

Staff Report to Council

Planning and Development

FILE: 3360-20-2023

REPORT DATE: June 06, 2023

MEETING DATE:

June 13, 2023

TO: Mayor and Council

FROM: Colin O'Byrne, Manager of Planning

SUBJECT: Zoning Bylaw Review Update

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

A. In response to the comparison of the City's Zoning Bylaw to the new Official Community Plan as outlined in the June 1, 2023 'Zoning Bylaw Review Update' Report, direct staff to prepare for Council's consideration:

1. Housekeeping amendments to the Zoning Bylaw aligning with staff recommendations;
2. A Zoning Bylaw amendment that introduces a new zone to accommodate the mobile home park on Hammond Road and which is consistent with the requirements of the existing land use contract;
3. A Zoning Bylaw amendment related to home occupations; and
4. A Zoning Bylaw amendment to reduce the permitted density and height in residential multi-family zones, and introduce rental tenure zoning in residential multi-family zones; OR

B. Other.

PURPOSE

To provide an update on the outcomes of the Zoning Bylaw review and discuss recommended updates.

☒ Information Report

☐ Decision Report

☐ Direction Report

DISCUSSION

Background:

Since the adoption of the Official Community Plan (OCP) last fall, staff have been reviewing various bylaws and policies to ensure general consistency with its goals and objectives, and to update the bylaws and policies where necessary. This report focuses on the City's Zoning Bylaw, which is one of the City's most important land use tools.

The Zoning Bylaw implements the City's land use planning visions expressed in the OCP. Zoning bylaws regulate how land, buildings and other structures may be used and developed. The Zoning Bylaw and the spatial allocation of zones (i.e., the zoning of individual parcels) do not necessarily need to be consistent with the OCP; however, pursuant to the *Local Government Act*, new zoning changes are required to be generally consistent with the OCP. With some limitations related to public uses, affordable housing, and special needs housing, amendments to a zoning bylaw do not require the consent of a property owner.

Relevant Policy, Bylaw or Legislation:

The following sections of the *Local Government Act* are relevant to the Zoning Bylaw review:

Section 479 - Zoning Bylaws. This section allows a local government to adopt a zoning bylaw that regulates the use and density of uses that are permitted on land; dimensions and siting of buildings and structures on the land; and the location of uses on the land and within buildings and other structures.

Section 481.1 - Residential Rental Tenure. This sections allows municipalities to zone properties to allow for rental only buildings or to ensure that existing rental properties remain rental (should they be redeveloped).

Section 547 – Termination of all Land Use Contracts in 2024. All land use contracts are terminated on June 30, 2024 and a local government that has jurisdiction over land subject to a land use contract must, by June 30, 2022, adopt a zoning bylaw that will apply to the land on June 30, 2024. It is noted that Pitt Meadows Zoning Bylaw No. 2505, adopted in 2011, includes zoning that will apply to land subject to land use contracts once the contracts are terminated on June 30, 2024, in compliance with the *Local Government Act*.

Analysis:

General Review

Staff have completed a review of the Zoning Bylaw and have found that it is generally consistent with the new OCP. Staff will return to Council in the fall with a suite of housekeeping amendments. These amendments to the Zoning Bylaw are intended to aid in its interpretation and administration, to ensure that the regulations are consistent with the City's intent and to address new land use trends. These changes include:

1. Clarity regarding building separation requirements
2. Tandem parking requirements

3. EV charging requirements
4. Building setbacks from watercourses
5. Lot width & depth definitions
6. Recreation vehicle storage in agricultural areas

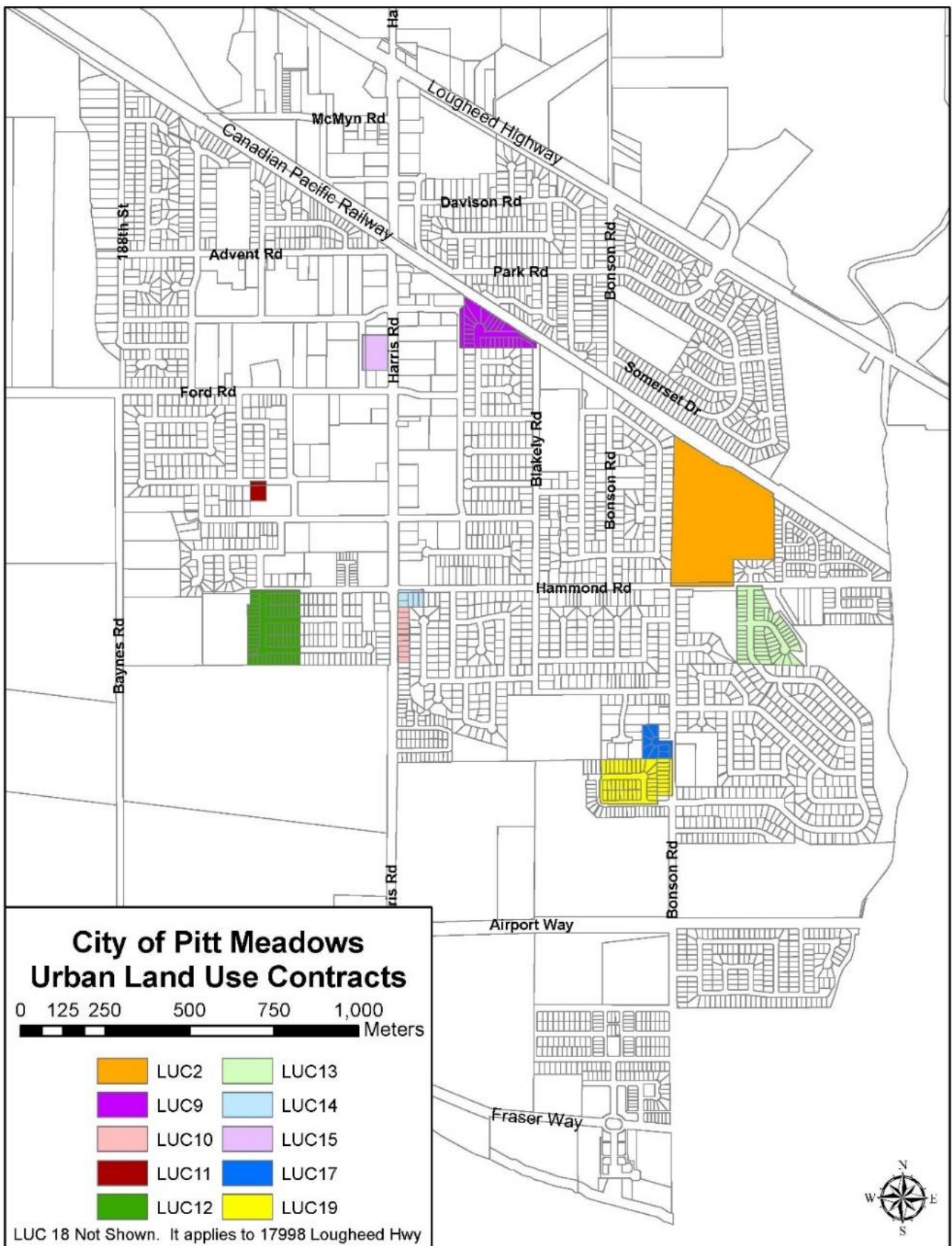
Three aspects of the Zoning Bylaw update require greater attention and are outlined here in this report.

Land Use Contract Review

A land use contract (LUC) is a contract between a property owner and a local government that governs the use and development of the property and was a popular form of development control throughout British Columbia in the 1970's. While the provincial legislation enabling land use contracts was only in effect for a short period of time, LUC's entered into during that time that are still registered on property titles remain in effect. In 2014, the Provincial government amended the Local Government Act to provide that all LUCs will expire on June 30, 2024 and to require municipalities to establish underlying zoning for LUC properties by June 30, 2022. It is noted that Pitt Meadows Zoning Bylaw No. 2505, adopted in 2011, includes zoning that will apply to land subject to land use contracts once the contracts are terminated on June 30, 2024, in compliance with the *Local Government Act*.

The purpose of the Land Use Contract Review is to ensure that the underlying zones that will come into full effect in 2024 are aligned with the current use of the properties. Future redevelopment of the affected properties will either need to comply with the underlying zoning or submit applications for rezoning that respect the interests of the municipality as described in the Official Community Plan and as decided by Council.

There are a total of 11 land use contracts in Pitt Meadows, regulating land use for 203 properties, most of which are single-detached parcels. The map below shows properties affected by land use contracts in the urban area. Outside of the urban area, the Esso gas station on the Lougheed Highway just before the Pitt River Bridge is also subject to a Land Use Contract. All properties under a land use contract in Pitt Meadows already have an underlying zone, as required by the *Local Government Act*.



Preliminary analysis shows that most of the requirements of the various land use contracts are consistent with their underlying zone, with the Meadows Highland Coop Mobile Home Park (LUC 2) being the notable exception. More detailed review of the other land use contracts is underway to clarify the potential minor changes to building setbacks and siting in the underlying zone descriptions. These changes would aim, as appropriate, to align the underlying zoning with the existing buildings on those sites and can be considered as part of the housekeeping amendments mentioned above.

The land use contract for the mobile home park on Hammond Road permits the use of the land as a mobile home park. The underlying zone for the mobile home park is RM-1, Multi-Family Residential, which permits townhouses as the principal use.

The underlying RM-1 zone would permit the redevelopment of the mobile home park as townhouses without first obtaining rezoning bylaw approval from Council. The mobile home park would be considered a legal non-conforming use under the RM-1 zone; all current uses and buildings would be permitted to remain and the mobile home park would be permitted to function as a mobile home park, but any additional mobile homes, other structures or additions to structures would not be permitted. Council or the Board of Variance could potentially grant relief from some of the requirements of the Zoning Bylaw (for example, building setbacks) by issuing a variance but they could not vary the permitted use or density without a rezoning.

It is recommended that Council direct staff to draft a new zone, for Council's future consideration, that accommodates the mobile home park use on Hammond Road and is consistent with the requirements of the existing land use contract. This would enable the mobile home park to continue within the requirements of this new zone without the need for variances as would be the case with RM-1 zoning.

Additionally, a new zone that accommodates the existing mobile home park would be consistent with the new Official Community Plan which supports low density residential land use on that parcel.

Home Occupations

In recent years, and a result of the COVID-19 pandemic, more people are working from home than ever before. Home-based business regulations have not been reviewed since the Zoning Bylaw was adopted in 2011. It is intended that these regulations be updated, improved where possible, and brought into alignment with current and forecasted market trends.

Currently, home occupations must fall under one of the following categories to be considered a permitted use:

- Crafts and teaching
- Residential registered office
- Residential business office
- Personal services
- Childcare program

Some uses that may not fall under these categories but may be appropriate home based businesses, such as jam-making or other edible home made goods, are not currently permitted in the Zoning Bylaw.

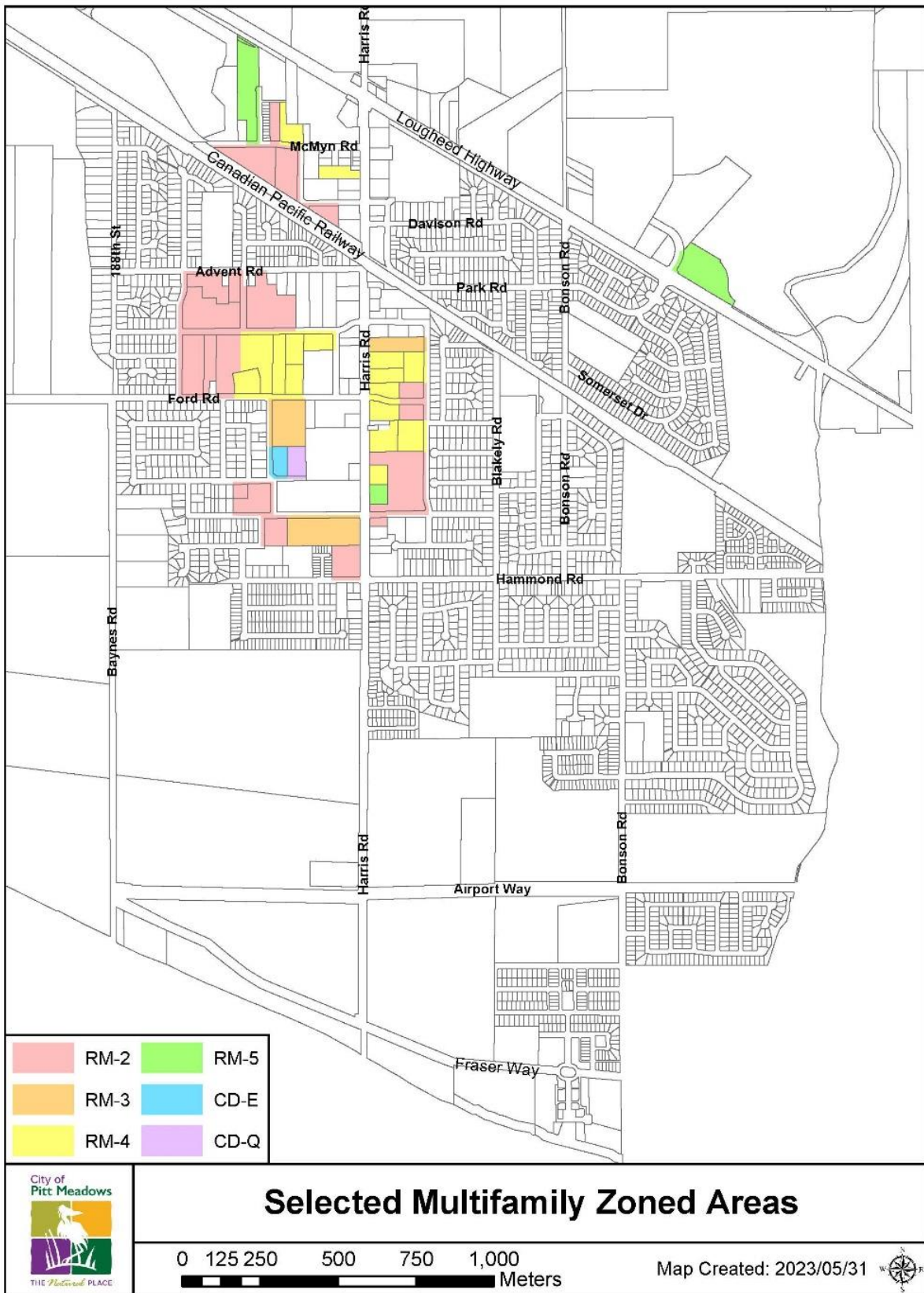
Staff are proposing to replace the categories of home occupations with performance criteria that generally restrict home occupations from altering the residential character of the neighbourhood or impacting their neighbours use and enjoyment of their properties. Under this recommended approach, it is anticipated that home occupations:

- Would not be permitted to create noise, vibrations, odours, glare, or electrical disturbances that impact adjacent property owners or tenants;
- Would not be permitted to have exterior displays; and,
- Will be limited to a maximum floor area, a maximum number of employees and a maximum number of clients who can visit at any one time.

These changes would accommodate a wider array of occupations, with some specific uses remaining prohibited under the Zoning Bylaw (e.g., adult entertainment and cannabis processing and packaging). Staff will present the proposed changes to the Economic Development Advisory Committee for input and comments as well as post information to a dedicated page on the City's website.

Multi-Family and Mixed Use Zones

Pitt Meadows' multi-family and mixed use zones accommodate the City's apartment buildings, including the City's primary rental stock (i.e., units in an apartment building containing at least three rental units that were purpose built as rental housing). A preliminary review of the multi-family zones has shown that in several cases, what is permitted under the current zoning in terms of building density, building coverage and height is significantly greater than the existing developments. Given the age and condition of some of the buildings, there is a possibility that the older buildings could be redeveloped in the near future to a greater density without a rezoning application. While developers would be required to obtain a development permit approval from Council before the City can issue a building permit, amenities, and requests for special studies (such as traffic and parking), can only be secured through the rezoning application process. Public hearings can only be held for rezoning applications.



The City also has available tools to protect existing rental units. Section 481.1 of the *Local Government Act* allows municipalities to zone properties to allow for rental only buildings, to ensure that existing rental properties remain rental should they be redeveloped, or to secure a portion of new residential units for rental tenure.

It is recommended that Council direct staff to prepare a bylaw amendment to bring the zoning of the properties and the existing development into closer alignment by amending the density, height, and building coverage as well as introducing rental tenure zoning to properties that are currently rental. Staff will also explore the use of bonus density zoning in which a zone can establish different densities, one generally applicable for the zone and the other(s) to apply if amenities are provided (e.g., a portion of the new units are secured affordable rental units). The purpose of the Zoning Bylaw amendments is to ensure that community amenities could be secured and rental units can be protected through potential redevelopment, not to prevent redevelopment entirely.

Next Steps

Subject to Council's direction, staff will post information about the Zoning Bylaw review on a dedicated City of Pitt Meadows webpage along with contact information over the summer. Staff will also present the proposed changes to home occupations to the Economic Development Advisory Committee in order to obtain feedback on the potential amendments. Staff anticipate returning to Council in the fall with the bylaw amendments accompanied by reports on the proposed changes. Additionally, staff will continue to monitor information regarding provincial housing initiatives, and report back to Council as needed.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☒ Balanced Economic Prosperity ☐ Infrastructure
☒ Community Spirit & Wellbeing ☐ Corporate Pride ☐ Public Safety
☐ Not Applicable

Affordability. Promote accessible and affordable transportation, daycare and a variety of housing opportunities to help families and businesses thrive.

Housing Diversity. Encourage diversity in housing types to foster an inclusive, affordable and multi-generational community.

WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other
-

FINANCIAL IMPLICATIONS

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

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s): The public will be informed of the proposed changes via a web page dedicated to the Zoning Bylaw review. Zoning amendments are also subject to public hearings and / or notification.

KATZIE FIRST NATION CONSIDERATIONS

- Referral ☐ Yes ☒ No ☐ Other
-

SIGN-OFFS

Written by:

Dana K. Parr
Planner II

Reviewed by:

Colin O'Byrne
Manager of Planning

Patrick Ward
Director of Planning & Development

ATTACHMENTS

None.