



## **EXPLANATORY MEMO**

### **COMMERCIAL USES ZONING BYLAW UPDATE**

### **ZONING BYLAW AMENDMENT No. 193, BYLAW No. 3247**

#### **PURPOSE:**

Bylaw No. 3247 proposes to amend the City's Zoning Bylaw to incorporate a new 400 metre separation distance between specific commercial uses. This responds to a February 2023 letter (Attachment 1) and April 2023 letter (Attachment 2) from the Downtown Langley Business Association (DLBA).

These letters identify a high concentration of beauty/nail/hair/skin care salons and non-registered massage establishments in the Downtown area, and request that Council further regulate these uses to maintain a balanced business environment and variety of restaurants, retail shops, services and offices, which is consistent with Official Community Plan (OCP) land use policy for the Downtown. The Zoning Bylaw includes 400 metre separation distances between other specific commercial uses, to prevent over-concentration of these uses and maintain a variety of commercial businesses as per the OCP, and this approach is now being proposed to apply to beauty/nail/hair/skin salons and non-registered massage establishments.

These uses are categorized as 'Personal Service' in the City's Zoning Bylaw. The City's Business Licence Bylaw further categorizes Personal Services such as beauty/nail/hair/skin care salons as 'Beauty and Wellness Centers' and non-registered massage establishments as 'Personal Health Enhancement Centers'.

#### **POLICY:**

Commercial properties within Downtown Langley are designated as a 'Historic Downtown Core', 'Transit Oriented Core', 'Transit Oriented Residential' and 'Mixed Use' land uses in the Official Community Plan (OCP), enabling a mix and variety of commercial and residential uses.

The OCP's land use and design policies aim to 'retain a lively shopping destination and fine grain retail ground floor', 'focus specialty retail, entertainment, pedestrian-oriented restaurants, and civic uses in the Historic Downtown Core area', and 'strongly encourage specialty and pedestrian-oriented retail, restaurants and café uses on the ground floor of buildings.' These policies are based upon the Downtown Master Plan.

These policies also encourage the ground floor of street-fronting buildings to be 'active' and designed to include clear 'see-through' windows, doors and openable storefronts. This approach is necessary for creating and supporting pedestrian-

oriented streetscapes that include outdoor seating areas, patios, cafes and retail displays, window-shopping opportunities (i.e. people can see the products and activities inside the storefront, from the sidewalk and vice versa, which engages pedestrians and also provides for 'eyes on the street' from inside the storefront) and the high foot traffic volumes common to vibrant Downtowns across North America.

The majority of properties within the Downtown Commercial OCP land use designation are zoned C1 'Downtown Commercial Zone', which permits retail store, office, restaurant, personal service and general service uses, among other uses, in support of OCP policies and the Downtown Master Plan.

## **COMMENTS/ANALYSIS:**

The intent of Bylaw 3247 is to respond to the DLBA request and 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 over time. This supports the land use intent of the OCP and Downtown Master Plan to focus specialty retail, restaurants and a variety of commercial uses in the Downtown core, and supports the continued presence of pedestrian-oriented streetscapes in the Downtown.

### ***Specific Updates and Rationale***

Bylaw No. 3247 proposes to:

1. Add a definition for 'Beauty and Wellness Center';
2. Add a definition for 'Personal Health Enhancement Center';
3. Add a definition for 'Registered Massage Therapy Clinic';
4. Amend the definition of 'Personal Service' to add 'Beauty and Wellness Center', 'Personal Health Enhancement Center' and 'Registered Massage Therapy Clinic'; and
5. Add a 400 metre separation distance between 'Beauty and Wellness Center' or 'Personal Health Enhancement Center' and other 'Beauty and Wellness Center' or 'Personal Health Enhancement Center'.

The rationale for these updates is as follows:

1. There are currently approximately 50 Beauty and Wellness Center and Personal Health Enhancement Center establishments within a 5-10 minute walk of the Historic Downtown. Over time, applying a 400-metre (about a five-minute walk) separation distance between these establishments will support a balance of retail, restaurant and services, including personal services, in the Downtown core. This approach will also assist in creating improved opportunities for new retail, restaurant and office uses to enter the Downtown market (i.e. filling storefronts if they become vacant), which in turn will maintain and enhance the variety of commercial activities; and
2. Non-registered massage therapy establishments typically have opaque storefront window glazing and/or opaque window coverings to maintain privacy for clients. A high concentration of these opaque storefronts, especially along single block faces, reduces pedestrian interaction between storefronts and the

sidewalk, which in turn reduces pedestrian activity and interest in these areas. Applying a 400-metre separation between these establishments will reduce the presence of opaque storefronts and reduce their impact by creating a more dispersed pattern of these storefronts over time.

***Effect 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, thrift stores, tattoo and body art establishments, vape stores), it will not impact existing operating beauty and wellness and personal health enhancement centers. Given that these businesses were in existence prior to Bylaw adoption, they can continue to operate 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 beauty and wellness and personal health enhancement centers from opening in the City, as it would only direct these uses to more widely dispersed locations.

**SUMMARY**

Bylaw 3247 aims to support business variety and pedestrian-oriented streetscapes as set out in the OCP and Downtown Master Plan. It will also not impact existing businesses and may also provide additional stability for these businesses.

**BUDGET IMPLICATIONS:**

None.

Prepared by:



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Reviewed by:



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**ZONING BYLAW, 1996, No. 2100  
AMENDMENT No. 193**

**BYLAW No. 3247**

A Bylaw to amend City of Langley Zoning Bylaw, 1996, No. 2100 to include new General Regulations.

WHEREAS the *Local Government Act* authorizes a local government to zone areas of a municipality and to make regulations pursuant to zoning;

NOW THEREFORE the Council of the City of Langley, in open meeting assembled, enacts as follows:

**1. Title**

This bylaw shall be cited as the “Zoning Bylaw 1996, No. 2100 Amendment No. 193, 2023, No. 3247”.

**2. Amendment**

Bylaw No. 2100, cited as the “Zoning Bylaw, 1996, No. 2100” is hereby amended by:

2.1 Replacing the definition of “Personal Service” in Part 1 “Administration and Enforcement”, Section C “Definitions” with the following:

“Personal Service means a business that provides for the care of the body or the cleaning or repair of personal effects and includes a barber shop, beauty salon, shoe repair shop, dry cleaning shop, launderette, Registered Massage Therapy Clinic, Beauty and Wellness Center and Personal Health Enhancement Center, but does not include Body-rub Service.”

2.2 Adding the following definitions to Part 1 “Administration and Enforcement”, Section C “Definitions”:

- (a) *Beauty and Wellness Center* means premises, including beauty salons and barber shops, used to provide beauty and wellness improvement services through hair styling, cutting or chemical treatment or through skin or other body & nail treatments including pedicures, manicures,

facials, lashes, microdermabrasion, microblading, permanent make-up, waxing, and laser, hydro, anti-aging, or skin rejuvenation therapy.

(b) *Personal Health Enhancement Center* means premises used for the provision of therapies intended to enhance health through such techniques as Shiatsu, acupuncture, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing and trager approach and includes other touch therapies and techniques, but does not include Registered Massage Therapy Clinics or Beauty and Wellness Centers.

(c) *Registered Massage Therapy Clinic* means premises in which clients receive massage therapy treatment from a person who is authorized under the *Health Professions Act* to practice massage therapy.

2.3 Adding the following regulations to Part D “General Provisions”, Section 3 “Regulations Applicable to All Zones”:

(l) Personal Service

No Beauty and Wellness Center or Personal Health Enhancement Center shall be located within 400 metres of any other Beauty and Wellness Center or Personal Health Enhancement Center.

READ A FIRST AND SECOND TIME this nineteenth day of June, 2023.

The PUBLIC HEARING was held, pursuant to Section of the *Local Government Act* this day seventeenth day of July, 2023.

READ A THIRD TIME this day of, 2023.

FINALLY ADOPTED this day of , 2023.

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**MAYOR**

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**CORPORATE OFFICER**