

RE: PROPOSED TEXT AMENDMENT TO BURNABY ZONING BY-LAW 1965
BY-LAW NO. 4742
(A) SECTION 700, COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)
(B) SECTION 7, ADMINISTRATION AND ENFORCEMENT

Following is a report from the Director of Planning regarding the subject proposed text amendment.

RECOMMENDATION:

1. THAT the recommendations of the Director of Planning be adopted.

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TO: MUNICIPAL MANAGER

1980 MAY 29

FROM: DIRECTOR OF PLANNING

SUBJECT: PROPOSED TEXT AMENDMENT TO BURNABY ZONING BY-LAW 1965
BY-LAW NO. 4742
(A) SECTION 700, COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)
(B) SECTION 7, ADMINISTRATION AND ENFORCEMENT

RECOMMENDATION

1. THAT Council receive the text amendment to Section 700, Comprehensive Development District (CD) and to Section 7, Administration and Enforcement of the Burnaby Zoning By-law 1965 and request the preparation of a zoning by-law by the Municipal Solicitor to permit the introduction of this amendment as described in Section 3.0 of this report into the Burnaby Zoning By-law 1965.
2. THAT Council advance the subject amendment rezoning by-law for First, Second, and Third Readings on 1980 June 16.
3. THAT this amendment zoning by-law be advanced to a Public Hearing on 1980 June 23 at 18:45 h prior to the Council meeting on that date.

REPORT

1.0 SUMMARY

This report outlines the specific acknowledgment of the use of Development Permits and of the designation of Development Permits areas as provided for in Section 702AA of the Municipal Act 1960 within the context of the Burnaby Zoning By-law 1965. This is accomplished by means of proposed text amendments to Section 7 - Administration and Enforcement and Section 700 - Comprehensive Development District (CD) of the Burnaby Zoning By-law 1965. In essence, with these changes, we will have two approaches to CD Zoning - one approach will be as we have done in the past, and the other will accommodate the use of Development Permits.

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2.0 BACKGROUND

We have examined the legal precision of currently proposed definitions and zoning procedures relating to the use of adopted Community Plans, the designation of development permit areas, and provisions for the issuance of development permits in conjunction with Section 700 - Comprehensive Development District (CD) of the Burnaby Zoning By-law 1965. It is the view of staff that the general planning approach which the Municipality has taken with respect to the use of adopted Community Plans and the Development Permit procedure within the context of a Comprehensive Development rezoning remains sound but in order to eliminate any possibility of ambiguity and with an abundance of caution, text amendments are required and proposed for Section 700 - Comprehensive Development District (CD) and Section 7 - Administration and Enforcement of the Burnaby Zoning By-law 1965.

3.0 PROPOSED TEXT AMENDMENTS

3.1 Section 7 - Administration and Enforcement of the Burnaby Zoning By-law 1965

(a) It is proposed that Section 7.3 which currently reads:

"7.3 Preliminary Plan Approval" be amended by adding the phrase "and Development Permits" so that the revised Section 7.3 would read:

"7.3 Preliminary Plan Approval and Development Permits"

(b) It is proposed that new sections 7.3(6), 7.3(7), and 7.3(8) be added to Section 7.3 Preliminary Plan Approval and Development Permits of the Burnaby Zoning By-law 1965 to read as follows:

Section 7.3

(6) The Council may, from time to time, designate areas of land within a zone as development permit areas and provide that an owner of land shall, prior to the commencement of a development, other than those items covered under clause (1) of this section, obtain or hold a development permit.

Section 7.3

(7) Applications for development permits shall be made to the Director of Planning and shall be subject to the requirements specified in clauses (2) to (5) inclusive of this section.

Section 7.3

(8) The issuance of a development permit shall be in conformance with the provisions of Section 717 of the Municipal Act.

3.2 Section 700 - Comprehensive Development District (CD) of the Burnaby Zoning By-law 1965

It is proposed that a new Section 700.5 be added to the Burnaby Zoning By-law to read as follows:

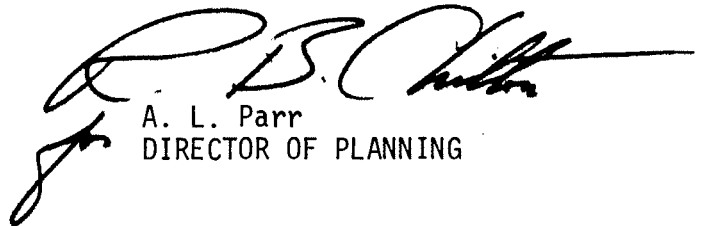
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700.5 A Comprehensive Development as a Community
Plan Within a Development Permit Area

- (1) A comprehensive development plan may also be developed as a Council adopted community plan in a designated development permit area wherein an owner of land within such designated area shall, prior to the commencement of development, obtain a development permit from the Director of Planning.

4.0 NOTE

Prior to presentation of the amending by-law to Council for consideration and readings on 1980 June 16, the precise text which should be adopted will be worked out in consultation with the Municipal Solicitor and submitted with a further report. Any necessary refinements will be consistent with the substance outlined above.


A. L. Parr
DIRECTOR OF PLANNING

RBC/KI/hf

c.c. - Municipal Solicitor
Municipal Clerk
Assistant Director - Long Range
Planning and Research