

Zoning Amendment Bylaw No. 4151 for Minor Amendments & Housekeeping Changes - Third Reading and Adoption

RECOMMENDATION:


That Council give Zoning Amendment Bylaw No. 4151 for Minor Amendments & Housekeeping Changes third reading and adoption.

REPORT SUMMARY

Upon conclusion of a public hearing scheduled for November 26, 2019, Zoning Amendment Bylaw No. 4151 will be available for Council to give third reading and adoption.

Note: Section 480 of the Local Government Act permits Council to adopt a zoning bylaw at the same meeting at which the bylaw received third reading.

OPTIONS (✓ = Staff Recommendation)

#	Description
1 	Give third reading and adoption to the bylaw.
2	Give only third reading to the bylaw.
3	Request that additional information be received and determine next steps after receipt of that information.
4	Fail third reading of the bylaw.

CITY OF PORT COQUITLAM
ZONING AMENDMENT BYLAW, 2019
Bylaw No. 4151

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Zoning Bylaw, 2008, No. 3630, Amendment Bylaw, 2019, No. 4151”.

2. ADMINISTRATION

2.1 In Section II Zones and Zone Regulations, Subsection 2 Residential Zones, Regulation 2.4, by replacing Notes 2 and 3 to Table 2.4 with the following new notes:

“Note 2: In the calculation of floor area ratio in RS, RD and RRh zones the following may be excluded as floor area:

- a. 46m² of floor area for an attached garage or carport, and, in the case of a property with a coach house, an additional 23m² of floor area for an attached garage or carport;
- b. Floor area below the habitable floor elevation, except for a bathroom, utility or mechanical room, entry foyer or similar space intended to support a coach house use
- c. Any floor area comprising a basement;
- d. Balconies and decks, except any area of a balcony or deck for a coach house that exceeds an area of 7.5m²; and
- e. Area within an underground structure.

Note 3: In the single, duplex and rowhouse residential zones, setbacks are measured to the principal building only.”

2.2 In Section II Zones and Zone Regulations, Subsection 2 Residential Zones, Subsubsection 2.5, Additional Regulations, by replacing the Indoor Amenity Area regulation with the following:

INDOOR AMENITY AREA

- “6. Apartment uses in excess of 10 dwelling units in RA1 and RA2 zones must provide indoor amenity space in the amount of 2m² per dwelling unit, and for this purpose “indoor amenity space” is a common area within a building designed to accommodate meetings, fitness or recreational activities and available for use by occupants of the building and, in the case of a strata-titled building, the common area must be either common

property or a strata lot that is a common asset of the strata corporation; except:

- a. on Lots 2, 5, 7 and 10 of the Dominion Riverfront Neighbourhood, the indoor amenity space requirement for an apartment building may be provided in a common amenity building located on Lot 1 of the neighbourhood and available for use by occupants of the lot containing the apartment building.”

- 2.3 In Section II Zones and Zone Regulations, Subsection 3 Commercial Zones, Sub-subsection 3.4, Regulations, in Note 6 by replacing exclusion 6.c with the following:

“c. Floor area at ground level or within a basement or underground structure;”

- 2.4 In Section II Zones and Zone Regulations, Subsection 3 Commercial Zones, Sub-subsection 3.5, Additional Regulations, by replacing the Indoor Amenity Area Regulation with the following:

INDOOR AMENITY AREA

“9. Apartment uses in excess of 10 dwelling units in CC zones must provide indoor amenity space in the amount of 2m² per dwelling unit, and for this purpose “indoor amenity space” is a common area within a building designed to accommodate meetings, fitness or recreational activities and available for use by occupants of the building and, in the case of a strata-titled building, the common area must be either common property or a strata lot that is a common asset of the strata corporation.”

- 2.5 In Section II Zones and Zone Regulations, Subsection 4 Industrial Zones, Sub-subsection 4.3, Permitted Uses, in Note 14 by replacing the sentence “Accessory child minding within the facility for the patrons of the facility is permitted.” with the sentence, “Accessory child minding and accessory personal services with a floor area not exceeding 10m² for patrons of the facility are permitted uses within the commercial indoor recreation facility.”

- 2.6 In Section III Supplementary Regulations, Subsection 2, Accessory Buildings and Structures, by replacing Regulations 2-3, 2-4 and 2-7 with the following new regulations:

“2-3 No part of an accessory building shall be used for human habitation or be connected to a coach house.

2-4 The combined floor areas of garages and carports attached to a coach house and accessory buildings and structures in A, RS and RD zones, including detached carports and garages, must not exceed the lesser of 12% of the lot area and 90m².

2-7 No part of an accessory building or structure, other than a special event facility in a residential zone shall be sited within

- a. 1.2m of any lane or rear property line excluding projections, eaves and gutters which may project an additional 0.6m;

- b. A triangular area measured 5m each way from the point of intersection of any lane with any street or other lane;
 - c. A front setback area specified for the zone;
 - d. An interior or exterior side yard specified for the zone, excluding projections, eaves and gutters which may project an additional 0.6m; or
 - e. In the case of an accessory building or structure with a floor area exceeding 10m², within 1.5m of a principal building.”
- 2.7 In Section III Supplementary Regulations, Subsection 9, Licensed Establishments, by replacing Regulations 9-1 and 9-2 with the following Regulation 9-1:

“9-1 Any dance floor provided in a liquor primary or a food-primary establishment must not exceed the lesser of 30m² and 20% of the floor area of the premises.”
- 2.8 In Section III Supplementary Regulations, Subsection 15, Coach Houses, by replacing Regulations 15-6 through 15-10 with the following new Regulations 15-6 through 15-11:
 - “15.6 A coach house shall not include a basement.
 - 15.7 The maximum crawl space height of a coach house shall be 1.5m.
 - 15.8 The minimum horizontal distance between any exterior wall of a coach house and the nearest point of any exterior wall
 - a. of a principal dwelling located on the same lot is 6m; and
 - b. of an accessory building or structure located on the same lot is 2.4m.
 - 15.9 If a coach house is attached to a garage or carport,
 - a. there shall be no interior doorway between the dwelling unit and the garage;
 - b. the connected garage or carport may only be for vehicle storage and shall not contain sanitary facilities or a mechanical room; and
 - c. for clarification, the floor area of an garage or carport connected to a coach house counts towards the maximum floor area of accessory buildings and structures permitted on a lot by Section 2 of this Bylaw.
 - 15.10 No part of a coach house shall be sited within:
 - a. 1.2m of any lane or rear property line excluding projections, eaves and gutters which may project an additional 0.6m;
 - b. A triangular area measured 5m each way from the point of intersection of any lane with any street or other lane;
 - c. A front setback area specified for the zone;

- d. An interior or exterior side yard specified for the zone, excluding projections, eaves and gutters which may project an additional 0.6m.

15.11 The maximum building depth of a building containing a coach house is 11.5m.”

READ A FIRST TIME this	12 th day of	November, 2019
READ A SECOND TIME this	12 th day of	November, 2019
PUBLIC HEARING HELD this	26 th day of	November, 2019

Mayor


Corporate Officer

Zoning Amendment Bylaw No. 4151 for Minor Amendments and Housekeeping Changes – First Two Readings

RECOMMENDATION:

That Council give Zoning Amendment Bylaw No. 4151 first two readings.

OPTIONS (✓ = Staff Recommendation)

#	Description
1 	Give first two readings to the bylaw.
2	Delay first two readings and request staff to provide additional information.
3	Deny first two readings of the bylaw.

Zoning Bylaw Minor Updates & Housekeeping Changes

RECOMMENDATIONS:

That Committee recommend to Council:

A. That the Zoning Bylaw be amended to:

- (1) confirm commercial floor area is excluded from the floor area ratio calculation in the Community Commercial Zone,
- (2) permit personal services as a use accessory to indoor commercial recreation uses in industrial zones,
- (3) make the following housekeeping amendments:
 - a. deleting the maximum patron capacity of a liquor primary licensed establishment
 - b. confirming the indoor amenity areas must be common property in strata buildings, and
 - c. making coach house and detached garage regulations consistent when combined as one building; and,

B. That the Building & Plumbing Bylaw be amended to correct the Step Code implementation date.

PREVIOUS COUNCIL/COMMITTEE ACTIONS

- (1) For the Community Commercial zone amendment: on October 9, 2018 Council amended the Zoning Bylaw to apply a floor area ratio in the Community Commercial zone as part of implementing the new affordable and family-friendly housing policy.
- (2) For the indoor commercial recreation amendment: on July 16, 2015 Smart Growth Committee determined it would defer amending the Zoning Bylaw to allow accessory personal services in commercial indoor recreation uses, pending further review.
- (3) Council's most recent adoption of a housekeeping bylaw was November 14th, 2017.

REPORT SUMMARY

This report outlines a number of recommended changes to the Zoning Bylaw that, for the most part, are minor or of a housekeeping nature. These amendments are recommended for adoption to address identified inconsistencies, remove redundant regulations, and clarify the intent of regulations. A housekeeping amendment to the Building & Plumbing Bylaw is also recommended.

BACKGROUND & DISCUSSION

(1) Proposed Community Commercial Zone Amendment:

In 2018, Council adopted a new policy to achieve housing affordability objectives and it approved a number of regulatory changes to implement these objectives. One of these changes was to introduce a floor area ratio calculation in the Community Commercial zone to facilitate application of density bonus and housing affordability policies to larger mixed-use

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projects. The Community Commercial zone allows for a wide range of general commercial and personal service uses in pedestrian-orientated commercial centres and permits residential uses above the ground floor and, prior to the amendment, the amount of achievable floor area could only be determined through a site-specific analysis of the siting, parking and other regulations applicable to these uses. The amendment to the Community Commercial zone to apply a floor area ratio of 1.5 facilitated the calculation of the amount of affordable housing required to meet the new policy with the added benefit of providing greater certainty to property owners and developers as to a site's development potential.

In review of several mixed-use projects proposed since adoption of the amendment, the floor area ratio is being found to restrict the potential development of commercial space, contrary to the intent of the zoning. As the purpose of the amendment relates to residential uses within the zone, it is recommended that the bylaw be amended to restrict application of the maximum floor area ratio to only the residential portion of the building.

(2) Proposed Commercial Indoor Recreation Amendment:

In 2015, the Smart Growth Committee considered a report recommending changes to allow for accessory personal services to be associated with commercial indoor recreation uses located in industrial areas. This recommendation arose from its consideration of a staff report titled, *The Industrial and Commercial Lands Review*, that had identified a need to support existing businesses by allowing for additional services to be offered such as health services (e.g., physiotherapists, chiropractors, occupational therapists) and personal services (e.g., personal trainers, nutritionists). At the time, Committee determined that it would defer making a decision pending receipt of additional information on industrial areas. One of the concerns informally raised included the potential that supporting indoor recreation businesses by allowing for additional uses would reduce the attractiveness of the City's industrial areas for industrial uses.

A number of businesses have since indicated to staff that they continue to wish to be permitted to include health and personal services to complement their recreational activity. Over the past five years, it is evident that the City's industrial areas continue to be highly attractive for industrial uses and policies in support of industrial uses have been strengthened. It is unlikely that allowing for this accessory use would have a significant impact given the strength of industrial uses and it is recommended that Committee support amending the bylaw to respond to the requests from businesses.

(3) Proposed Housekeeping Amendments:

- a. The regulations section of the Zoning Bylaw includes a clause that limits the patron capacity of a liquor primary licensed establishment to 125. As patron capacity is set on a site-specific basis, this clause is not required and can be deleted.
- b. Apartment buildings and mixed use buildings with residential uses must provide an indoor amenity space to accommodate activities such as meetings, socializing, fitness and recreation. The intent of this regulation is that this area will be available for use by all occupants of the building. However, in some instances the registered strata plan has not

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confirmed this intent and residents have informed the City that they do not have access to the required common area. To confirm the bylaw requirement it is recommended that the wording be amended to specify that in the case of a strata-titled building, the common area must be either common property or a strata lot that is a common asset of the strata corporation.


- c. In implementing the new coach house regulations, it has proved to be challenging for staff to reconcile bylaw requirements for coach houses with requirements for detached garages. Housekeeping amendments are proposed to clarify the floor area ratio calculation and ensure appropriate separation between structures on a property, harmonize siting requirements for projects that combine a detached garage with a coach house, and confirm that the floor area below the habitable floor elevation that is used as a foyer, bathroom or utility closet is included in the floor area of the coach house. These proposed changes are shown in Attachment 1.

- (4) An error was made in the recent amendment to the Building & Plumbing Bylaw with respect to Step Code implementation dates. A housekeeping correction is required to change the date from 2020 to 2021.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Recommend to Council that the zoning and building bylaws be amended per this report.
	2	Recommend to Council that the bylaws only be amended for selected changes.
	3	Determine that no changes should be made at this time pending receipt of further information.

Attachment 1: Proposed housekeeping changes to coach house regulations in the Zoning Bylaw

Attachment 1: Housekeeping Amendments for Coach House & Accessory Building Regulations

In Section II Zones and Zone Regulations, Notes to Table 2.4:

Note 2: In the calculation of floor area ratio in RS, RD and RRh zones the following may be excluded as floor area:

- a. 46m² of floor area for an attached garage or carport, and, in the case of a property with a coach house, an additional 23m² of floor area for an attached garage or carport;
- b. Floor area below the habitable floor elevation, except for a bathroom, utility or mechanical room, entry foyer or similar space intended to support a coach house use
- c. Any floor area comprising a basement;
- d. Balconies and decks, except any area of a balcony or deck for a coach house in excess of 7.5m²; and
- e. areas within underground structures.

Note 3: In the single, duplex and rowhouse residential zones, setbacks are measured to the principal building only, ~~except that all setbacks other than rear setback are also measured to any coach house, and the rear setback for a coach house is 1.2 m.~~

In Section III Supplementary Regulations, Section 2, Accessory Buildings and Structures:

- 2-3 No part of an accessory building shall be used for human habitation or be connected to a coach house.
- 2-4 The combined floor areas of garages and carports attached to a coach house and accessory buildings and structures in A, RS and RD zones, including detached carports and garages, must not exceed the lesser of 12% of the lot area and 90m².
- 2-7 No part of an accessory building or structure, other than a special event facility ~~including projections, eaves and gutters,~~ in a residential zone shall be sited within:
 - a. 1.2m of any lane or rear property line excluding projections, eaves and gutters which may project an additional 0.6 m;
 - ~~d. 0.6 m (2 ft.) of an interior side lot line;~~
 - ~~d. An interior or exterior side yard specified for the zone, excluding projections, eaves and gutters which may project an additional 0.6 m~~
 - ~~e. An exterior side yard specified for the zone; or~~

15. COACH HOUSES

- 15.6 ~~A building containing Aa~~ coach house shall not include a basement.

15.7 ~~The maximum height of crawl space in a building containing a coach house shall be 1.5 m.~~

15.8 The minimum horizontal distance between any exterior wall of a coach house and the nearest point of any exterior wall

- a. of a principal dwelling located on the same lot is 6 m; and
- b. of an accessory building or structure located on the same lot is 2.4 m.

15.9 If a coach house ~~contains a~~ is attached to a garage or carport,

- a. there shall be no interior doorway between the dwelling unit and the garage;
- b. the connected garage or carport may only be for vehicle storage and shall not contain sanitary facilities or a mechanical room;

~~c. the floor area of the connected garage or carport shall not exceed 46 m²;~~

~~d.~~c. for clarification, the floor area of an garage or carport connected to a coach house counts towards the maximum floor area of accessory buildings and structures permitted on a lot by Section 2-4 of this Bylaw.

15.10 No part of a ~~building containing~~ a coach house shall be sited within:

- a. 1.2 m (3.9 ft.) of any lane or rear property line excluding projections, eaves and gutters which may project an additional 0.6 m;
- b. A triangular area measured 5 m (16.4 ft.) each way from the point of intersection of any lane with any street or other lane;
- c. A front setback area specified for the zone;
- d. An interior or exterior side yard specified for the zone, excluding projections, eaves and gutters which may project an additional 0.6.

15.11 The maximum building depth of a building containing a coach house is 11.5 m.