



CITY OF
Pitt Meadows
The *Natural* Place

Staff Report to Council

Community Services

FILE: 3900-02-2018

DATE: November 08, 2018

Date of Meeting – November 13, 2018

TO: Mayor and Council

FROM: Lisa Grant, Director of Community Services

SUBJECT: Clarification of Zoning Bylaw Amendment 2797, 2018

RECOMMENDATION(S): THAT Council:

- A. Receive the report entitled "Clarification of Zoning Bylaw Amendment 2797, 2018" dated September 10, 2018 for information; AND
- B. Grant third Reading and adoption to Zoning Amendment Bylaw No. 2797, 2018; OR
- C. Amend Bylaw 2797, 2018 to delete section 15 "Part 16 – 16.9 Comprehensive Development I, 16.9.2 Permitted Uses is amended by deleting Secondary Suites and Garden Suites as an Accessory Uses."; AND
- D. Amend Bylaw 2797, 2018 to delete section 6 " Part 4 – General Development Regulations is amended by adding Section 4.23" to regulate the use of shipping containers; AND
- E. Grant Third Reading, as amended, and adoption to Zoning Amendment Bylaw No. 2797, 2018; OR
- F. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

For Mark Roberts

PURPOSE

To provide clarification of Zoning Amendment Bylaw No. 2797, 2018 on storage containers, the CD I zone and exemptions for accessory structures.

☐ Information Report

☐ Direction Report

☒ Decision Report

DISCUSSION

Background:

As part of the ongoing work plan for the Community Services, the planning section undertakes an annual review of the Zoning Bylaw and proposes amendments as appropriate to address issues or trends that have emerged in a given year. In the spring and summer of 2018, staff presented Zoning Bylaw Amendment No. 2797, 2018 (Attachment A). A number of matters were contained in the proposed bylaw. These are summarized in Attachment B. A public hearing was held on September 4, 2018. The following motion was passed by Council:

“THAT Council Refer Zoning Bylaw Amendment Bylaw No. 2797, 2018 for a staff to report back to Council providing further information on secondary suites in the CD-11 Zone, further information on storage containers, and further information regarding "City exemptions" related to storage containers.”

Relevant Policy, Bylaw or Legislation:

The Local Government Act and City of Pitt Meadows Zoning Bylaw No. 2505, 2011 regulate this proposed zoning bylaw amendment.

Analysis:

Storage Containers

Questions were raised at the September 4 2018 public hearing concerning how the proposed regulations will impact storage containers in agricultural and industrial areas. The Zoning Bylaw currently regulates this in General Regulations – 4.13 Accessory Residential and Accessory Farm Residential Building and Structures that permits storage containers under 10 m² in area in the rear yards. The Zoning Bylaw provides no further regulations as it relates to storage containers.

The proposed zoning amendments, based on regulations in other neighbouring communities (specifically Port Coquitlam) would introduce regulations for storage containers in General Industrial, Agricultural, and Public Zones. The amendments would allow up to 4 containers. Should additional containers be required, a property owner can seek a development variance permit.

The City has received feedback that the proposed regulations may not reflect the use of storage containers in the community. For example, the City has some very large parcels of land in the agricultural area: a cap at 4 containers may be too restrictive. Staff would like to examine the issue in Pitt Meadows more carefully and forward to Council a separate report in the future that specifically addresses the use of storage containers in the municipality.

Comprehensive Development I Zone

The Amendment Zoning Bylaw proposes to remove reference to secondary suites and garden suites from the CD-I zone. Properties in this zone have a covenant registered on property titles. The covenant was registered at the time of subdivision. This was in part due to lot size and limited on-street and off-parking.

In the case of the property owner that spoke of the zoning change impacting his ability to construct a secondary suite, the covenant registered on title prohibits the City from issuing an approval for a secondary suite unless the covenant was discharged from title. The covenant would likely have to be discharged by a resolution from Council. In past discussions with the property owner, staff advised that an application to remove the covenant and some form of notification/engagement with neighbours may be required.

Alternatively, Council could amend the Zoning Amendment Bylaw No. 2797, 2018 to remove this section of the Bylaw No. 2797, 2018. If this was removed, the Zoning Bylaw would not reflect the current restriction the covenant has on the use of the properties in this area.



Public Zones Setback Requirements

Zoning Amendment Bylaw No. 2797, 2018 is proposing to eliminate zoning setbacks for public lands where the property abuts or is adjacent to another public parcel. This means if the public lands are located adjacent to a commercial property, zoning setbacks apply. However, where two public parcels are adjacent and often operate as one parcel, such as City Hall complex, applying setbacks becomes challenging when additions or accessory structures are proposed.

COUNCIL STRATEGIC PLAN ALIGNMENT

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

FINANCIAL IMPLICATIONS

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

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

KATZIE FIRST NATION CONSIDERATIONS

- Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Reviewed by:

Dana Parr, Planner II

Lisa Grant, Director of Community Services

ATTACHMENT(S):

A. Zoning Bylaw Amendment No. 2797, 2018
152284v1

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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 10th day of April, 2018.

PUBLIC HEARING the day of September 4, 2018.

READ a THIRD the day of , 2018.

ADOPTED the day of , 2018.

Mayor, Bill Dingwall

Corporate Officer, Tina Penney