

THE CORPORATION OF THE DISTRICT OF BURNABY

May 10, 1965

HIS WORSHIP THE REEVE
AND MEMBERS OF THE COUNCIL

Gentlemen:

REPORT OF THE POLICY/PLANNING COMMITTEE

Your Committee met on Monday, May 3rd to consider an application by Mr. Noel Johnston to establish an auto body repair shop in a General Commercial Zone at 5103 Kingsway.

The Municipal Solicitor has given the opinion that the use proposed is a permitted use in a General Commercial zone under the definition of a "Work Shop" as contained in the existing Town Planning By-law. Regulations under the new Zoning By-law will not permit this use in a "C.4 Service Commercial District".

Mr. Johnston has certain structural alterations to carry out in the leased building where he proposes to operate, to comply with a Fire Marshal's directive. Your Committee has considered the Council's position on the possibility of withholding building permits, pursuant to Section 707 of the Municipal Act, on Mr. Johnston's application and on those applications similar to Mr. Johnston's which could be made prior to the adoption of the new Zoning By-law.

"707 (1) Prior to the adoption of a zoning by-law or of an official community plan, or of an amendment to a zoning by-law, or of an alteration, addition, or extension to the official community plan, the Council may cause to be withheld the issuance of a building permit for a period of thirty days from the date of the application.

(2) Where any permit is so withheld, the application therefor shall be considered by the Council within the said period of thirty days; and if in the opinion of the Council the development proposed in the application would be at variance or in conflict with an official community plan in the course of preparation, or with an alteration, addition, or extension in course of preparation to an official community plan, or with the zoning by-law in course of preparation, or with an amendment in course of preparation to the zoning by-law, the Council may withhold the permit for a further sixty days, or the Council may impose such conditions on the granting of the building permit as may appear to the Council to be in the public interest.

(3) In the event that the Council does not within the said period of sixty days adopt any such plan or by-law, the owners of the land in respect of which a building permit was withheld pursuant to this section are entitled to compensation for damages arising from the withholding of such building permit, and the provisions of Division (4) of Part XII shall apply.

Your Committee has taken the stand that the application for a building permit cannot be denied Mr. Johnston unless the Council is prepared to consider all other applications for building permits, which may create non-conforming situations, made prior to adoption of the new Zoning By-law.

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Your Committee would recommend that no building permits be withheld under Section 707 of the Municipal Act during the period pending adoption of the new Zoning By-law.

Proposed Zoning By-law

During April, 1964, the Planning Committee of Council commenced a detailed study of the text of a draft Zoning By-law which had been prepared as a result of considerable work by Municipal staff, over an extended period of time.

This detailed Committee study followed an initial study by the Advisory Planning Commission and took the form of meetings held each Monday afternoon, at which time each section of the By-law was reported upon, considered clause by clause, and either approved, amended and approved, or tabled. In the case of tabled items, a further report was submitted to the following meeting and the tabled item was then approved, or amended and approved.

These weekly meetings culminated in the presentation of a third draft of the proposed text to the Planning Committee in October, 1964. The third draft, as well as incorporating the changes, revisions and alterations as approved by the Committee, was reorganized with a view to improving its efficiency and reducing its length.

The third draft was submitted to the Municipal Solicitor for his study and recommendation, resulting in further refinements and minor reorganization and the production of a fourth draft in January, 1965.

In March 1965, Public Meetings were held at:

- (a) Burnaby Central High School - March 16th.
- (b) Kensington Junior High School - March 17th.
- (c) Cariboo Hill Junior High School - March 18th.
- (d) McPherson Junior High School - March 19th.

to give the general public an opportunity to become familiar with the context of the By-law. Due publicity was given to these meetings in the press. A general circulation of a brief resume of the By-law was made to all households in the Municipality and special provision was made in the Planning Department for answering enquiries.

Special meetings were held by the Planning Department with representatives of the Burnaby Chamber of Commerce and the Real Estate Board.

Many suggestions have been made and letters received as a result of the public and special meetings.

The Planning Department has, after further study by the Policy/Planning Committee, incorporated further refinements into the fourth draft preparatory to the holding of a formal Public Hearing, pursuant to Section 703 of the Municipal Act.

Attached is a copy of the By-law "Table of Contents" outlining the headings for components of the By-law including a schedule of new zoning categories.

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The Planning Department is proceeding with a final "wrap-up" of the By-law and can be prepared for a Public Hearing on the 26th or 27th of May, 1965. In the event one of these dates is suitable to the Council for a Hearing, the By-law would be presented to the Council for first and second readings on Monday, May 17th.

JHS:mw