

ITEM	10
MANAGER'S REPORT NO.	38
COUNCIL MEETING	1978 05 15

Re: PROPOSED AMENDMENTS TO THE BURNABY ZONING PROCEDURE BY-LAW  
1974 AND THE BURNABY ZONING BY-LAW 1965

Following is a report from the Director of Planning regarding amendments to the subject by-laws.

Please see Item 16 on page 148 for further information on the manner and extent to which the public is notified of Public Hearings. It would be appropriate for Council to consider this report and Item 16 in relation to one another.

RECOMMENDATIONS:

1. THAT Council authorize the preparation of the necessary amendments to the Burnaby Zoning Procedure By-Law 1974 as outlined in Section 3.2 of the Director of Planning's report.
2. THAT Council authorize the preparation of the necessary amendments to the Burnaby Zoning By-Law 1965 as outlined in Section 3.3 and 3.4 of the Director of Planning's report, and that they be advanced to a Public Hearing on 1978 June 20.

\* \* \* \* \*

PLANNING DEPARTMENT  
1978 MAY 09

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR OF PLANNING  
SUBJECT: PROPOSED AMENDMENTS TO THE BURNABY ZONING PROCEDURE BY-LAW  
1974 AND THE BURNABY ZONING BY-LAW 1965

1.0 INTRODUCTION

As a result of recent amendments made to the Burnaby Zoning By-Law 1965 with respect to rezoning application fees and metric conversion, it is necessary to appropriately amend the Burnaby Zoning Procedure By-Law 1974. In addition, the Burnaby Zoning By-Law requires minor amendments due to recent amendments made to the Municipal Act.

2.0 BACKGROUND INFORMATION

- 2.1 Pursuant to Sections 702B and 703 of the Municipal Act regarding rezoning fees and requisite Public Hearings associated with rezoning amendment by-laws, Council authorized the introduction and utilization of the Burnaby Zoning Procedure By-Law 1974 (see attachment). This By-Law essentially outlines the fee structure for rezoning applications and specifically identifies which affected property owners and/or occupiers are to be notified by mail of the Public Hearing date.
- 2.2 As a means of providing appropriate Municipal documentation of this information that would be available to the public at large, the text of the Rezoning Procedure By-Law has been included within the Zoning By-Law.

3.0 GENERAL INFORMATION

- 3.1 The Zoning Procedure By-Law 1974 now requires amending in order to account for the changes made to the rezoning fee structure which were adopted on 1978 February 27. Similarly, The Burnaby Zoning By-Law 1965 requires amending in order

to reflect changes made to the Municipal Act where "Land Use Contracts" are no longer utilized and have thus been deleted. In addition, Section 7.8(7) of the Zoning By-law requires a minor amendment in order to be consistent with the Procedure By-law, and 7.9 to reflect the Municipal Act.

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3.2 In view of the foregoing changes, it is necessary that the Burnaby Zoning Procedure By-law 1974 be amended as follows:

2. Every application for rezoning shall be accompanied by a fee of \$580.00 for the first 5 000 m<sup>2</sup> or less of land included in such application, plus \$5.00 for each 100 m<sup>2</sup> of part thereof.

3. Notice of the Public Hearing on any proposed amendment to the Zoning By-law having the effect of rezoning an area of the Municipality from one zone to another shall be mailed or otherwise delivered to the owners and occupiers of all real property.

(a) within the area that is subject to the rezoning, and

(b) within a distance of 30 m from the area that is subject to the rezoning.

3.3 Furthermore, Section 7.8(7) of the Burnaby Zoning By-law needs to be amended as follows:

Notice of the Public Hearing on any proposed amendment to the Zoning By-Law having the effect of rezoning an area of the Municipality from one zone to another shall be mailed or otherwise delivered to the owners and occupiers of all real property.

(a) within the area that is subject to the rezoning, and

(b) within a distance of 30 m from the area that is subject to the rezoning.

3.4 Council is advised that it would also be appropriate at this time to repeal the use of "Zoning Board of Appeal" as it appears in Section 7.9 of the Zoning By-Law and to substitute the "Board of Variance" as reflected in the Municipal Act.

4.0 RECOMMENDATIONS

It is recommended:

4.1 THAT Council authorize the preparation of the necessary amendments to the Burnaby Zoning Procedure By-Law 1974 as outlined in Section 3.2 in the foregoing.

4.2 THAT Council authorize the preparation of the necessary amendments to the Burnaby Zoning By-Law 1965 as outlined in Sections 3.3 and 3.4 in the foregoing and that they be advanced to a Public Hearing on 1978 June 20.

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*AW*  
PDS/sam  
Attachment

*A. L. Parr*  
A. L. Parr  
DIRECTOR OF PLANNING

cc: Municipal Clerk  
Municipal Solicitor

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 6496

CONSOLIDATED FOR CONVENIENCE WITH BY-LAW #7001

A BY-LAW to enact certain rezoning and land use contract procedures.

WHEREAS Council adopted By-Law No. 6321, being the "Burnaby Zoning By-Law 1965, Amendment By-Law No. 22, 1973", on the 23rd day of July, 1973.

AND WHEREAS Council adopted By-Law No. 6448, being the "Burnaby Zoning By-Law 1965, Amendment By-Law No. 17, 1974" on the 16th day of April, 1974.

AND WHEREAS By-Law No. 6321 and By-Law No. 6448 were adopted by Council after a public hearing thereon although neither By-Law No. 6321 nor By-Law No. 6448 is a zoning by-law requiring a public hearing thereon before adoption.

NOW THEREFORE the Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY ZONING PROCEDURE BY-LAW 1974".

2. Every application for rezoning or a land use contract shall be accompanied by a fee of \$25.00 for the first 25,000 square feet or less of land included in such application, plus \$1.00 for each additional 1,000 square feet or part thereof.

\*3. Notice of the public hearing on any proposed amendment to the Zoning By-law having the effect of rezoning an area of the Municipality from one zone to another, or on a land use contract, shall be mailed or otherwise delivered to the owners and occupiers of all real property

(a) within the area that is subject to the rezoning or land use contract, and

(b) within a distance of 100 feet from the area that is subject to the rezoning or land use contract.\*

\*BY-LAW NO. 7001 ("Burnaby Zoning Procedure By-Law 1974, Amendment By-Law 1977" Finally Adopted - February 28, 1977).

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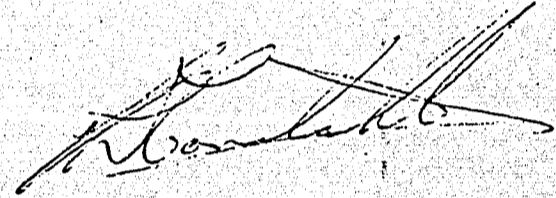
4. By-Law No. 6321 and By-Law 6448 are hereby repealed.

Read a first time this 21st day of May, 1974.

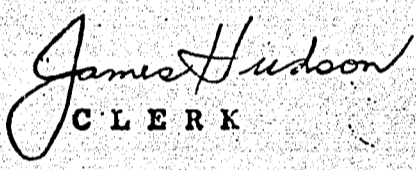
Read a second time this 21st day of May, 1974.

Read a third time this 21st day of May, 1974.

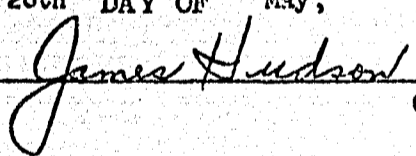
Reconsidered and adopted by an affirmative vote of at least two-thirds of all the members of the Council this 27th day of May, 1974.



MAYOR



CLERK

CERTIFIED A TRUE COPY THIS  
28th DAY OF May, 1974.  
  
CLERK