

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: JULY 22, 2019 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: ZONING BYLAW 2019 UPDATE

REPORT: 19-118
FILE: OB00003

RECOMMENDATIONS:

That council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Zoning Bylaw 2019 Update) Bylaw 2019 No. 5490, intended to clarify and update various sections of the Zoning Bylaw and authorize staff to schedule the required public hearing.

EXECUTIVE SUMMARY:

Township of Langley Zoning Bylaw No. 2500 was adopted by Council in 1987 consolidating various Township Zoning Bylaws into one comprehensive document. Refinements to the text of the Zoning Bylaw have occurred on a fairly regular basis with the adoption of twelve previous “Omnibus” bylaw amendments clarifying the Zoning Bylaw’s administration and updating its contents to reflect current legislation and Council resolutions, generally considered as “housekeeping”.

This report, recommending amendments to the Zoning Bylaw text, is a continuation of this process since the last similar review was completed in 2015. It is recommended that Bylaw No. 5490 be granted first and second reading, and that staff be authorized to schedule the public hearing.

The recommended revisions can be mainly categorized as “housekeeping”, intended to clarify and update the Zoning Bylaw based on current Council policy and direction; and further to provide definitions, where necessary to address other legal and administrative matters.

Some of the amendments proposed include the following provisions : an amendment to the “*commercial use*” definition to clarify that a “*personal service use*” is included as a permitted use under the “*commercial use*” definition; an amendment to allow but limit the scale of accessory home occupations in multi-family residential settings to office type uses; amendments to address inconsistencies between the current Zoning Bylaw and the Community Standards Bylaw adopted by Council and the accompanying Bylaw Enforcement Policy, adopted in 2019, regarding permitted dates for RV Parking in specified zones; an amendment to address the gap caused by amendments to the Building Code with respect to accessible parking provisions for persons with disabilities; an amendment to add “*brewery or distillery*” use to the Service Industrial M-1A and M-1B zone; and an amendment to remove a requirement for “*agricultural uses*” in the P-5 to be located in the Agricultural Land Reserve (ALR).

PURPOSE:

The purpose of this report is to recommend to Council required fine-tuning of the Zoning Bylaw to clarify and update it in accordance with current administrative practice and Council policy.

DISCUSSION/ANALYSIS:

The following amendments are recommended to clarify the Zoning Bylaw with respect to administration and to provide updates relative to current legislation and Council resolutions. For ease of correlation with Bylaw No. 5490, the numbered heading of each of the following sections corresponds to the number of the related amendment in Bylaw No. 5490.

(1) Section 102 – Definitions

Section 101.4 of the Zoning Bylaw states “*If this Bylaw expressly permits a use in one zone, and does not expressly permit that use in a second zone, that use is not permitted in the second zone, under more general use provisions or otherwise.*”

A previous amendment to the current Zoning Bylaw adopted in 2015, incorporated a “*personal service use*” definition for businesses which provide for the care and appearance of the body, to replace the term “hairstylist” and to accommodate other related uses, such as nail salons. An unintended consequence of that amendment, based on Section 101.4, is that uses such as “hairstylist”, which had previously been accommodated under the “*commercial use*” definition (as the retail sales of goods and services) were no longer permitted.

Therefore, an amendment to the “*commercial use*” definition is proposed to clarify that a “*personal service use*” is included under the “*commercial use*” definition as a permitted use.

(2) Section 104 – General Provisions

The current wording of this section restricts “*accessory home occupations*” in accessory “*residential uses*”. It also does not accommodate them in townhouses or apartments. The intent of the proposed amendment is to accommodate “*accessory home occupations*” in accessory “*residential uses*”, and (on a limited scale) in townhouses and apartments.

Section 104.3 of the Zoning Bylaw contains “Accessory Home Occupations” provisions regulating the operation of businesses as an accessory component of residential uses in various zones. Amendments are proposed to clarify and standardize bylaw wording to accommodate accessory home occupation uses as part of residential uses, and to limit the scale of accessory home occupations to office use in multi-family residential settings.

Replacement of the term “*principal residential use*” by the term “*residential use*” will accommodate *accessory home occupations* in zones where *residential uses* are permitted as *accessory uses* to other land uses.

Replacement of the term “Single Family Residential Comprehensive Development” by the term “Residential Comprehensive Development” will permit *accessory home occupations* in zones which include townhouses and apartments as permitted uses.

The list of zones contained in sections 104.3 f), g), j) k), and l) is expanded to include the Residential Compact Lot Manorhome R-CL(MH), Rowhouse R-CL(RH) and Semi-Detached R-CL(SD) zones as well as the Community Commercial C-2, Comprehensive Development (CD-29), Civic Institutional (P-1), and Community Care Facilities (P-2A through P-2R) zones to accommodate limited scale *accessory home occupations* in these zones.

Amendments are proposed to Sections 104.3 n) and 104.8 to reference to reflect the current Sign Bylaw.

(3) Amendments to the C-2, CD-29 and CD-110 Zones

The intent of this amendment is to clarify that “*accessory home occupations*” are permitted in the noted zones, to ensure consistency with the amendment proposed in item 2 above.

These zones permit multiple family residential uses (apartments in the C-2 and CD-29 zones; apartments and townhouses in the CD-110 zone). A concurrent amendment to the Community Commercial (C-2) and two Comprehensive Development (CD-29 and CD-110) zones is also proposed to add *accessory home occupations* to the list of Uses Permitted in each zone.

(4) Section 107.6 2) – Parking or storage of discarded material or wrecked vehicles

This amendment addresses a redundancy in the Zoning Bylaw resulting from the recent (2019) adoption of the Community Standards Bylaw.

Section 107.6 2) of the Zoning Bylaw contains provisions regulating the use of off-street parking areas accessory to certain *residential uses* for parking or storage of *discarded material or wrecked vehicles*. As this matter is now regulated by Community Standards Bylaw No. 5448, the deletion of Section 107.6 2) from the Zoning Bylaw is proposed.

(5) Section 107.6 3) – RV Parking in Residential (R) and Single Family Residential (CD) zones

This amendment addresses an inconsistency between the Zoning Bylaw and Bylaw Enforcement Policy 08-106 concerning permitted dates for RV Parking in the above-noted zones, and provides clarification regarding where such parking is permitted within a front yard.

This section of the Zoning Bylaw contains provisions regulating the seasonal parking of recreational vehicles on “R” (Residential) or single family residential “CD” (Comprehensive Development) zones. The current wording permits RV parking in front yard areas between May 1 and September 30 only. Amendments to the wording of subsection 3) are proposed to:

- change the permitted front yard RV parking period to April 1 through September 30; this amendment is consistent with changes to Policy 02-025 adopted by Council on July 14, 2014
- clarify that RV parking in a front yard is only permitted in a driveway, and to permit measurement of the 1.6 m restriction from the interior edge of sidewalk or edge of pavement (depending on circumstances).

(6) Parking Stalls for Persons with Disabilities

The Township's Zoning Bylaw does not currently include accessible parking requirements, as staff have until recently relied on the provisions of the BC Building Code to secure accessible parking spaces. This amendment addresses the gap caused by amendments to the Building Code which removed accessible parking provisions.

The adoption of the 2018 BC Building Code resulted in the removal of language contained in the previous (2012) version of the code regarding requirements for accessible parking spaces. An amendment is proposed to Section 107 of the Zoning Bylaw to add parking requirements for Persons with Disabilities consistent with the 2012 BC Building Code provisions.

(7) Section 111 (Landscaping, Screening and Fencing)

This amendment addresses internal inconsistencies in the Zoning Bylaw between Section 111 landscaping requirements and siting provisions in the M-1A / M-1B zone. The amendment removes confusion and provides clarification.

This Section of the Zoning Bylaw includes in Section 111.3 a table outlining Landscaping Area and Landscaping Screen provisions for each zoning category. The table's provisions regarding rear and interior side lot lines conflict with siting provisions in the Service Industrial Zone M-1A and M-1B Section 701.6 c), which permit a zero setback for properties abutting an M or C zone. Addition of a footnote in the Section 111.3 table is proposed to provide clarity concerning the applicable provisions.

(8) Amendment to Section 301 (Suburban Residential Zone SR-3A)

This amendment addresses an inconsistency concerning *hobby beekeeping* between the SR-3A zone and other SR zones.

The SR-3A zone was created to accommodate fee-simple subdivision of existing large parcels (located south of 88 Avenue and east of 216 Street in the Walnut Grove area) each into two parcels, subject to compliance with the Rural Plan. Addition of *hobby beekeeping* as a permitted use is proposed to make the SR-3A Zone consistent with other similar zones throughout the Township.

(9) Brewery and Distillery Uses

This amendment resolves an unintended consequence of a previous Zoning Bylaw amendment which added *brewery* and *distillery* uses as a permitted use on a specific property. As noted in item (1) above, the previous amendment resulted in these uses thus being permitted only on that particular site.

As part of the process involving relocation of the Dead Frog Brewery from the Gloucester Industrial Park to the Carvolth neighbourhood, Zoning Bylaw amendments were adopted in 2018 which added a definition of a "*brewery or distillery*" and adjusted parking requirements for associated lounges to be similar to those for restaurants. The introduction of the definition has resulted in a need to add the "*brewery or distillery*" use to the Service Industrial M-1A and M-1B zone, as this use had previously been accommodated under the "light manufacture" category in this zone.

(10) Amendment to Section 701 (Service Industrial Zones M-1A and M-1B)

This amendment addresses a redundancy in the Zoning Bylaw by removing an unnecessary provision from the M-2 zone.

The M-1A and M-1B zone includes "refund container return centre" as a permitted use in Section 701.1 15). As the M-2 Zone lists as a permitted use in Section 702.1 1) "all uses permitted in the Service Industrial Zones M-1A and M-1B", the separate listing in Section 702.1 3) of "refund container return centre" is redundant and is proposed to be deleted.

(11) Amendment to Section 805 (Limited Institutional Zone P-5)

This amendment removes a requirement for “*agricultural uses*” in the P-5 to be located in the Agricultural Land Reserve (ALR).

The P-5 zone applies to eight (8) properties located in southeast Langley (but not in the Agricultural Land Reserve) in the area between 8 and 12 Avenues on both sides of 272 Street. Most of the surrounding properties are located in the Agricultural Land Reserve (ALR) and are zoned either Rural Zone RU-2 or Rural Golf Course Zone RU-10. The P-5 zone lists as a permitted use “*agricultural uses* subject to the *lot* being located in the Agricultural Land Reserve”. In order to provide additional flexibility and accommodate agricultural uses, an amendment to the P-5 zone is proposed to remove the requirement for lots to be located in the ALR.

POLICY CONSIDERATIONS:

It is recommended that Council give first and second reading to Bylaw No. 5490 and that staff be authorized to schedule the required public hearing.

Respectfully submitted,

Robert Knall
MANAGER, DEVELOPMENT PLANNING
for
COMMUNITY DEVELOPMENT DIVISION

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (ZONING BYLAW 2019 UPDATE) BYLAW 2019 NO. 5490**

EXPLANATORY NOTE

Bylaw 2019 No. 5490 involves amendments to Township of Langley Zoning Bylaw 1987 No. 2500 necessary to allow for efficient administration of the bylaw and to reflect current Council policies. This is a continuation of the process started in 1987 with the adoption of the Consolidated Zoning Bylaw.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (ZONING BYLAW 2019 UPDATE) BYLAW 2019 NO. 5490**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Zoning Bylaw 2019 Update) Bylaw 2019 No. 5490”.
2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended:
 - (1) By amending “Section 102 – Definitions” by adding to the “COMMERCIAL USE” definition the words “*personal service use*” after the words “medical clinics”
 - (2) By amending Section 104 as follows:
 - a) by deleting the word “principal” in the first sentence of Section 104.3
 - b) by amending Section 104.3 f) iv) by replacing the words “Single Family Residential Comprehensive Development (CD) zones” with the words “Residential Comprehensive Development (CD) zones”
 - c) by replacing Section 104.3 f) v) with the words “25 m² (269.1 ft²) for Residential Comprehensive Development (CD), Residential Compact Lot R-CL, R-CL(A), R-CL(B), R-CL(CH), R-CL(RH), R-CL(MH), R-CL(SD), C-2, CD-29, P-1 and P-2A to P-2R zoned *lots*.”
 - d) by replacing Section 104.3 g) iv) with the words “for all *lots* zoned for *residential use* within a Residential Comprehensive Development (CD), Residential Compact Lot R-CL, R-CL(A), R-CL(B), R-CL(CH), R-CL(RH), R-CL(MH), R-CL(SD), Community Commercial C-2, Comprehensive Development CD-29, Civic Institutional P-1 and Community Care Facility P-2A to P-2R zone, all persons allowed to conduct an *accessory home occupation* shall reside within the same dwelling as the *accessory home occupation*.”
 - e) by replacing Section 104.3 j) with the words “the *accessory home occupation* may, except in the Residential Comprehensive Development (CD), Residential Compact Lot R-CL, R-CL(A), R-CL(B), R-CL(CH), R-CL(RH), R-CL(MH), R-CL(SD), Community Commercial C-2, Comprehensive Development CD-29, Civic Institutional P-1 and Community Care Facility P-2A to P-2R zones, include the sale of a commodity produced on the same *lot* as the *accessory home occupation*, subject to not:
 - i) generating more than one *commercial vehicle* visit per day; and not
 - ii) creating a demand for client parking exceeding the off-street vehicle parking requirement for the *accessory home occupation*.”

- f) by replacing Section 104.3 k) with the words “the *accessory home occupation* may, except in the Residential Comprehensive Development (CD), Residential Compact Lot R-CL, R-CL(A), R-CL(B), R-CL(CH), R-CL(RH), R-CL(MH), R-CL(SD), Community Commercial C-2, Comprehensive Development CD-29, Civic Institutional P-1 and Community Care Facility P-2A to P-2R zones, conduct telephone or mail order sales of goods, or resell or redistribute goods, subject to not:
 - i) generating more than one *commercial vehicle* visit per day;
 - ii) creating a demand for vehicle parking exceeding the off-street *vehicle* parking requirement for the *accessory home occupation*; and not
 - iii) allowing customers to enter the premises to inspect, purchase or take possession of the goods.”
 - g) by replacing Section 104.3 l) with the words “the *accessory home occupation*, located in a Residential Comprehensive Development (CD), Residential Compact Lot R-CL, R-CL(A), R-CL(B), R-CL(CH), R-CL(RH), R-CL(MH), R-CL(SD), Community Commercial C-2, Comprehensive Development CD-29, Civic Institutional P-1 and Community Care Facility P-2A to P-2R zone that allows a *residential use*, shall be limited to an office use only in which the use of communication equipment is the principal means of conducting business;”
 - h) by removing italicization from the words “*family day care*” in Section 104.3 p)
 - i) by replacing the words “Township of Langley Sign Bylaw 2005 No. 4402 as amended” with the words “Township of Langley Sign Bylaw 2012 No. 4927 as amended” in Sections 104.3 n) and 104.8
- (3) By amending Sections 602.1, 929.1, and 1010.1 by adding after the words “1) *accessory buildings and uses*” the words “2) *accessory home occupations* subject to Section 104.3” and renumbering subsequent sections accordingly
 - (4) By deleting Section 107.6 2) and renumbering subsequent sections accordingly
 - (5) By replacing Section 107.6 3) with the following:
 - “3) In an “R” or single family residential “CD” zone, recreational vehicles (including motorhomes, travel and tent trailers, campers, boats and associated trailers) may only be parked in a rear yard or that portion of a side yard located behind the front yard setback of a residence, except between April 1 and September 30 where a recreational vehicle may also be parked in a front yard driveway provided the recreational vehicle is parked not less than 1.6 m from the interior edge of the sidewalk or if there is no sidewalk, not less than 1.6 m from the edge of pavement.”
 - (6) By adding after Section 107.9 the following as Section 107.10:

Parking Stalls for Persons with Disabilities

For buildings required to be accessible by persons with disabilities, where more than 50 parking stalls are provided, parking stalls for persons with disabilities shall be provided in the ratio of 1 for every 100 or part thereof.

- A parking stall for persons with disabilities shall:
 - a) be at least 3.7 m wide;
 - b) have a firm, slip-resistant and level surface;
 - c) be located close, and be accessible, to an entrance; and
 - d) be clearly identified as being solely for the use of persons with disabilities.

- (7) By amending the table following Section 111.3 b) outlining Landscaping Area and/or Landscaping Screen requirements by Zones as follows:
 - a) by adding a footnote notation “⁽¹³⁾” after the words “Along a REAR *lot* and an INTERIOR SIDE *lot* line (to within 3.0 metres of the front *lot* line” in the first column
 - b) by adding the following words as footnote ⁽¹³⁾ following the table :
 - ⁽¹³⁾ Not applicable adjacent to portions of buildings and structures sited in accordance with siting provisions of a zone which would otherwise conflict with the required Landscaping Area or Landscaping Screen
- (8) By amending Section 304.1 by adding after the words “*residential uses* subject to Section 304.2” the words “4) *hobby beekeeping* subject to Section 104.18”
- (9) By amending Section 701.1 by adding after the words “4) bakeries” the words “5) *brewery or distillery*” and renumbering subsequent sections accordingly
- (10) By amending Section 702.1 by deleting the words “3) *refund container return centre*” and renumbering subsequent sections accordingly
- (11) By amending Section 805.1 2) by deleting the words “subject to the *lot* being located in the Agricultural Land Reserve”

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| READ A FIRST TIME the | day of | , 2019. |
| READ A SECOND TIME the | day of | , 2019. |
| PUBLIC HEARING HELD the | day of | , 2019. |
| READ A THIRD TIME the | day of | , 2019. |
| ADOPTED the | day of | , 2019. |

_____ Mayor _____ Township Clerk