



CITY OF
Pitt Meadows
The Natural Place

Staff Report to Council

Community Services

FILE: 3900-02-2018

DATE: March 22, 2018
TO: Mayor and Council
FROM: Dana Parr, Planner II
SUBJECT: Zoning Bylaw 2505 Housekeeping Amendments

Date of Meeting – April 10, 2018

RECOMMENDATION(S): THAT Council:

1. Grant First and Second Reading to Zoning Amendment Bylaw No. 2797,2018; AND
2. Schedule a Public Hearing for May 1, 2018 Regular Council Meeting; OR
3. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

Smith For MARK ROBERTS

PURPOSE

That Council consider a suite of housekeeping amendments for the Zoning Bylaw to help aid in its administration and interpretation.

☐ Information Report

☐ Direction Report

☒ Decision Report

DISCUSSION

Background:

Staff is proposing a number of housekeeping amendments to the Zoning Bylaw in order to aid in its interpretation and administration, to ensure that the regulations are consistent with the City's intent and to address new development / land use trends. A housekeeping review and subsequent amendment is completed annually.

City of Pitt Meadows Council adopted a new Zoning Bylaw on October 4, 2011 to replace Land Use Bylaw No. 1250 and the Dewdney Alouette Regional District Zoning Bylaw No. 311. The purpose of the new

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Zoning Bylaw was to improve the City's zoning regulations; to ensure that the bylaw is consistent with the policies of the Official Community Plan; and to make the bylaw easier to use by eliminating redundancies, developing common terminology, structure and a set of defined zoning terms.

Since its adoption, staff has sent several sets of amendments to Council to aid in its interpretation and administration, and to ensure that the regulations are consistent with the City's intent and to address new development / land use trends. These proposed amendments are brought to Council annually and are considered housekeeping amendments. The set of proposed bylaw amendments included in this report is a continuation of that process.

Relevant Policy, Bylaw or Legislation:

The issue pertains to the administration of the City's Zoning Bylaw.

Analysis: The following is a description of the proposed amendments to the Zoning Bylaw:

Accessory Residential and Accessory Farm Residential Buildings and Structures

Issue: This complex section contains references to requirements that are not defined, and excludes references to single family comprehensive development zone. There are minor inconsistencies with this section and other sections of the bylaw.

Proposed remedy: Section 4.13 is proposed to be amended to increase clarity and ease in its interpretation. Changes include making more explicit reference to which zones the section applies to, and adding accessory farm residential building height to Section 4.13 in addition to its reference in the A-1 zone. References to "floor area" in these section have been deleted (there is no definition of floor area in the Zoning Bylaw), and instead replaced with lot coverage.

Exclusion of Garden Suites and Detached Garages from Calculation Limiting Second Storey in R-1 zones.

Issue: Section 10.2.3 d) permits using the gross floor area of the first storey of the principal buildings and any accessory buildings that may also be located on the property towards a calculation that limits the second storey of the building to 80%. The intent of this section is to mitigate the potential impact of a house on a neighbouring property and to allow for greater architectural interest. However, by allowing the calculation to include accessory buildings the intended purpose of the regulation is negated, allowing houses where the second storey may even exceed and overhang the first storey, depending on the gross floor area of the accessory buildings.

Proposed remedy: To not permit accessory buildings on a property to be used toward the calculation of the gross floor area of the first storey.

Electric Fences in the ALR

Issue: Using electrical fencing to keep bears away from apiaries is a standard agricultural practice. The Zoning Bylaw only allows electric fences to confine domestic farm animals and does not account for current farming practices.

Proposed remedy: Staff propose amending this section to take into account apiary practices that use electric fences to keep bears from bee hives.

River Zone

Issue: The River Zone, which applies to the Alouette River only, and requires that a 30 metre open channel be free of all structures. The current restriction of the length of docks in the River Zone is too permissive, potentially resulting in docks that clutter the river.

Proposed remedy: The proposed addition would further limit the dock length to 30 metres. It should be noted that any dock structure within the Alouette River would require an approval from the Ministry of Forests, Lands and Natural Resource Operations. This proposed amendment would not apply to the Pitt River Marina since it has its own zone that extends into the water and surrounds its docks.

Secondary Suites in South Bonson Neighbourhood (Sawyers Landing)

Issue: Secondary suites and garden suites are permitted in the single-family home area of the South Bonson (Sawyers Landing) neighbourhood. This is in direct conflict with a covenant that is registered against the title of all the parcels that prohibit secondary suites and garden suites in the area at the time of rezoning.

Proposed remedy: Given that the lots are small and the roads are narrow, staff recommends an amendment removing prohibiting secondary suites and garden suites from the CD-11 zone to bring it into consistency with the covenant registered on the property.

Building Separation

Issue: The language requiring building separation between accessory structures is unclear.

Proposed remedy: Clarify that building separation is required between each and every building, not just the principal building and accessory buildings.

Medical Marihuana

Issue: In the Zoning Bylaw the term “marihuana” is inconsistent with Federal terminology.

Proposed remedy: Replacing the word “marihuana” with “cannabis” in the Zoning Bylaw, in order to maintain consistency with the *Access to Cannabis for Medical Purposes Regulation SOR/2016-230* and in anticipation of the *Cannabis Act*.

Staff will send a more detailed report with recommended directions regarding the *Cannabis Act* in the spring.

Exempt municipal accessory buildings from setback and separation requirements and number of structures.

Issue: Need for additional storage facilities for the new in-house Parks and Recreation Departments require greater flexibility in the Zoning Bylaw.

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Proposed remedy: Municipal accessory structures are proposed to be exempted from setback requirements provided that the nearest adjacent lot is owned by the municipality and is zoned Community Assembly.

Storage Containers

Issue: Currently, the Zoning Bylaw contains only one reference to storage containers (also commonly known as shipping containers) under Section 4.13, Accessory Residential and Accessory Farm Residential Buildings and Structures. This section limits storage containers used as accessory residential and accessory farm residential structures, but is silent on their use anywhere else within the municipality.

Proposed remedy: The new proposed section will permit storage containers greater than 10 square metres in agricultural, general industrial or public zones, limited to one storage container per 0.4 hectare of lot area up to a maximum of 4 containers.

Expanding Uses in the Business Park (I-3) Zone

Issue: Staff has been receiving an increasing number of enquiries regarding the possibility of locating a more diverse range of uses within the industrial park.

Proposed remedy: Staff is proposing to expand the definition of "General Industrial" to include research and development and to include two new uses, biotechnology and production studios, to be permitted in Golden Ears Business Park phases 1 and 2. This is consistent with other municipalities, including the District of North Vancouver and the City of Burnaby, who include biotechnology and research and development as uses in their industrial areas and with the Township of Langley and the City of North Vancouver who have television and film production studios. The proposed definition for "biotechnology" was taken from the UN Convention on Biodiversity.

The proposed uses are unlikely to impact neighbouring properties since they will be contained indoors and confined to phases 1 and 2 of the business park, away from residential uses.

Commercial, Unlicensed and Recreational Vehicle Parking and Storage

Issue: Confusing verbiage and inconsistency make this section of the Zoning Bylaw difficult to work with.

Proposed remedy: Staff are proposing to change this section to reference unlicensed vehicles in the section title, since they are addressed in the body of the regulation, and eliminate references to the side yard and front yard setbacks.

Off-Street Parking Design Criteria

Issue: Currently, the Zoning Bylaw permits 25% of the total required parking spaces for all developments that have more than 30 parking spaces to be small car spaces, or spaces with reduced dimensions. This is not intended to apply to garages attached to single units, but to car parking lots; however, that is unclear in the Zoning Bylaw.

Proposed remedy: Staff is proposing to amend the bylaw to exclude single family homes and townhouse developments from this option.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☒ Corporate Excellence ☐ Economic Prosperity ☐ Community Livability
☐ Transportation & Infrastructure ☐ Not Applicable

Be open, transparent & accountable in all our activities.

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved
☐ Other ☐ Referral to Business Planning

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The proposed changes aid in the administration of the Zoning Bylaw. These changes are unlikely to impact residents, property owners or businesses in Pitt Meadows.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Reviewed by:

Dana Parr, Planner II

Lisa Grant, Manager of Development Services

ATTACHMENT(S):

- A. Zoning Bylaw Amendment Bylaw No. 2797,2018

**CITY OF PITT MEADOWS
ZONING BYLAW AMENDMENT BYLAW NO. 2797, 2018**

A Bylaw to amend sections of Zoning Bylaw No. 2505, 2011.

WHEREAS, it is deemed expedient to amend City of Pitt Meadows Zoning Bylaw No. 2505, 2011;

NOW THEREFORE, the Council of the City of Pitt Meadows in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "**City of Pitt Meadows Zoning Bylaw Amendment Bylaw No. 2797, 2018**".

2. Part 2 – Interpretation, Section 2.3 General Definitions is amended as follows:

- a) Adding the following definitions:

BIOTECHNOLOGY means the use of living systems and organisms to develop or make products, or "any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use" (UN Convention on Biological Diversity, Art. 2)

CANNABIS means all parts of the genus cannabis whether growing or not and the seed or clone of such plants.

CANNABIS FOR MEDICAL PURPOSES means *cannabis* that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition under the *Access to Cannabis for Medical Purposes Regulation SOR/2016-230* as amended.

PRODUCTION STUDIO means a building used for the production of radio, television and motion pictures.

- b) Delete the definition for **MARIHUANA** and change all references to Marihuana to the word **CANNABIS**;
- c) Delete the definition for **MEDICAL MARIHUANA** and change all references to Medical Marihuana to the word **CANNABIS FOR MEDICAL PURPOSES**;
- d) The definition for **GENERAL INDUSTRIAL** is amended by adding the following underlined words:

GENERAL INDUSTRIAL means processing, storage, assembly, fabrication, distribution, cleaning, servicing, repairing, testing, or manufacturing of material or equipment for institutions, industries, or commercial businesses

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for their direct *use* or for resale to individual customers and includes product research and development.

3. Part 4 – General Development Regulations is amended as follows:

Section 4.13 Accessory Residential and Accessory Farm Residential Buildings and Structures is deleted in its entirety and replaced with the following:

- a) This section applies to all A, RR, R, RS, RD and Residential CD and RM zones unless otherwise specified.
- b) *Accessory residential and accessory farm residential buildings and structures* are limited to two per *lot*, unless otherwise specified in the zone.
- c) If a portion of a *principal building* is attached by way of a continuous foundation, walls, or a roof, it shall comply in all respects with the setback requirements of this bylaw for the *principal building* notwithstanding that, without the attachment, the portion would constitute an *accessory building*.
- d) *Accessory buildings and structures* must not exceed a *height* of 4 m and must be sited not less than the required setback for the *principal building* from a front or *exterior side lot line* except in the A and RR zones where it must not exceed a height of 9 m.
- e) The *lot coverage* of an *accessory building* shall not exceed 46 sq m except in the A and RR zones, where it shall not exceed 100 sq m.
- f) Detached *accessory buildings* of 10 sq m or more must be located within the *rear yard* but no closer than
 - i. 3.0 m from a *road* and
 - ii. 1.2 m from the rear and side *lot lines*. (Bylaw 2580, 2012)
- g) Detached *accessory buildings* on *lots* greater than 1 ha and 30 metres or more in width within the A and RR zones may be located within areas other than the *rear yard*, provided that they are located no closer than 7.5 metres from the *front lot line* and 3.0 metres from a *road* and 1.2 metres from the rear or side *lot lines*. (Bylaw 2591, 2013)
- h) Eaves on an *accessory building* may project 0.3 m into all yards.
- i) There is no *lot line* setback requirement for an *accessory building* that is located in the *rear yard* and that has an area less than 10 sq m and does not exceed a *height* of 2 m.
- j) A portable or temporary fabric *structure* is permitted only in a *rear yard*, but not closer than 1.2 m to the rear and side *lot lines*.

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4. Part 4 – General Development Regulations Section 4.14 is deleted and replaced with the following:

4.14 The minimum horizontal clearance between all *buildings* and *structures* including swimming pools, is 2 m.

5. Part 4 – General Development Regulations, Section 4.20 is amended by adding the underlined words and deleting the words with strikethrough following:

4.20 Commercial, Unlicensed Vehicle and Recreational Vehicle Parking and Storage

In single-family residential zones, duplex zones, and multiple-family residential zones, vehicles, boats, and equipment parked or stored outdoors within the front yard setback or in the side yard setback on any lot at any time shall be limited to the following:

- b) Not more than one ~~other vehicle, including a~~ commercial vehicle owned by the occupant, not exceeding a gross vehicle weight of 4,600 kg; or
- c) Not more than one unlicensed vehicle in an operable condition ~~and other vehicles including commercial vehicles owned by the occupant~~; and

6. Part 4 – General Development Regulations is amended by adding Section 4.23 as follows:

4.23 Storage Containers

No storage container greater than 10 sq m shall be used, placed or stored on any lot unless:

- a) The storage container is located in an agricultural, general industrial, or public zones;
- b) The storage container is used only for storage purposes;
- c) In agricultural zones, the storage container is used for storage of agricultural products or equipment;
- d) The storage container is not sited within the front or exterior side setback areas;

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- e) The number of storage containers is limited to one storage container per 0.4 ha of lot area, up to a maximum of four;
 - f) The storage container shall not be stacked.
7. Part 6 – Landscaping and Screening, Section 6.6 Fencing and Retaining Walls, is amended by deleting d) and replacing with the following:
- d) No *fence* shall be constructed wholly or partially out of electrified wire except where the property is zoned Agricultural and where it is used for farm purposes.
8. Part 7 – Parking and Loading Spaces, Section 7.4 Off-Street Parking Design Criteria, f) is amended by adding the underlined words as follows:
- f) **In all commercial, industrial, mixed use, public and multi-family (except for townhouse) zones**, where the total number of required *parking spaces* exceeds 30, up to a maximum of 25% of the total required *parking spaces* may be 2.4 m in width by 4.8 m in length if all such spaces are clearly marked "small cars only."
9. Part 9 – Rural Residential, Section 9.1.7 b) **Location** is deleted and replaced with the following locations:
- Parcel Identifier: 013-557-351
NORTH EAST QUARTER LEGAL SUBDIVISION 14 SECTION 7 TOWNSHIP 42
NEW WESTMINSTER DISTRICT
- Parcel Identifier: 013-557-289
LEGAL SUBDIVISION 11 SECTION 7 TOWNSHIP 42 NEW WESTMINSTER
DISTRICT
- Parcel Identifier: 013-557-301
SOUTH HALF LEGAL SUBDIVISION 14 SECTION 7 TOWNSHIP 42 NEW
WESTMINSTER DISTRICT

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10. Part 10 – Residential, Section 10.1 RS Large Lot Residential is amended by deleting section 10.1.4 and replacing with the following:

10.1.4 Dimensions of Buildings and Structures

The *height* of a *principal building* shall not exceed:

- i. 9.0 m. for a building with a roof slope of 1:4 or more; or
- ii. 7.4 for a building with a roof slope less than 1:4

11. Part 10 – Residential, Subsection 10.2.3 Permitted Density, Subsection d) is amended by adding the underlined words and deleting the words with strikethrough:

- d) The *gross floor area* of the second *storey* does not exceed 80% of the *gross floor area* of the first *storey* of the principal dwelling (including all attached ~~and detached~~ garages and *carports*). Notwithstanding, existing *principal buildings* constructed prior to September 13, 2013 are exempt from this requirement except for proposed major additions which increase the *gross floor area* by 50% or more;

12. Part 13 – Industrial, Light Industrial I-3, Section 13.3.9 Conditions of Use, h) is amended by adding the following permitted uses:

Permitted Use	Location
<ul style="list-style-type: none">• <i>Biotechnology</i>• <i>Production studio</i>	LOT 2 SECTION 12 BLOCK 5 NORTH RANGE 1 EAST NEW WESTMINSTER DISTRICT PLAN BCP9735; EXCEPT: PART DEDICATED ROAD ON PLAN BCP41323

13. Part 15 – Public and Institutional, P-1 Community Assembly, 15.1.5 Siting, is amended by adding d) as follows:

- d) Setback requirements shall not apply to *accessory structures* provided that the *structure* is located next to a lot that is owned by the municipality or is also zoned P-1

14. Part 15 – Public and Institutional, P-3 River, Section 15.3.3 Dimensions of Structures b) is amended by adding the following underlined words:

- b) No section of private float or wharf shall exceed a width of 2.4 m or a length of 30 m

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15. Part 16 – 16.9 Comprehensive Development I, 16.9.2 Permitted Uses is amended by deleting *Secondary Suite* and *Garden Suite* as an *Accessory Use*.
16. List of Schedules is amended by deleting Schedule B, Table of Lot Dimensions and Setbacks, and re-ordering in correct alphabetical order.

READ a FIRST and SECOND time the day of , 2018.

PUBLIC HEARING the day of , 2018.

READ a THIRD the day of , 2018.

ADOPTED the day of , 2018.

Mayor, John Becker

Corporate Officer, Tina Penney