accordance with Schedule C.

CD92.5 Density

- CD92.5.1 The maximum permitted FAR on each Parcel is established in the below table:

Parcel	Maximum FAR
Parcel A	1.65
Parcel B	3.02
Parcel C	1.96
Parcel D	4.66
Parcel E	3.37

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- CD92.5.2 Parcel D is required to include a six (6) Storey, 5,763.9m² (62,042.1ft²) Building, containing fifty (50) Affordable Housing Units and twenty-six (26) Market Rental Housing Units.
- CD92.5.3 A minimum of 10,817.0m² (116,433.3ft²) of Commercial Use space is required and shall be located exclusively on Parcel C and Parcel E.
- CD92.5.4 Further to section CD92.5.3, the permitted location of the minimum required Commercial Use space per Building shall be as outlined in Schedule C.
- CD92.5.5 A minimum of 17,089.4m² (183,948.0ft²) of Office Use is required, and shall be located exclusively on Parcel E.
- CD92.5.6 Further to section CD92.5.5, Building 15 and Building 13, excluding the areas of Commercial Use identified in Schedule C, shall be used generally for Office Use.
- CD92.5.7 The maximum number of dwelling units permitted in the CD92 Zone is 1,472. The number of Dwelling Units permitted per Parcel is established in the table below:

Parcel	Minimum Dwelling Units
Parcel A	129
Parcel B	176
Parcel C	112
Parcel D	512
Parcel E	543

- CD92.5.8 Notwithstanding section CD92.5.7, modifications involving the consolidation or subdivision of Dwelling Units may be considered, so long as the Dwelling Unit is not a designated rental unit and the relevant Parcel's FAR is not affected.
- CD92.5.9 Modifications that impact areas previously exempt from FAR calculations that are considered to be minor in nature by staff, and that do not impact the Building's footprint, use or function, may be considered under a Minor Development Permit.

CD92.6 Setbacks

- CD92.6.1 Buildings in the CD92 zone shall be setback from Lot lines generally in accordance with the following:
- 92.6.1.1 Where a Lot boundary line abuts the boundary of loco Road or Murray Street the required minimum Setback is 6.5 metres.

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92.6.1.2 Notwithstanding section CD92.6.1.1, where indicated as “Variance 3” on Schedule D, the required minimum Setback is 5.5 metres.

92.6.1.3 Where a Lot boundary line abuts the North Boundary of Suter Brook Village Way the required minimum Setback is 1.0 metres.

92.6.1.4 Where a Lot boundary line abuts the South boundary of Suter Brook Village Way the required minimum Setback is 1.0 metres as shown as “Variance 2” in Schedule D.

92.6.1.5 Where a Lot boundary line abuts the West boundary of Morrissey Road the required minimum Setback is 2.5 metres.

92.6.1.6 Where a Lot boundary line abuts the East boundary of Morrissey Road the required minimum Setback is 1.0 metres as shown as “Variance 1” on Schedule D.

92.6.1.7 Where a Lot boundary line abuts Capilano Road the required minimum Setback is 2.5 metres.

CD92.6.2 Where a Lot boundary line abuts another Lot boundary line the required minimum setback is 2.5 metres.

CD92.6.3 No above grade Building wall may be closer than 3.0 meters to the boundary of the Suter Brook Village Greenway.

CD92.6.4 For underground parking structures, the setback from a below grade or partially below grade parking structure to a Lot boundary, shall be a minimum of 0.3 metres.

CD92.6.5 For protrusions (including, but not limited to, balconies, bay windows, Decks, porches, eaves, cornices, leaders, gutters, chimneys, canopies, or Sunlight Control Projections) the minimum distance to an abutting Lot Line as permitted elsewhere in this Bylaw may be reduced by 1.2m to a maximum of 50% of the required Setback.

92.6.5.1 Notwithstanding section CD92.6.5, where a Building’s minimum required Setback is 3.0 metres or less, no protrusions will be permitted.

Considered at the June 11, 2024, Regular Council meeting

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CD92.7 Parking, Loading, and Bicycle Parking

- CD92.7.1 The provision of parking, loading and bicycle parking for Buildings in the CD92 zone shall comply with the applicable regulations in section 6.0 of City of Port Moody Zoning Bylaw, 2018, No. 2937, except where amended by the following regulations.
- CD92.7.2 Parking in the CD92 zone shall be provided in accordance with the following requirements:

Type of Use	Required Parking
Multi-Residential	<u>Parcel A</u> 1.5 spaces per Dwelling Unit 0.2 residential visitor spaces per Dwelling Unit
	<u>Parcel B</u> 1.5 spaces per Dwelling Unit 0.2 residential visitor spaces per Dwelling Unit
	<u>Parcel C</u> 1.5 spaces per Dwelling Unit 0.2 residential visitor spaces per Dwelling Unit
	<u>Parcel D</u> 0.80 spaces per Affordable Housing Unit 1.00 spaces per Market Rental Housing Unit 1.33 spaces per Strata Housing Unit 0.12 visitor spaces per Strata Housing Unit, Affordable Housing Unit, and Market Rental Housing Unit 100 spaces for Office Use
	<u>Parcel E</u> 1.24 spaces per Dwelling Unit 0.2 residential visitor spaces per Dwelling Unit
Commercial Use	1 space per 38m ²
Office Use	1 space per 58m ²

- CD92.7.3 All Off-Street parking spaces designated for Commercial uses must be located on Parcel E.

Considered at the June 11, 2024, Regular Council meeting

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CD92.7.4 Long-term off-street bicycle parking spaces shall be provided at a ratio of 1.5 spaces per dwelling unit in Parcel D; in addition, six (6) short-term bicycle parking spaces in proximity to the main entrances are required for each building on Parcel D.

CD92.7.5 Each Parcel shall have a minimum of one non-commercial car wash facility with drains connected to the sanitary sewer system.

CD92.8 Amenity Space

CD92.8.1 Indoor recreation or other amenity space will be provided for the use of the residents at a minimum area of 2.4m² (25.8ft²) per Dwelling Unit.

CD92.9 Conditions of Use

CD92.9.1 Sprinkler protection shall be provided for all unenclosed balconies, Decks, Porches, and patios intended for residential use.

CD92.9.2 Notwithstanding section CD92.5.6, Commercial – Child Care use may be permitted as a Principal use in the second Storey of Building 15.

CD92.9.3 Notwithstanding CD92.5.6, and excluding the second Storey of Building 15, Commercial - Personal Service businesses that are related to human health and wellness, and that are compatible with and do not unduly affect Office uses via offensive noise, vibration, odours, heat, or traffic, are permitted as a Principal Use in Building 15 and Building 13.

3. Attachments and Schedules

3.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Location Map;
- Schedule B – Building Siting and Heights;
- Schedule C – Land Use Locations; and
- Schedule D – Setback Variances.

Considered at the June 11, 2024, Regular Council meeting

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.

Read a first time this ____ day of _____, 2024.

Read a second time this ____ day of _____, 2024.

Read a third time this ____ day of _____, 2024.

Adopted this ____ day of _____, 2024.

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3458 of the City of Port Moody.

S. Lam
City Clerk

Considered at the June 11, 2024, Regular Council meeting

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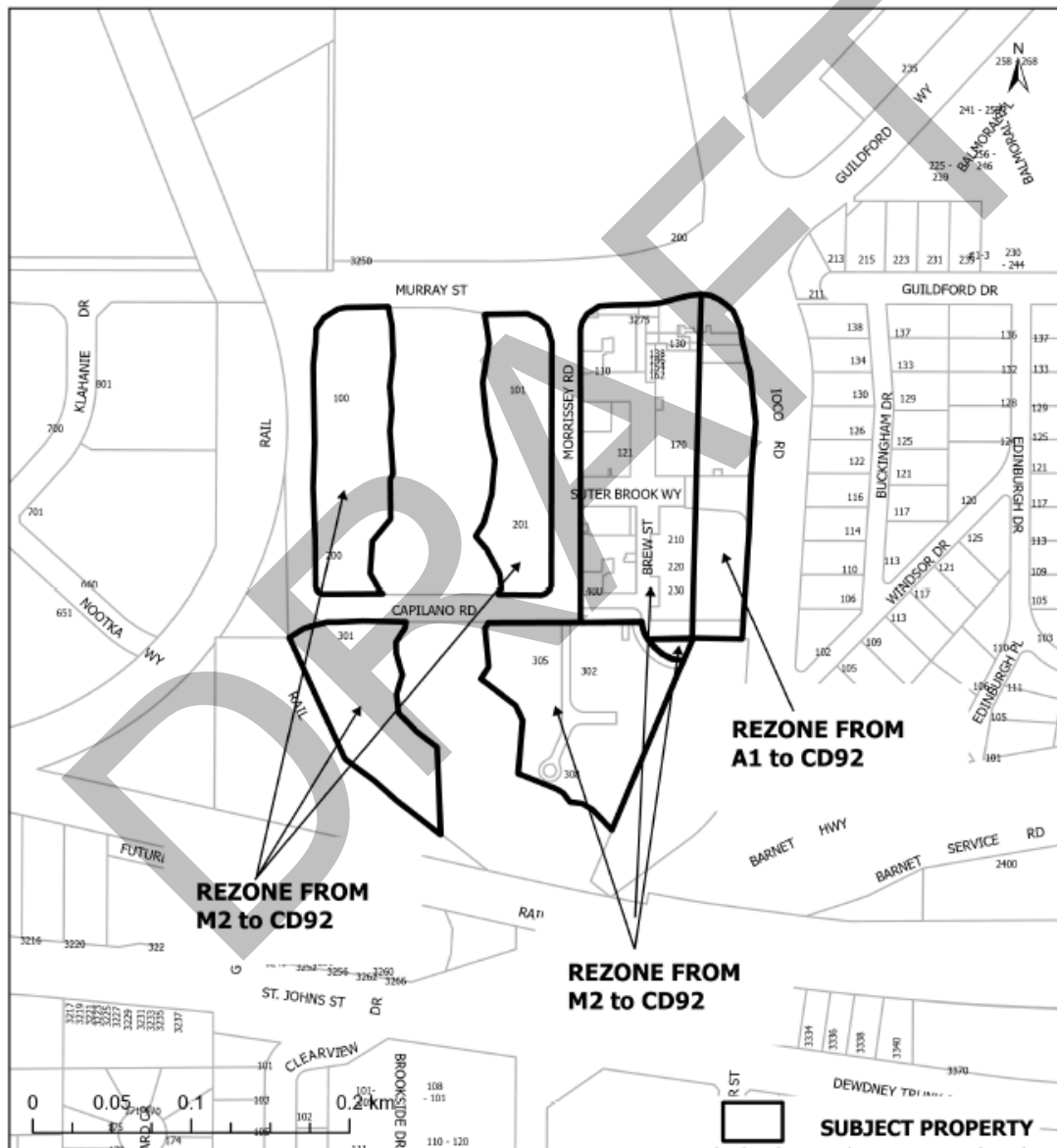
Attachment 3

Schedule A – Location Map

This is a certified true copy of the map referred to in section 2 of City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92).

Corporate Officer

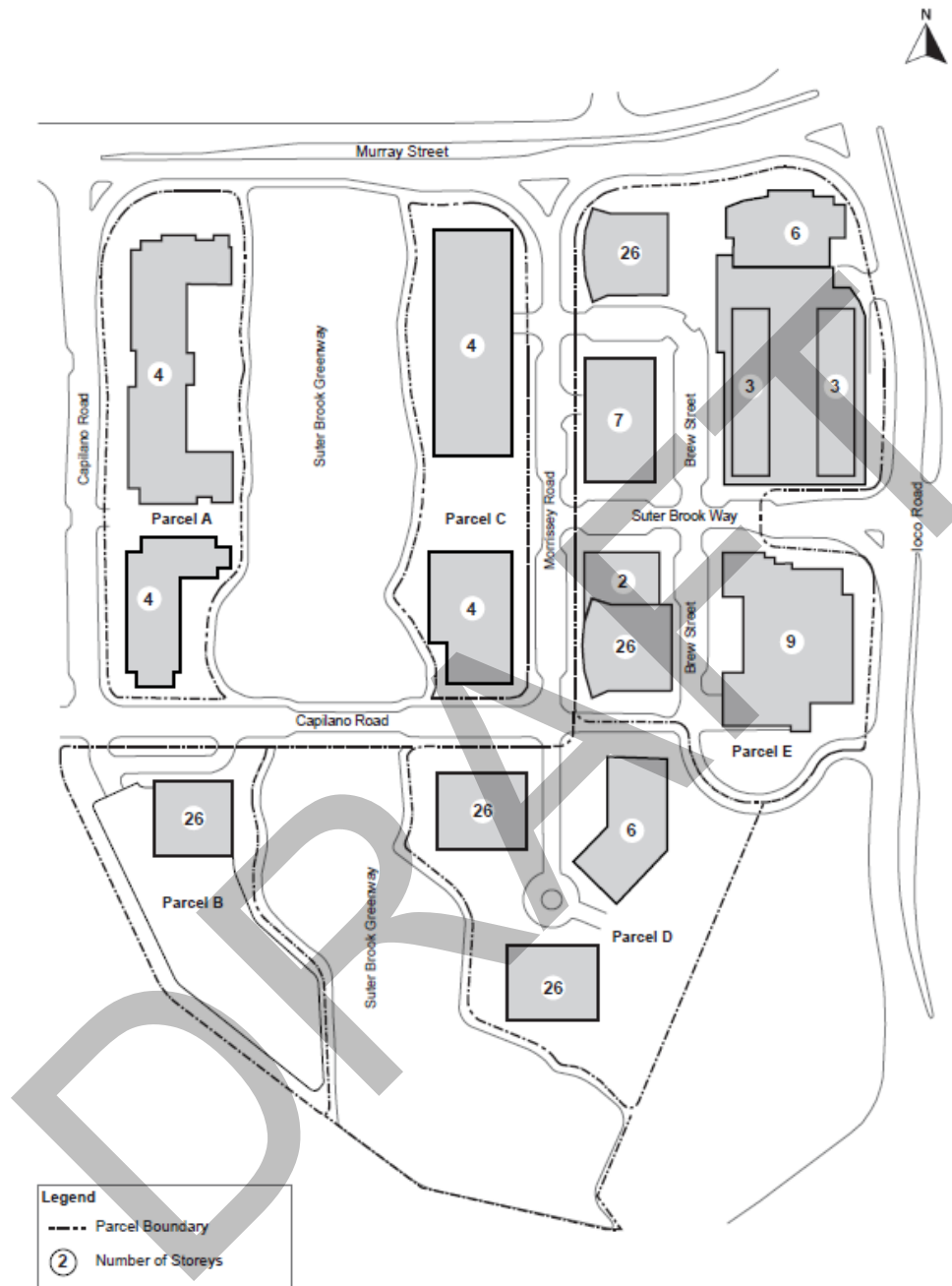
LOCATION MAP - Suter Brook Village



File: M:\Mapping Requests - Internal\LOCATION MAPS\Suter Brook Greenway\Suter Brook Greenway Bylaw Maps\Suterbrook_Village_bylaw_Map.pdf

Last Modified: 5/10/2024

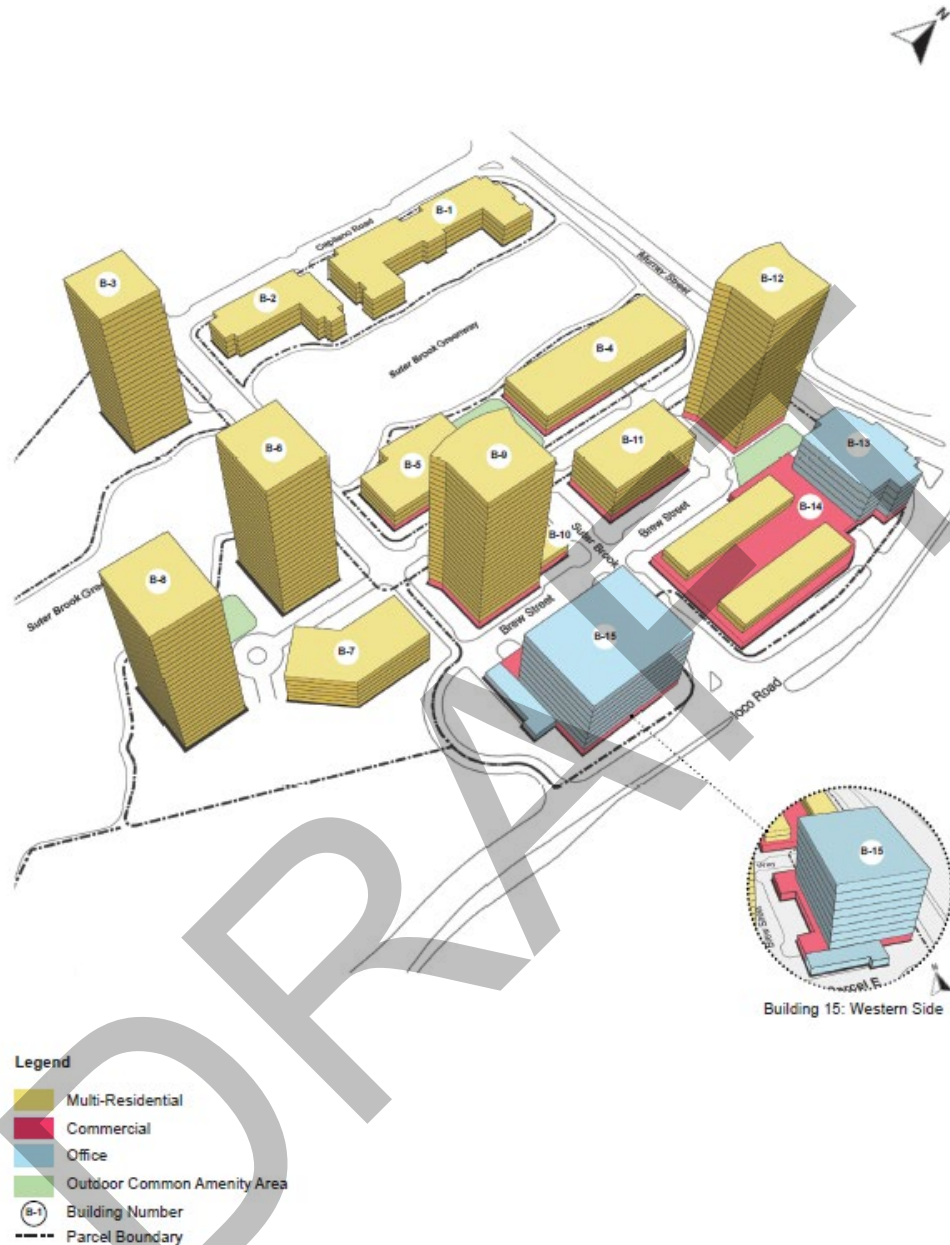
Schedule B – Building Siting and Heights



N.T.S (not to scale)

*Disclaimer: The following is provided for reference purposes only. The City of Port Moody makes no representation or warranty expressed or implied with respect to the accuracy, completeness or appropriateness of the information contained hereon.

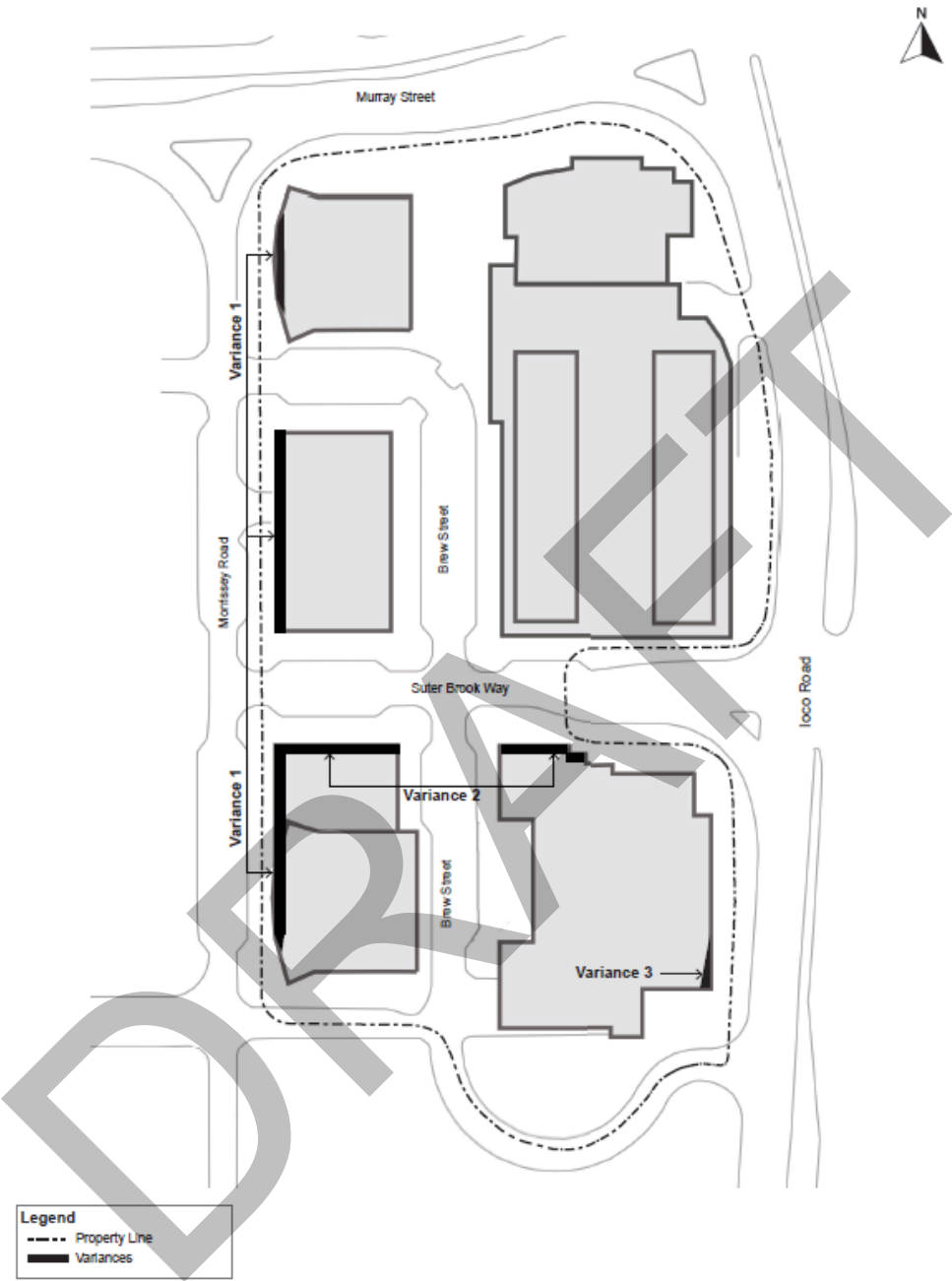
Schedule C – Land Use Locations



N.T.S (not to scale)

**Disclaimer: The following is provided for reference purposes only. The City of Port Moody makes no representation or warranty expressed or implied with respect to the accuracy, completeness or appropriateness of the information contained hereon.*

Schedule D – Setback Variances



N.T.S (not to scale)

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Considered at the June 11, 2024, Regular Council meeting

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Attachment 4



City of Port Moody

Bylaw No. 3459

A Bylaw to amend City of Port Moody Zoning Bylaw, 2018, No. 2937 to facilitate rezoning the southern portion of the Suter Brook Greenway (South Suter Brook Greenway) from General Industrial (M2) to Civic Institutional (P1).

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. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1)”.

2. Amendments

- 2.1 City of Port Moody Zoning Bylaw, 2018, No. 2937 is amended by rezoning the following land from General Industrial (M2) to Civic Institutional (P1):

Lot B, Plan BCP13774, District Lot 233, Group 1, New Westminster Land District, except Plan EPP34683

PID: 026-072-050

as shown on the map in Schedule A of this Bylaw.

3. Attachments and Schedules

- 3.1 The following schedule is attached to and forms part of this Bylaw:

- Schedule A – Location Map.

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.

Read a first time this ___ day of ____, 2024.

Read a second time this ___ day of ____, 2024.

Read a third time this ___ day of ____, 2024.

Adopted this ___ day of ____, 2024.

Considered at the June 11, 2024, Regular Council meeting

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Attachment 4

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3459 of the City of Port Moody.

S. Lam
City Clerk

Considered at the June 11, 2024, Regular Council meeting

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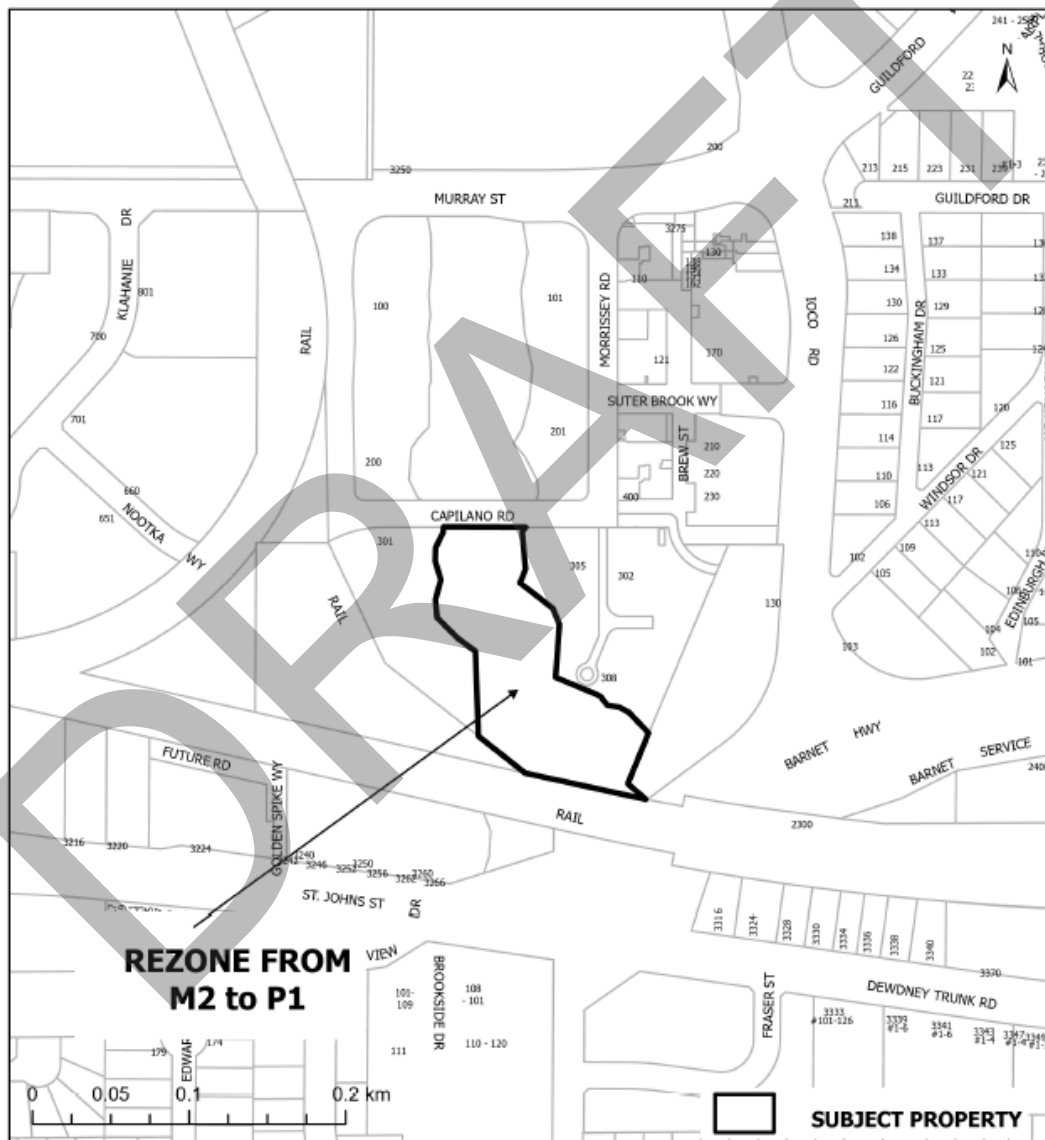
Attachment 4

Schedule A – Location Map

This is a certified true copy of the map referred to in section 2 of City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1).

Corporate Officer

LOCATION MAP - South Suter Brook Greenway



File: M:\Mapping Requests - Internal- LOCATION MAPS -\Suter Brook Greenway\Suter Brook Greenway Bylaw Maps\suterBrook_Bylaw_Map_greenway.pdf

Last Modified: 4/23/2024

Considered at the June 11, 2024, Regular Council meeting

Considered at the Regular Council Meeting of April 9, 2024²⁶⁴

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Memorandum

Date: April 9, 2024
 Submitted by: Community Development Department – Policy Planning Division
 Subject: Establishing Criteria for Not Requiring a Public Hearing

The purpose of this memo is to propose interim criteria to guide circumstances where public hearings will not be required. The *Local Government Act* provides the following guidance on when a local government is not required to hold a public hearing:

464(2) Subject to this section, a local government is not required to hold a public hearing on a proposed zoning bylaw if

(a) an official community plan is in effect for the area that is the subject of the zoning bylaw,

(b) the bylaw is consistent with the official community plan.

Staff are seeking additional guidance in determining circumstances when a public hearing will not be required. Staff recommend Council not hold a public hearing under the following circumstances:

- The proposed zoning bylaw solely intends to comply with changes in provincial legislation (e.g., changes to the BC Building Code);
- The proposed bylaw intends to facilitate changes necessary as a result of upcoming Land Use Contract termination (i.e., zoning reflects what was built on site); and
- The proposed zoning bylaw is generally administrative in nature (e.g., housekeeping updates to the zoning bylaw).

When a public hearing is not held, there is still a public notification requirement, and members of the public can still submit comments that will be included when the Bylaw is considered.

In the short term, there are three zoning amendment bylaws that staff have identified at this time as meeting the criteria described above, details of which are provided below.

Zoning Bylaw Amendment to Rezone Suter Brook Village (CD93) (Q3 2024)

In 2014, the *Local Government Act* was changed to terminate all Land Use Contracts (LUC) in the province by June 30, 2024. Suter Brook Village has the last remaining LUC in Port Moody that requires a zoning bylaw amendment, to ensure that there is appropriate zoning in place that will come into effect prior to the LUC termination date. As Suter Brook Village is fully developed, the proposed rezoning does not anticipate any significant changes to use or density permissions, and only intends to reflect what has been built on the site to avoid major instances of non-conformity.

Zoning Bylaw Amendment to Rezone the Southern Half of the Suter Brook Greenway to P1 (Q3 2024)

In addition to the proposed rezoning of Suter Brook Village, staff also intend to bring forward a rezoning bylaw for the southern portion of the Suter Brook Greenway. The proposed rezoning bylaw would amend the underlying zoning from General Industrial (M2) to Civic Institution (P1),

Considered at the June 11, 2024, Regular Council meeting

Considered at the Regular Council Meeting of April 9, 2024²⁶⁵

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in anticipation of the upcoming dedication and transfer of this portion of the Suter Brook Greenway to the City.

Given the timing imposed by the LUC termination date, should Council elect to not waive the public hearing requirements for Suter Brook Village Rezoning (CD93) or the Southern Half of the Suter Brook Greenway Rezoning (P1), an additional public hearing date may be required in June 2024 to accommodate for the deadline imposed by the provincial LUC termination date.

Zoning Bylaw Amendment to Comply with BC Building Code Adaptable Dwelling Unit Requirements (Q1 2025)

In March 2025 BC Building Code changes come into effect requiring 100% adaptable dwellings in new large condominium and apartment buildings. The City's zoning bylaw currently requires a minimum of 50% of all single-storey residential dwelling units to meet all of the adaptable housing standards set out in the BC Building Code (2018). The anticipated zoning bylaw amendment in early 2025 is intended to make the City's adaptable dwelling requirements consistent with provincial regulations. Under separate cover, staff will be bringing to Council a recommended process to address planning applications in preparation for this regulation change.

As per the *Act*, if a local government proceeds without a public hearing on a proposed zoning bylaw for which a public hearing is not required, it must give notice prior to the first reading of the bylaw. The *Act* and the City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417, speak to the required content, timing and procedures that fulfil these notification requirements. Should Council proceed with the recommendations to waive the public hearings for the aforementioned bylaws, or any that are permitted under a future policy, appropriate notices will be provided. Additionally, members of the public will still have opportunity to provide comment during the Public Input portion of Council meetings prior to first reading consideration.

Staff will report back in approximately one year summarizing the circumstances whereby public hearings were not held based on the interim criteria and seek further guidance on transitioning the interim criteria to a policy.

The recommended resolutions are the following:

THAT the memo dated April 9, 2024, from the Community Development Department – Policy Planning Division regarding Establishing Criteria for Not Requiring a Public Hearing be received for information;

AND THAT the proposed criteria guide when not to hold a public hearing be endorsed as outlined in the memo dated April 9, 2024, from the Community Development Department – Policy Planning Division regarding Establishing Criteria for Not Requiring a Public Hearing;

AND THAT staff be directed to not hold a public hearing for the following zoning bylaw amendments:

- to rezone Suter Brook Village to CD93;
- to rezone the southern portion of the Suter Brook Greenway to P1; and
- to comply with provincial adaptable dwelling unit requirements.

Considered at the June 11, 2024, Regular Council meeting

Considered at the Regular Council Meeting of April 9, 2024

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Report Approval Details

Document Title:	Establishing Criteria for Not Requiring a Public Hearing.docx
Attachments:	
Final Approval Date:	Mar 29, 2024

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

Mary De Paoli, Manager of Policy Planning - Mar 25, 2024

Kate Zanon, General Manager of Community Development - Mar 26, 2024

Stephanie Lam, City Clerk and Manager of Legislative Services - Mar 27, 2024

Lindsay Todd, Manager of Communications and Engagement - Mar 28, 2024

Paul Rockwood, General Manager of Finance and Technology - Mar 28, 2024

Kate Zanon, General Manager of Community Development, for Anna Mathewson, City Manager
- Mar 29, 2024

Considered at the June 11, 2024, Regular Council meeting

Excerpt from the minutes of the April 9, 2024, Regular Council meeting:

8. Items Removed from the Consent Agenda

8.7.3 Establishing Criteria for Not Requiring a Public Hearing

Memo: Community Development Department – Policy Planning Division

RC24/087

THAT the memo dated April 9, 2024, from the Community Development Department – Policy Planning Division regarding Establishing Criteria for Not Requiring a Public Hearing be received for information;

AND THAT the proposed criteria guide when not to hold a Public Hearing be endorsed as outlined in the memo dated April 9, 2024, from the Community Development Department – Policy Planning Division regarding Establishing Criteria for Not Requiring a Public Hearing;

AND THAT staff be directed to not hold a Public Hearing for the following Zoning Bylaw amendments:

- *to rezone Suter Brook Village to CD93;*
- *to rezone the southern portion of the Suter Brook Greenway to P1; and*
- *to comply with provincial adaptable dwelling unit requirements.*

Moved, seconded, and CARRIED

(Voting against: Councillor Lurbiecki)

8.7.4 Arts, Culture, and Heritage Committee Recommendation – Archival Feasibility Study

Memo: Arts, Culture, and Heritage Committee

RC24/088

THAT the recommendation from the Arts, Culture, and Heritage Committee regarding Archival Feasibility Study as provided in the memo dated April 9, 2024, from the Arts, Culture, and Heritage Committee regarding Arts, Culture, and Heritage Committee Recommendation – Archival Feasibility Study be referred to staff:

ACHC24/008-009

THAT the Arts, Culture, and Heritage Committee recommends:

THAT staff be directed to investigate options and approximate preliminary costs and engagement approaches to implement a City Archive Program and report back to the Arts, Culture, and Heritage Committee.

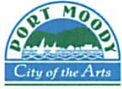
Moved, seconded, and CARRIED

9. Legislative Matters

10. Unfinished Business

11. New Business

Considered at the June 11, 2024, Regular Council meeting



City of Port Moody
100 Newport Drive, Port Moody, B.C., Canada
V3H 5C3

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Attachment 6

Notice of Proposed Zoning Amendment Bylaw Without Public Hearing – Bylaw 3458 (Suter Brook Village) (CD92) and Bylaw 3459 (South Suter Brook Greenway) (P1)

At the Regular Council meeting on June 11, 2024, **City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92)** and **City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1)** will be presented to Council for first, second and third readings. Pursuant to sections 464(2) of the *Local Government Act*, a Public Hearing will not be held.

What it's about: The purpose of these proposed bylaw changes is to rezone Suter Brook Village and South Suter Brook Greenway to reflect their current form (high density, mixed-use and designated greenway) prior to the Provincial termination of the Land Use Contract which currently has authority in this area.

This matter will be considered at the Regular Council meeting scheduled for 7:00pm on June 11, 2024. You may join the Electronic Meeting (see portmoody.ca/councilmeetings for details and instructions) or attend in person in Council Chambers, City Hall, 100 Newport Dr., Port Moody, B.C.

Copies of the bylaw and information package can be inspected online at portmoody.ca/planningnotice at any time and in person at the second-floor counter in City Hall, Monday to Friday, from May 24, 2024 to June 11, 2024, excluding statutory holidays, from 8:30am to 5pm. You can also contact staff at planning@portmoody.ca or 604.469.4540 with any questions.

See reverse for a map of the subject properties →

Notice of Proposed Zoning Amendment Bylaw Without Public Hearing – Bylaw 3458 (Suter Brook Village) (CD92) and Bylaw 3459 (South Suter Brook Greenway) (P1)

Port Moody Council will consider the following proposed Zoning Bylaw Amendments

Bylaw No. 3458 – City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 92, 2024, No. 3458 (Suter Brook Village) (CD92) **and**

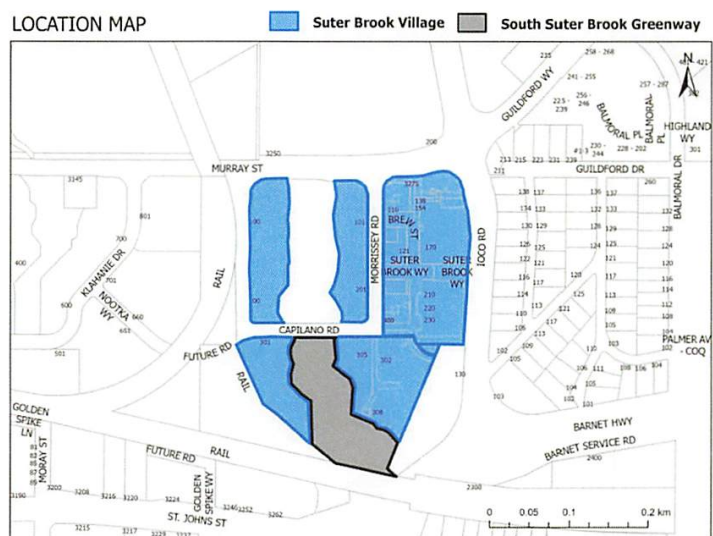
Bylaw No. 3459 – City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 93, 2024, No. 3459 (South Suter Brook Greenway) (P1)

Applicant: City of Port Moody

Location: Suter Brook Village and South Suter Brook Greenway

Purpose: to rezone Suter Brook Village from M2 (General Industrial) and A1 (Acreage Reserve) to a Comprehensive Development (CD 92) Zone and to rezone the South Suter Brook Greenway from M2 (General Industrial) to P1 (Civic Institutional) to reflect the existing development form prior to the Provincial termination of the Land Use Contract which currently has authority in this area.

LOCATION MAP



File: M:\Mapping Requests - Internal\LOCATION MAPS - Suter Brook Greenway\Suter Brook Greenway Bylaw Maps\SuterBrook_Location Map.pdf Last Modified: 5/7/2024



604.469.4540
www.portmoody.ca

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