

ITEM	5
MANAGER'S REPORT NO.	52
COUNCIL MEETING	90/08/27

TO: MUNICIPAL MANAGER

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: **AMENDMENT REGULATIONS RELATED TO BILLIARD AND POOL HALLS,
AMUSEMENT ARCADES, CABARETS AND DISCOTHEQUES**

PURPOSE: To obtain Council authority to pursue steps to regulate the location of billiard and pool halls, amusement arcades, cabarets and discotheques.

=====

RECOMMENDATION:

1. THAT staff be directed to pursue the preparation of an amendment bylaw to the Burnaby Zoning Bylaw 1965, Bylaw 4742, pursuant to Section 527 of the Municipal Act, to regulate the location of billiard and pool halls, amusement arcades, cabarets, and discotheques.

R E P O R T

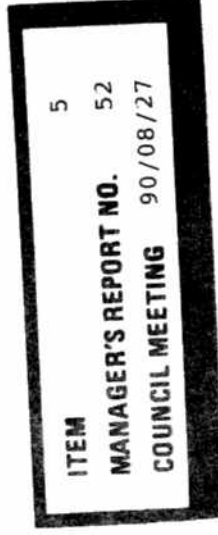
The maturing of Burnaby into a distinct urban place has resulted in the development of a more complex and integrated urban environment. Within this context there are uses currently permitted in the Burnaby Zoning Bylaw 1965 which require regulatory refinement to meet current social planning concerns of Council and the citizens of Burnaby. In recent years, licenced liquor establishments, retail liquor, beer and wine stores, and casinos have been the subject of increased scrutiny.

In the same vein and due to expressed concerns, this is an appropriate time to consider zoning refinements governing the billiard and pool halls, amusement arcades, cabarets, and discotheques. For example, the concentration of too many commercial entertainment and amusement facilities in one area could create social problems; the hours of operation of such uses are often out of step with other uses in the area; and the loud music from cabarets and discotheques is a source of complaints from nearby residents. Through the establishment of appropriate zoning regulations such uses can continue to be acceptable in the Municipality but within the context of more carefully considered locational criteria. The grouping of uses creating a focus of social concerns although complying with the current zoning bylaw suggests that further regulatory adjustments may be warranted.

Section 527(b) of the Municipal Act states that Council may by bylaw "...prohibit for all or defined parts of the municipality the operation of a public poolroom, billiard hall, cabaret, skating rink, bowling alley, dance hall or other place of amusement, including halls and other buildings where public dances are held".

This section is subject to Section 526(1) which states that:

"The council may by bylaw regulate the carrying on of business in the municipality, to the extent not inconsistent with the intent of this or any other Act, for the purpose of protecting the public or preventing or minimizing nuisances and misleading business practices, and the regulations may be different for different classes of business."



Through the use of Section 981 of the Municipal Act (attached), Council may also pass a resolution directing staff to pursue the preparation of a zoning bylaw pursuant to Section 527 of the Municipal Act to regulate (including prohibiting) the location of billiard and pool halls, amusement arcades, cabarets, and discotheques. Such a Council resolution would allow staff to hold any application, for establishment of billiard and pool halls, amusement arcades, cabarets, and discotheques, in abeyance pending Council's consideration of an amendment to the Zoning Bylaw in line with the terms of Section 981 of the Municipal Act, in order to refine the regulation of these uses.

It is recommended that staff study these uses and their municipal context in greater detail; examine various regulatory options; and submit a further report to Council outlining any recommended amendments to the Burnaby Zoning Bylaw 1965.

110



A. L. Parr
Director Planning &
Building Inspection

KI:1f

Attachment

cc: Chief Licence Inspector
Municipal Solicitor

Attachment

Section 981 of Municipal Act

ITEM	5
MANAGER'S REPORT NO.	52
COUNCIL MEETING	90/08/27

Withholding of permits and licences

981. (1) Where a local government passes a resolution identifying what it considers to be a conflict between a development proposed in an application for a building permit and

- (a) an official community plan,
- (b) a rural land use bylaw, or
- (c) a bylaw under sections 963 to 966 or 969

that is under preparation, the local government may direct that the permit be withheld for a period of 30 days, commencing on the day the application for the permit was made.

(2) Subsection (1) does not apply unless a local government has, by resolution at least 7 days prior to the application for a building permit, commenced the preparation of a plan or bylaw that is in conflict with the application.

(3) During the 30 day period referred to in subsection (1), the local government shall consider the application for the permit and may

- (a) direct the permit be withheld for a further 60 days, or
- (b) grant the permit, but impose conditions in it that would be in the public interest, having regard to the plan or bylaw that is under preparation.

(4) If the local government does not, within the 60 day period, adopt a plan or bylaw referred to in subsection (1), the owners of the land for which a building permit was withheld under this section are entitled to compensation for damages arising from the withholding of the building permit, and Division (4) of Part 12 applies.

(5) Where the council passes a resolution under subsection (1), the council may direct that a business licence, in respect of the same land, be withheld for a period not exceeding 90 days where the council considers that the use to which the land would be put and to which the business licence application relates would be contrary to the use that would be permitted by the bylaw that is under preparation.

1985-79-8.

