

**PLANNING AND DEVELOPMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PROPOSED ZONING BYLAW AMENDMENTS – HOUSEKEEPING MAY  
2022**

**RECOMMENDATION:**

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw 1965, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.

**REPORT**

The Planning and Development Committee, at its meeting held on 2022 May 11, received and adopted the attached report proposing a number of amendments to the Burnaby Zoning Bylaw.

Respectfully submitted,

Councillor P. Calendino  
Chair

Councillor S. Dhaliwal  
Vice Chair

Copied to: Chief Administrative Officer Acting CFO GM Corporate Services GM Community Safety GM Engineering City Solicitor Chief Building Inspector
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**TO:** CHAIR AND MEMBERS  
PLANNING AND DEVELOPMENT COMMITTEE

**DATE:** 2022 April 27

**FROM:** GENERAL MANAGER  
PLANNING AND DEVELOPMENT

**FILE:** 42000 20  
*Reference:* *Bylaw AmendmentS*

**SUBJECT:** **PROPOSED ZONING BYLAW AMENDMENTS –  
HOUSEKEEPING MAY 2022**

**PURPOSE:** To propose a number of amendments to the Burnaby Zoning Bylaw.

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**RECOMMENDATION:**

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the *Burnaby Zoning Bylaw, 1965*, as outlined in *Section 3.0* of this report, for advancement to a future Public Hearing.

**REPORT****1.0 BACKGROUND**

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the Zoning Bylaw and the general need to update the Zoning Bylaw, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarification and improvements to the wording of the Zoning Bylaw, and to respond to changes in related legislation and changes in forms of development, land uses and social trends.

This report presents three Zoning Bylaw amendments regarding:

- 1) definition of “family”;
- 2) corner truncation on corner lots abutting a lane; and
- 3) minimum floor area for adaptable housing units.

**2.0 POLICY CONTEXT**

The proposed amendments to the *Zoning Bylaw* align with the following Council-adopted policies: *Corporate Strategic Plan (2017)*, *Official Community Plan (1998)*, *Social Sustainability Strategy (2011)*, and *HOME: Burnaby’s Housing and Homelessness Strategy (2021)*.

### **3.0 ZONING BYLAW TEXT AMENDMENTS**

#### **3.1 Definition of “Family”**

##### **Issue**

According to the Zoning Bylaw the maximum number of unrelated persons living together in a dwelling unit and sharing cooking facilities is three persons. The keeping of an additional two boarders/lodgers (boarding use) may be permitted as a home occupation which brings the total number of unrelated persons living in a dwelling unit to five persons. To increase affordable housing opportunities and provide for greater flexibility in residential neighbourhoods, there is a need to increase the maximum number of unrelated persons living together in a dwelling unit where the boarding use is not permitted, to five persons.

##### **Discussion**

Under the Zoning Bylaw, a dwelling unit shall be occupied by one family only. The Zoning Bylaw defines a family as:

- a) an unlimited number of persons related by blood, marriage, adoption, or foster care; or
- b) with the exception of those living in a dormitory, a maximum of three unrelated non-transient persons living together, and using common cooking facilities.

The Zoning Bylaw also allows a boarding use as a home occupation accessory to the use of a dwelling unit for residential purposes. The boarding use which allows the accommodation of a maximum two boarders/lodgers for a duration of not less than 30 days, brings the maximum number of unrelated persons living in a dwelling unit to five persons.

Boarding use is permitted as a home occupation where a person who lives in a dwelling unit is also the business operator. The keeping of two boarders/lodgers is not permitted in a dwelling unit where the operator of the boarding use does not reside in the dwelling unit. This includes non-profit organizations providing affordable housing for individuals in a dwelling unit. In this circumstance, the maximum number of unrelated persons living in the dwelling unit is limited to three persons.

One of the goals of the HOME Strategy for inclusive and livable neighbourhoods is to envision a broader range of housing in all residential neighbourhoods, with options for all household sizes and incomes. Increasing the occupancy limit for unrelated persons living together in a dwelling unit will provide more affordable housing options in residential neighbourhoods. To expand the affordable housing options throughout the City in line with the current requirement of the Zoning Bylaw, it is recommended that a maximum of five unrelated persons, including two boarders/lodgers, be permitted to live together in a dwelling unit.

If Council adopts this recommendation, the maximum number of unrelated persons in a dwelling unit where the keeping of two boarders/lodgers is not permitted, will increase from three to five persons, while it remains unchanged where boarding use is permitted.

The recommended Zoning Bylaw amendment related to the maximum number of unrelated persons living together in a dwelling unit that is discussed in this section is in *Appendix A*.

### **3.2 Corner Truncation on Corner Lots Abutting a Lane**

#### **Issue**

As a result of historical subdivision patterns, in some residential neighbourhoods with lane access, large maintenance vehicles such as Solid Waste and Recycling (SWR) collection trucks and utility maintenance vehicles are facing challenges to maneuver around neighbourhoods due to the lack of sufficient paved turning radius at lane intersections. There is a need to facilitate large vehicle movements for maintenance and services throughout the City's laneway network by providing adequate paved turning radius at lane intersections for maintenance and service vehicle access.

#### **Discussion**

There are over 400 corner lots located at the intersection of two lanes in single and two family residential neighbourhoods throughout the City where corner truncations were not historically dedicated at the time of subdivision. Lack of adequate paved turning radius at these intersections has challenged access to these neighbourhoods for weekly SWR collection and other maintenance activities.

In the absence of a dedicated corner truncation at these intersections, access to a clear 3.0 m by 3.0 m (9.8 ft. by 9.8 ft.) portion of the corner lots will facilitate truck maneuvering by providing a sufficient turning radius at these intersections.

To ensure the identified corner truncations will provide sufficient turning radius for maintenance and service vehicle access, it is required that these areas be free of any building/structure, landscape feature, or planting. As such, it is recommended that section 6.13 of the Zoning Bylaw be amended by requiring that no building, structure, landscape feature, hedge, tree, or other growth is permitted within a 3.0 m by 3.0 m (9.8 ft. by 9.8 ft.) portion of the properties located at the intersection of two lanes. This amendment will prohibit construction or landscaping within the identified corner truncations.

The recommended Zoning Bylaw amendment related to corner truncations that is discussed in this section is in *Appendix A*.

### **3.3 Minimum Floor Area for Adaptable Housing Units**

#### **Issue**

The Zoning Bylaw currently requires the same minimum floor area for an adaptable housing unit as a non-adaptable dwelling unit with the same number of bedrooms. There is a need to increase the minimum floor area for adaptable housing units consistent with the floor area exemption already in place for such units, in order to improve accessibility and ensure the residents can comfortably move and operate within their adaptable housing units.

## **Discussion**

In November 2013, Council adopted the “Adaptable Housing Policy” to promote housing choice and flexibility and help the residents meet their accessibility needs, and age-in-place with minimal or no additional renovation costs in the future.

Construction standards for adaptable housing units are generally regulated under the BC Building Code. Additional regulations are established under the Zoning Bylaw to support the provision of these housing types in new developments, as well as to enhance their liveability, including the minimum size requirement of such units in new developments. The design and configuration of adaptable units are also reviewed as part of the CD Comprehensive Development rezoning process to ensure the residents can comfortably move and operate within their own home.

Adaptable housing units generally require larger clear spaces and openings to meet accessibility requirements. To support the provision of adaptable housing units meeting these space requirements, section 6.20(3)(m) of the Zoning Bylaw allows the exemption of 1.86 m<sup>2</sup> (20 sq. ft.) of floor area for every studio and one-bedroom adaptable housing unit, plus 0.93 m<sup>2</sup> (10 sq. ft.) for every additional adaptable bedroom, from the calculation of gross floor area. The purpose of this exemption is to facilitate the construction of larger adaptable housing units by not counting the additional floor area required to make the unit accessible.

Section 6.10 of the Zoning Bylaw defines the minimum floor area for dwelling units based on unit type and the number of bedrooms. Under the Zoning Bylaw, despite the floor area exemption under section 6.20(3)(m), the same minimum floor area applies to an adaptable housing unit and a non-adaptable dwelling unit of similar type. This results in the construction of adaptable housing units with similar floor area as a non-adaptable dwelling unit. In most developments the total floor area exempted under section 6.20(3)(m) is used to construct additional dwelling units rather than increase the size of adaptable housing units. This reduces the livability of the adaptable housing units as some spaces within the units are reduced to allow exempted floor area to be used elsewhere in the building.

To ensure an adequate spatial clearance in adaptable housing units and not impact the livability of such units, it is recommended to increase the minimum floor area applicable to these dwelling units by 1.86 m<sup>2</sup> (20 sq. ft.) for studio and one-bedroom adaptable housing unit, and 0.93 m<sup>2</sup> (10 sq. ft.) for every additional adaptable bedroom in excess of the first bedroom. If Council adopts this recommendation, the additional required floor area will continue to be exempted from gross floor area calculation under section 6.20(3)(m) of the Zoning Bylaw.

The recommended Zoning Bylaw amendment related to minimum floor area for adaptable housing units that is discussed in this section is in *Appendix A*.

To: Chair and Members Planning and Development Committee  
From: General Manager Planning and Development  
Re: Proposed Zoning Bylaw Amendments – May 2022  
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#### 4.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of zoning requirements, make amendments in support of existing practices and Council policies, and achieve other regulatory changes. It is recommended that Council approve the above proposed amendments, as outlined in *Sections 3.0* of this report, and direct that the Zoning Bylaw text amendments be advanced to a future Public Hearing.



E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

PS:sa  
**Attachment**

Copied to:	Chief Administrative Officer	City Solicitor
	Deputy Chief Administrative Officer and Chief Financial Officer	City Clerk
	General Manager Engineering	Chief Building Inspector
	General Manager Corporate Services	
	General Manager Community Safety	

### **Recommended Bylaw Amendments**

1. **THAT** the definition of “family” in Section 3.0 of the Zoning Bylaw be repealed in its entirety and replaced with the following definition with wording the same or similar to the following:  
  
    **"FAMILY "** means:
  - (a) an individual, or two or more persons related by blood, marriage, common-law relationship, adoption, or foster care, together with their live-in employees, boarders, and lodgers; or
  - (b) a group of not more than five persons, including live-in employees, boarders, and lodgers, who are not related by blood, marriage, common-law relationship, adoption, or foster care, living together in one dwelling unit and using common cooking facilities, except such maximum number of unrelated persons shall not apply to those living in a dormitory, group home, or boarding, lodging or rooming house.
  
2. **THAT** section 6.10(2.2) be added to the Zoning Bylaw with wording the same or similar to the following:  
  
    (2.2) In an adaptable housing unit, the minimum floor area required under subsections (2) and (2.1) shall increase by 1.86 m<sup>2</sup> (20 sq. ft.) for a studio unit and the first adaptable bedroom in an one-bedroom or larger unit, plus 0.93 m<sup>2</sup> (10 sq. ft.) for each additional adaptable bedroom in the unit.
  
3. **THAT** at section 6.13 of the Zoning Bylaw, the heading be changed to “**Clearance at Intersections**”
  
4. **THAT** section 6.13(3) be added to the Zoning Bylaw with wording the same or similar to the following:  
  
    (3) Notwithstanding any other provision of this bylaw, where a lot is located at the intersection of two lanes, no building, structure, landscape feature, hedge, tree, or other vegetation shall be permitted in the area bounded by the intersecting lot lines at the lane corner and a line joining points along the lot lines and 3.0 m from their point of intersection.