

ITEM 4  
MANAGER'S REPORT NO. 78  
COUNCIL MEETING 89/11/27

RE: ZONING BY-LAW TEXT AMENDMENTS FOR ANIMAL HOSPITALS

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1989 November 22

FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 02.240  
"Text Amendments"

SUBJECT: ZONING BY-LAW TEXT AMENDMENTS FOR ANIMAL HOSPITALS AND ANIMAL CLINICS

PURPOSE: To propose an amendment to the Burnaby Zoning By-law to add animal hospitals as a permitted use in the C2 Community Commercial District, to delete animal clinics from the Zoning By-law and to clarify the definition of animal hospitals.

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RECOMMENDATIONS:

1. THAT Council authorize the Municipal Solicitor to prepare a by-law to
  - (i) add animal hospitals as a permitted use in the C2 Community Commercial District
  - (ii) delete animal clinics from the Zoning By-law
  - (iii) add a provision to the definition of animal hospitals prohibiting the boarding of healthy animals.
2. THAT the By-law be forwarded to First Reading on 1989 December 11 and to a Public Hearing on 1990 January 23 at 19:30h.
3. THAT a copy of this report be sent to Dr. Susanne Jackson, 11 North Sea Avenue, Burnaby, B.C. V5B 1K4.



R E P O R T

1.0 BACKGROUND

In the Burnaby Zoning By-law, there are three provisions for the operation of animal care facilities within the municipality: animal hospitals, animal clinics, and central veterinarian hospitals.

An animal hospital "means any building structure, or premises in which animals are cared for, treated, maintained or hospitalized."

A 1980 amendment to the Zoning By-law, By-law # 7501, added animal clinics and central veterinarian hospitals to the Zoning By-law.

An animal clinic "means any building, structure or premises in which the business of minor treatment or diagnosis of animal sickness or disease is carried on and in which no provision is made to keep or board animals." A central veterinary hospital "means an animal hospital which operates 24 hours a day providing hospital facilities for the patients of participating member veterinarians and which serves a number of animal clinics on an area wide basis, and where no provision is made for the keeping or boarding of healthy animals."

This previous Zoning By-law amendment was prompted by the changing practices in animal care. The veterinarian community envisioned the establishment of small animal clinics in high visibility commercial districts that would feed into a larger, central, hospital facility located on industrial land. Modern hospitals/clinics were also being designed to be housed within completely enclosed buildings, without external areas for outdoor runs.

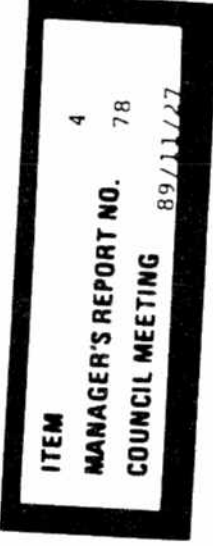
2.0 EXISTING SITUATION

Currently, according to the Zoning By-law, animal hospitals and clinics are only permitted in the C4 Service Commercial District, whereas central veterinary hospitals are only permitted in M1, M2 and M3 industrial zones. All animal care facilities, including those in industrial zones, must conduct their business within a completely enclosed building.

There are currently six animal hospitals in Burnaby: three along Kingsway and three in the north-west sector of Burnaby (Figure 1 attached). All six hospitals are located on a C4 zoned site with the exception of one hospital that is non-conforming on a C3 site. There are no animal clinics in Burnaby.

3.0 GENERAL DISCUSSION

A review of the provisions of the Zoning By-law as they pertain to animal hospitals and clinics was initiated following discussions with a local Burnaby veterinarian. Concern has been expressed that the present regulations are too restrictive in not providing a fuller range of potential locational opportunities.



It is recognized that the provision of animal care facilities is a service desired by a broad segment of the community but that they must be located and operated in such a way to be compatible with adjacent uses. Generally speaking, pet owners require the services of an animal hospital on an occasional or infrequent basis, and as such locational opportunities are not considered necessary on a neighbourhood by neighbourhood basis. In reviewing the existing regulation in relation to the C1, C2, and C3 zoning districts, it is considered that the C2 district offers the only acceptable alternative for expanding locational opportunities for animal hospitals.

### 3.1 Animal Hospitals as a Permitted Use in the C2 (Community Commercial) Districts

The C2 zoning district is intended to meet the daily and occasional shopping and commercial service needs of residents of several surrounding neighbourhoods.

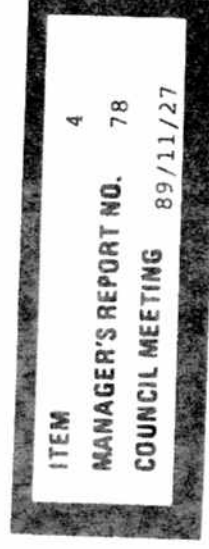
Figure 1 illustrates the general location of the existing C2 zoning districts within the Municipality, as well as the location of the C4 districts which presently permits the development of animal hospitals. Figure 1 also shows the location of the six animal hospitals currently operating in Burnaby.

It is clear that the addition of animal hospitals as a permitted use within the C2 zoning district would provide the opportunity for a more efficient, yet still moderate, servicing of the northern, central and southern residential districts of the Municipality where the opportunities are presently limited.

Animal hospitals in the C2 district, like those in the C4 district, would also be required to conduct their business within a completely enclosed building.

The Chief Licence Inspector reported no objections to allowing animal hospitals to locate in C2 districts. As well, the Chief Public Health Inspector reported that since 1985 complaints regarding only two of the animal hospitals in Burnaby have been received. In each case, the problem was quickly resolved. This seems to indicate that operating an animal hospital in a completely enclosed building poses no threat to the surrounding properties.

A survey was sent to the six animal hospitals/clinics in Burnaby to obtain information about their operations and requirements. Although the response from one animal hospital veterinarian indicated that he was against any changes in zoning, other veterinarians indicated that the restriction to C4 zoning is too limiting.



3.2 Deletion of Animal Clinics from the Zoning By-law 127

The Burnaby Zoning By-law defines an Animal Clinic and states that it shall "be subject to the provisions of the Burnaby Kennel Regulation by-law 1960 (B/L No. 7501 80-04-28)". Animal clinics are permitted uses in C4 districts.

However, there is a contradiction between the Zoning By-law and the aforementioned Kennel By-law. Section 33 of the Kennel By-law states that "No person shall have, carry on, operate, maintain or permit to be carried on, operated or maintained an Animal Clinic within The Corporation of the District of Burnaby."

This contradiction between the Zoning By-law permitting animal clinics and the Kennel By-law prohibiting animal clinics should be eliminated.

Regardless of whether they call themselves hospitals or clinics, all animal care facilities in Burnaby operate as hospitals, not clinics, in that they regularly board their patients overnight.

It appears that animal clinics, prohibited from boarding animals, do not meet the needs of the modern veterinarian practice. All members of the veterinarian community who were surveyed indicated that the overnight boarding of sick and injured animals is essential in the provision of proper animal health care.

Further, the Environmental Health Department indicated that they would not licence animal hospitals if the hospitals were without overnight facilities. They were concerned, for example, that a communicable disease would be spread and potentially jeopardize public health if a diseased animal could not be hospitalized overnight.

Consistency between the Zoning and Kennel By-laws would be maintained by deleting animal clinics from the Zoning By-law and at the same time, would enable the provision of proper animal care by ensuring overnight hospitalization if necessary at animal hospitals.

3.3 A Provision to Prohibit Animal Hospitals from Boarding Healthy Animals

In contrast with animal hospitals which can 'maintain' animals, central veterinary hospitals are specifically prohibited from 'boarding healthy animals'. This is designed to deny central veterinary hospitals from acting as kennels. Animal hospitals are not allowed to incorporate outdoor runs or pens given that they are intended to care for sick or injured animals that are treated and then released to the care of their owners when well enough. The use of animal hospitals as kennels changes the nature and operation of such a facility and greatly increases the potential for conflict with adjacent uses with the surrounding neighbourhood.

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In order to eliminate any ambiguity in this regard, a specific provision to prohibit animal hospitals from boarding healthy animals is considered necessary. The word "maintained" should be struck from the definition of animal hospitals and replaced by a clause "and where no provision is made for the keeping or boarding of healthy animals". Thus, animal hospitals, like central veterinary hospitals, could not act as kennels.

#### 4.0 CONCLUSIONS

##### 4.1 Animal Hospitals as a Permitted Use in C2 Districts


It is recommended that animal hospitals be added to the Zoning By-law as a permitted use in the C2 Community commercial district. Due to the increased service opportunities that animal hospitals would provide Burnaby residents and the community-oriented nature of the services, animal hospitals would be most appropriately added a permitted use in the C2 Community Commercial district.

##### 4.2 Animal clinics deleted from the Zoning By-law

It is further recommended that animal clinics be deleted as a permitted use from the Zoning By-law. The deletion of animal clinics from the Zoning By-law would eliminate the contradiction between the Zoning By-law which allows animals clinics and the Kennel By-law which prohibits animal clinics in Burnaby.

##### 4.3 A Provision to Prohibit Animal Hospitals from Boarding Healthy Animals

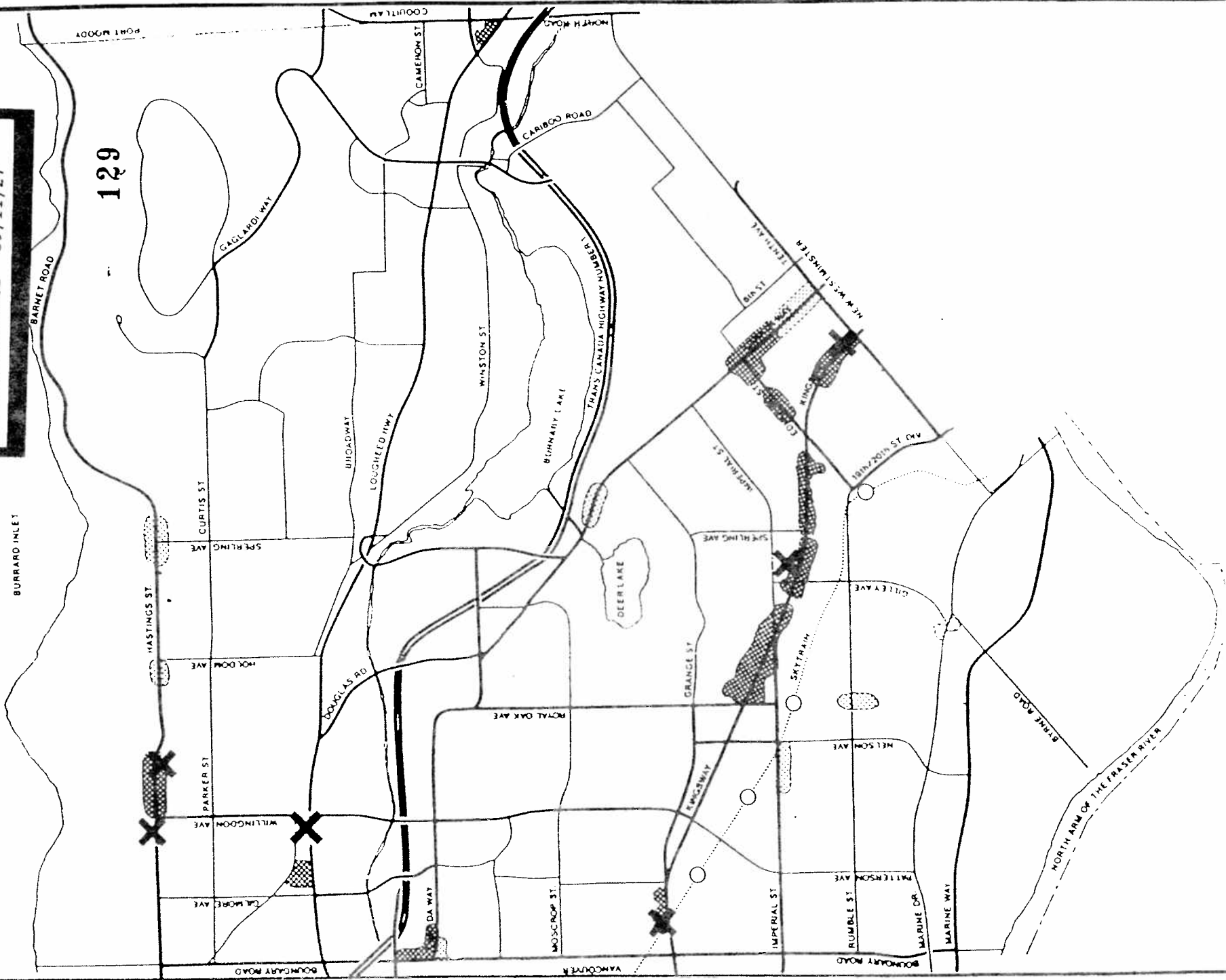
Finally, it is recommended that the word "maintained" be struck from the definition of animal hospitals and replaced by the clause "and where no provision is made for the keeping or boarding of healthy animals". This change to the definition of animal hospitals would clarify the operations that animal hospitals could undertake.

  
A.L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

KC/mcb  
Attach:

cc: Municipal Solicitor  
Chief Public Health Inspector  
Chief Licence Inspector

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Date: 1989 NOV.



Scale: NTS

Planning & Building Inspection Department

Drawn By: RCN




-  APPROXIMATE BOUNDARIES OF C4 ZONES
-  APPROXIMATE BOUNDARIES OF C2 ZONES
-  LOCATION OF EXISTING ANIMAL HOSPITALS

FIGURE 1