



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Commercial Uses Zoning Bylaw Update

File #: 6620.00

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From: Carl Johannsen RPP, MCIP
Director of Development Services

Date: June 24, 2020

RECOMMENDATION:

1. THAT the report dated June 24, 2020 entitled Commercial Uses Zoning Bylaw Update be received for information; and
2. THAT Council consider 1st and 2nd Readings of Zoning Bylaw Amendment No. 168, Bylaw 3130.

PURPOSE:

Bylaw No. 3130 proposes to amend the Zoning Bylaw to incorporate new commercial use definitions and separation distances between certain commercial uses. This responds to a March 2019 letter (Attachment 1) from the Downtown Langley Business Association (DLBA) which notes a high concentration of tattoo shops and spas in the Downtown area. The letter also requests Council to consider further regulation of these establishments, not due to opposition to these uses, but in the interest of achieving a balanced retail, restaurant and service business environment.

POLICY:

Commercial properties within Downtown Langley are designated as a 'Downtown Commercial' land use in the Official Community Plan (OCP), enabling a mix of commercial and residential uses.

The Downtown Master Plan includes further land use policies that support concentrating specialty retail, entertainment, restaurants and civic uses within a pedestrian-friendly Downtown Core area. This also includes policies that encourage storefronts that are 'transparent and inviting to pedestrian traffic', where commercial

buildings include at-grade clear window glazing and other pedestrian-friendly design features that foster outdoor patio, retail display and window-shopping opportunities.

The majority of properties within the Downtown Commercial OCP land use designation are zoned C-1 'Downtown Commercial Zone', which permits retail store, office, restaurant, personal service and general service uses, among other uses, in support of the Downtown Commercial land use and Downtown Master Plan.

COMMENTS/ANALYSIS:

The intent of Bylaw 3130 is to foster business variety in the Downtown core and promote a balance between specialty retail, restaurants and personal service uses, by introducing amendments that will help create a more dispersed pattern of personal services and other uses over time. This supports the land use intent of the Downtown Master Plan to focus retail and restaurants in the Downtown core, and supports the continued presence of pedestrian-friendly storefronts in the Downtown.

Specific Updates and Rationale

Bylaw No. 3130 proposes to update and add commercial use definitions, including *Body Rub Service*, *Personal Service*, *Body Art and Tattoo Service* and *Vapour Product Stores*, and add 400 metre separation distances between *Body Art and Tattoo* establishments and *Vapour Product Stores*. The rationale behind these updates is as follows:

- *Body Rub Service* and *Personal Service*: these definitions are being updated to better respond to an evolving personal service and 'spa' industry, which involves multiple massage techniques and personal service uses (i.e. salons). Updating these definitions will provide a more effective tool for staff when they consider the issuance of business licences for new personal services such as spas, to ensure these services properly comply with zoning regulations (i.e. body rub activities are not permitted in the C-1 zone/Downtown). This approach will also create clearer definitions to guide a future update to the City's Business Licence Bylaw, including further defining what 'therapeutic touch therapists' are and the wide range of techniques they may utilize. Updating these definitions is also a key first step towards adding new personal service definitions (i.e. salons) and location regulations, as a part of the broader Zoning Bylaw Update;
- *Body Art and Tattoo Service*: adding this new definition will enable further regulation of the location of this personal service use in the Downtown Area and C-1 zoned properties, through the proposed addition of a 400-metre (about a five-minute walk) separation distance between tattoo shops. Over time this approach will result in a more dispersed pattern of tattoo shops relative to the current condition, which includes a concentration of seven establishments that

offer tattoo services in the Downtown core between Glover Road and 206 Street (a distance of about 370 metres); and

- *Vapour Product Stores*: while this use was not referenced in the attached letter, staff are proposing to add this new definition as a part of Bylaw 3130 to respond to recent increased business interest in this retail store use. Also known as 'vape stores', this use is permitted in the C-1 zone, and there are currently two stores on C-1 zoned properties. However, most vape stores have opaque window glazing, due to senior government health regulations, and an increased concentration of vape stores may negatively impact the Downtown's pedestrian friendly environment. Based on this staff recommend adding a vape store definition and a 400-metre separation between vape stores to the Zoning Bylaw, to support the continued presence of this use in a way that does not impact the pedestrian-friendliness of the Downtown.

Affect of Bylaw: Existing Businesses Remain as Legal Non-Conforming Uses

If this proposed amendment is adopted by Council, and similar to previous amendments (i.e. 400 metres between pharmacies and thrift stores), it will not impact existing operating tattoo and vape store businesses. Given that these businesses were in existence prior to Bylaw adoption, they would still be lawful and can continue to operate un-inhibited as 'legal non-conforming uses'.

However, if a non-conforming use is discontinued for 6 months on a property any subsequent use will be subject to Zoning Bylaw regulations, including separation distances. Non-conforming uses also cannot expand beyond what is in place prior to the amendment, and cannot relocate to a new site without being subject to the new separation distances. This Bylaw also would not preclude new tattoo establishments and vape stores from opening in the City, as it would only direct these uses to more widely dispersed locations.

Bylaw 3130 aims to support business variety and the pedestrian-friendly commercial uses set out in the Downtown Master Plan. It will also not impact existing businesses and may also provide an additional measure of stability for these businesses. Based on this, staff recommend that Council consider 1st and 2nd Readings of Bylaw 3130.

BUDGET IMPLICATIONS:

None.

ALTERNATIVES:

1. Prohibit specific uses from the C-1 zone, including new tattoo and vape shops.
 - This is not recommended, as these uses are not considered nuisances.

2. Incorporate the proposed amendments into the comprehensive Zoning Bylaw Update.
 - This is not recommended, as additional tattoo shops and vape stores could locate in the Downtown, and in close proximity to other similar establishments, prior to completing the Zoning Bylaw Update in late 2020.
3. Do nothing.
 - This is not recommended, as per Alternative #2 above.

Respectfully Submitted,



Carl Johannsen, RPP, MCIP
Director of Development Services

Attachments:

1. March 19, 2019 Letter from the Downtown Langley Business Association (DLBA)

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer