



City of Port Moody

Report/Recommendation to Council

Date: March 31, 2020

Submitted by: Planning and Development Department – Policy Planning Division

Subject: Zoning Bylaw Amendments

Purpose

To present Zoning Bylaw amendments for Council consideration.

Recommended Resolutions

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245 (Miscellaneous), be read a first and second time as recommended in the report dated March 31, 2020 from the Planning and Development Department – Policy Planning Division regarding Zoning Bylaw Amendments;

AND THAT the requirement to hold a Public Hearing be waived for City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245 (Miscellaneous).

Background

City of Port Moody Zoning Bylaw, 2018, No. 2937 was adopted on July 10, 2018. This Zoning Bylaw reflects input received from Council, civic committees, the general public, and staff during numerous consultation events and meetings that took place over the last ten years, and now covers all of Port Moody, including the lands west of April Road, which were brought into the City as part of a boundary expansion in 1992.

Discussion

Zoning Bylaw, 2018, No. 2937 has now been in use for 20 months. Zoning Bylaws are wide-ranging bylaws that include hundreds of pages of regulations that have intricate relations in their application to development proposals. Through the practical use of the Bylaw, staff have identified a number of areas where minor amendments are necessary to ensure the Bylaw's effectiveness. These include:

Definitions

- Adding the following definition for Accessory Food Service:
 - “ACCESSORY FOOD SERVICE” means preparation and/or serving of food within a building or another location on a property; includes mobile food vendors.

- Adding the following definition for Pool:
 - “POOL” means a structure or constructed depression used or intended to be used for swimming, bathing, wading, or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground pool, above ground pool, hot tub, spa, and water features;

Rationale: The new definition for Accessory Food Service establishes a new category of food service to encompass existing mobile food vending and potential additional limited food service, within the M1 zone. These changes also add a definition for Pool which encompasses swimming pools.

Section 3.1.1 – Zone Designations

- Replacing the description in RM3, “Multi Unit Flex Residential” with “Low Density Townhouse Residential”.

Rationale: This change ensures a consistent RM3 description throughout the Zoning Bylaw.

Section 3.2.1 – Minimum Lot Width

- Replacing the text in 3.2.1 with: “Each Lot created by Subdivision or Rezoning shall have a minimum Lot Area and Lot Width as follows:”.
- In the table, replacing “refer to zone” in the RM3 minimum lot width requirements to:
 - 1,600m² (Lot Area); and
 - 40.0m (Lot Width).

Rationale: This change clarifies when the minimum lot size requirement applies and ensures consistent information throughout all zones.

Section 5.2.16 – Pools

- Adding section 5.2.16 – Pools, with subsection (a): In all zones, Pools shall be sited as an accessory structure.

Rationale: This change clarifies where and how pools shall be sited, to be consistent with the regulations for an accessory structure.

Section 5.3.2 – Siting Exceptions

- Replacing section (b)(iv) with the following:
 - where Decks, Porches, and Stairs project beyond the exterior Building face, the Setback may be reduced up to 1.8m, except it may not be reduced by more than 50% to an Interior Side Lot Line or an Exterior Side Lot Line .

Rationale: This change adds Porches to the siting exemption clause, which was a recently defined term.

Section 5.3.4 (b) – Floor Area Ratio Calculations

- Adding the following as subsection (ix):
 - exclude storage space in underground parking.

Rationale: Storage space is not considered to be habitable floor space and should be removed from the Floor Area Ratio Calculation. This may also incentivize more appropriately sized storage spaces in multi-family development.

Section 5.5.1 – Detached Accessory Dwelling Units

- Replacing section 5.5.1 with the following:
 - A Detached Accessory Dwelling Unit is a conditional use subject to the conditions of this section in the following residential zones: RS1, RS1-S, RS2, RS3, RS5, RS6, RS7, and RS9. Within the RT zone, one Detached Accessory Dwelling Unit is a conditional use for each semi-detached residential unit.

Section 5.5.3 – Detached Accessory Dwelling Units

- Adding the following provision: A Detached Accessory Dwelling Unit is only permitted on lots where the secondary access to the rear of the lot is of a grade, quality (weight bearing), surface, width and clearance that allows for accessibility by emergency services apparatus.

Rationale: These changes clarify when a Detach Accessory Dwelling Unit can be permitted taking into account accessibility by emergency services apparatus.

Section 6.6.1 – Required Parking Space Dimensions

- Replacing the Tandem Stall Width of 3.4m with 2.6m.

Rationale: This change enables tandem parking space outside of a garage (consistent with driveway width).

Section 6.6.5

- Replacing section 6.6.5 with the following: A maximum of 33% of the total parking requirement may be provided as small car Parking Spaces.

Rationale: This change from 30% to 33% allows for 1 small car and 2 standard cars for typical Single Family Dwelling and Secondary Suite parking.

Section 12.1. Light Industrial (M1)

- Adding to 12.1.2 b.: v. Accessory Food Service

Section 12.1.6 – Conditions of Use (M1)

- Adding subsection (g):
 - (g) An Accessory Food Service shall:
 - (i) be subordinate to the principal use on the property;
 - (ii) not occupy a footprint equivalent to more than 1 standard parking space; and
 - (iii) if located within the building, be counted towards the total allowable Retail Use Floor Area.

Rationale: To permit “Accessory Food Service”, as a secondary use in the M1 zone which includes mobile food vendors.

Future Changes

Staff will continue to monitor the Zoning Bylaw for any other changes that are warranted for clarification or to respond to new policies. The last remaining substantial change that is still pending is a review of all Comprehensive Development Zones. This review is scheduled for the coming months and staff will report back separately on the recommended housekeeping changes for those zones.

The foregoing amendments have been incorporated into draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245 (Miscellaneous) (**Attachment 1**).

Other Options

1. THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245 (Miscellaneous) be amended as follows:
2. THAT the report dated March 31, 2020 from the Planning and Development Department – Policy Planning Division regarding Zoning Bylaw Amendments be received for information.

Financial Implications

There are no financial implications associated with the proposed amendments to the Zoning Bylaw, No. 2937. As the recommended amendments are consistent with the City's Official Community Plan, staff are recommending that the requirement to hold a Public Hearing be waived. Should Council waive the requirement to hold a Public Hearing, there will be no costs associated with legislatively required notifications.

Communications and Civic Engagement Initiatives

As the recommended amendments are consistent with the City's Official Community Plan, staff are recommending that the requirement to hold a Public Hearing be waived. Notification of this waiver would be required through advertising.

Should Council choose to refer Bylaw No. 3245 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 Community Evolution priority of the 2019-2022 Council Strategic Plan.

Attachment

1. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245 (Miscellaneous).

Report Author

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Report Approval Details

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| Document Title: | Zoning Bylaw Amendments.docx |
| Attachments: | - Attachment 1 - Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 34, 2020, No. 3245.pdf |
| Final Approval Date: | Apr 21, 2020 |

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

Dorothy Shermer, Corporate Officer - Apr 18, 2020 - 6:06 PM

Rosemary Lodge, Manager of Communications and Engagement - Apr 20, 2020 - 10:50 AM

Paul Rockwood, General Manager of Finance and Technology - Apr 20, 2020 - 4:19 PM

André Boel, General Manager of Planning and Development - Apr 20, 2020 - 4:59 PM

Tim Savoie, City Manager - Apr 21, 2020 - 9:52 PM