

ITEM	15
MANAGER'S REPORT NO.	54
COUNCIL MEETING	92/08/24

TO: MUNICIPAL MANAGER 1992 AUGUST 19

FROM: ACTING DIRECTOR PLANNING AND BUILDING OUR FILE: 02.240

SUBJECT: **BURNABY ZONING BYLAW - MINOR TEXT AMENDMENTS**

PURPOSE: To propose minor text amendments to the Zoning Bylaw to make provision for limited outdoor produce sales in the C1, C2 and C3 District as an accessory use and to provide for the inclusion of motion picture and similar production studios and facilities in certain industrial districts.



RECOMMENDATIONS:

1. **THAT** the Municipal Solicitor be requested to prepare the necessary amending bylaw to reflect the amendments outlined in this report.
2. **THAT** the amendments be advanced for First Reading and forwarded to the Public Hearing scheduled for 1992 September 29.

R E P O R T

1.0 INTRODUCTION

- 1.1 From time to time in the course of administering the Zoning Bylaw, staff become aware of the need for minor adjustments to the bylaw to reflect emerging needs and demands related to changes in lifestyle, community aspirations, technological change, or the way of doing business. These matters are evaluated in terms of the purpose of the bylaw and Burnaby's land use objectives, and where appropriate, recommendations are advanced to update the text of the bylaw to maintain its currency.
- 1.2 This report deals with two items that have been considered recently, that are considered minor in their relative impact in terms of the overall scope of the bylaw, but that will allow a reasonable opportunity for development and land use reflecting current demands, within the general intent of the bylaw. If Council agrees that the amendments are justified, it would be appropriate to ask the Solicitor to prepare the text amendments in bylaw form and advance them for First Reading and Public Hearing.

2.0 **PROVISION FOR OUTDOOR SALES OF FRUIT AND VEGETABLES IN THE C1, C2 AND C3 COMMERCIAL DISTRICTS IN CONJUNCTION WITH THE OPERATION OF AN APPROVED RETAIL PRODUCE OR GROCERY STORE**

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2.1 The Zoning Bylaw presently makes provision for a variety of retail sales activities in the C1, C2 and C3 zones, and generally all such activities are required, by the Conditions of Use related to each of the zones, to be conducted within a completely enclosed building. Exceptions are listed in each case; for parking and loading facilities, gasoline service stations, and outdoor garden shops. In turn, an "outdoor garden shop" is defined to include an open area used for "the display and retail sale of bedding plants, flowers, nursery stock, Christmas trees and seasonal fresh fruit and vegetables."

Outdoor garden shops are listed among the permitted uses in each of the three zones, but subject to the qualification that they be operated for not more than six months in any year. This qualification exists in order to ensure that the general character and level of amenity of our commercial areas is not compromised by exterior uses that could conflict with the attainment of a quality environment, oriented to the pedestrian.

2.2 These provisions have proved to be satisfactory, in the main, for seasonal outdoor garden shop and Christmas tree stand use, but there has been expressed a need to acknowledge the desire to allow the legitimate exterior display of flowers and fresh fruits and vegetables for greater than six months of the year, in conjunction with the approved operation of an enclosed retail produce or grocery outlet. Due to our moderate climate it is possible to maintain such stock in an exterior display during more than six months in the year, provided some reasonable protection from sun and rain is provided, and merchants perceive that their customers would be interested in viewing and purchasing such items when suitably displayed in an exterior setting adjacent their outlets. A particular case in point is located at Brentwood Mall, in the C3 District, where a retail produce store has recently been established (a welcome development, in light of the previous elimination of a food market in the shopping centre brought about by the closure of the former supermarket in the mall). This produce store is located on the periphery of the centre and includes a small outdoor display component which has apparently proved popular with consumers, but is presently limited in its operation to a six month period.

2.3 Staff have reflected on the request that the bylaw be reviewed to enable such outlets to operate on a year-round basis if properly outfitted to allow operation beyond the six-month limit. Provided that the use is maintained as a limited accessory use related to a qualified internal sales outlet (i.e. is not a transient, ad hoc operation that would conflict with the desired quality of the commercial environment and would present business licencing difficulties) and provided that adequate provision is made for satisfaction of the community health standards, it has been concluded that the proposal should be supported. If approved, the provision for such a related, limited accessory use on the same site as and contiguous with an approved internal grocery or produce sales establishment would respond to the perceived demand from merchants and customers alike, without seriously compromising the intent of the bylaw in the affected commercial districts. Accordingly it is being recommended that the Solicitor be requested to prepare the appropriate text amendments to the Zoning Bylaw to allow such limited exterior uses in the C1, C2 and C3 zones.

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3.0 PROVISION FOR BROADCASTING AND PRODUCTION STUDIOS AND SIMILAR USES IN THE INDUSTRIAL ZONES

3.1 The Zoning Bylaw presently makes provision for the approval of radio and television broadcasting and production studios in the M1, M2, M3 and M5 Districts. The same provision is not presently made in the M4 Special Industrial District, although in other respects there is much similarity in the class of commercial and service uses listed for this zone and those permitted in the M1 and M5 Districts.

There are three reasons for considering that a text amendment is warranted to update the bylaw in this respect. The first is that with the advent of a thriving and important film industry in this part of British Columbia and in Burnaby in particular, it would now be appropriate to make explicit reference to "motion picture" production facilities as well, in each of the relevant zones. The second is that given the desire to support and encourage the film industry as a business opportunity and source of employment in Burnaby, and given the characteristics of such studios and production facilities, there appears to be no reason to exclude this class of uses from the M4 District. The final is that over the years there has been a need to interpret the bylaw to enable various similar production or rehearsal facilities that require comparable building types and spaces, and similar technical support facilities to operate.

It is possible to broaden the description of the class of uses to make explicit reference to similar uses rather than continuing to rely on interpretation to permit them. It is considered that amending the bylaw to recognize these situations is warranted and will not adversely affect other uses permitted in the respective zones.

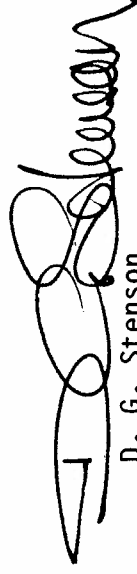
For these reasons, it is recommended that the Solicitor be requested to also prepare the appropriate text amendments to the M1, M4 and M5 District Schedules. By virtue of the way in which the Bylaw operates, the same adjustments would extend to the M2 and M3 Districts, thereby assuring internal consistency between the district schedules.

4.0 CONCLUSION

Based on the foregoing, it is recommended that the minor text amendments outlined be prepared for consideration and forwarding to a Public Hearing in order to respond to emerging situations and maintain the currency of the bylaw.

DGS:lf

cc: Municipal Solicitor
Director Finance
Economic Development Officer
Chief Public Health Inspector



D. G. Stenson
Acting Director
Planning & Building