

TO: CITY MANAGER 1995 AUGUST 03  
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 02.240  
SUBJECT: ZONING BYLAW TEXT AMENDMENTS  
PURPOSE: To propose text amendments of a housekeeping nature to the Burnaby Zoning Bylaw.

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**RECOMMENDATION:**

1. **THAT** Council authorize the City Solicitor to prepare a bylaw amending the Burnaby Zoning Bylaw as outlined in sections 2 to 12 of this report.

**R E P O R T**

**1.0 INTRODUCTION**

As part of an on-going review of the Zoning Bylaw, text amendments are brought forward to ensure that the Bylaw is kept current or to provide clarifications where warranted.

The proposed text amendments as outlined in the following sections of this report are generally of a housekeeping nature to provide greater clarity or to maintain currency with changed terminology, legislation or City policy.

**2.0 LIQUOR ESTABLISHMENTS**

**Neighbourhood Surveys:**

On 1990 April 30, Council adopted the recommendations of a report on "The Municipal Role in Seeking Public Input on Liquor Licence Applications". The adopted procedure requires applicants for various types of liquor establishments (including neighbourhood pubs) to deposit sufficient monies to conduct a neighbourhood survey in an area defined by a radius of 550 metres (1,804.5 feet - approximately one-third of a mile) from the proposed liquor establishment.

In order to best accommodate the 1990 Council-adopted procedure for neighbourhood surveys as a policy directive, it is proposed that the Zoning Bylaw be amended.

**Neighbourhood Pubs:**

In the C1, C2 and C3 Commercial Districts, neighbourhood public houses are permitted provided that they are in "compliance with the Government Liquor Act and regulations passed pursuant thereto governing the issuance of general licences (neighbourhood public houses)." Given changes in provincial terminology and Council requirements, amendments to the bylaw are proposed.

**Proposed Bylaw Amendments:**

- ▶ delete section 7.3(2)(g)
- ▶ amend sections 301.1(10)(a) and 303.1(22) to read: "Compliance with the Liquor Control and Licensing Act and regulations, and with Council requirements for determining whether residents are in favour of granting the licence"

**3.0 TOWNHOUSE DWELLING**

Presently, the term "townhouse dwelling" is not defined in the Zoning Bylaw, although it is being used in the Off-Street Parking Schedule and in various rezoning reports. It is proposed that a "townhouse dwelling" be defined in the Bylaw.

Pursuant to this amendment to define "townhouse dwelling", the redundant term "group housing" should be deleted or replaced by "townhouse" and the definition for "row housing" should be clarified.

**Proposed Bylaw Amendments:**

- ▶ add a definition for "dwelling, townhouse" to read: means one of three or more dwelling units, where each dwelling unit has individual direct access to the outside either at ground level or by stairs, and is attached to at least one other dwelling unit by a shared floor or party wall.
- ▶ delete the definition for "dwelling, group housing"
- ▶ amend the definition for "dwelling, row housing" to read: means a block of at least two and not more than eight side by side dwelling units, each sharing a party wall with the neighbouring unit and each located on a lot that is not a strata lot.
- ▶ delete section 6.10(4)
- ▶ amend section 7.3(2)(f)
- ▶ delete section 800.4(26)
- ▶ amend preamble for R6 Residential District to read: "This District provides for the use and development of row housing".
- ▶ amend preamble for R8 Residential District to read: "This District provides for the establishment of townhouse dwellings in neighbourhoods that are predominately developed with single-family and two-family dwellings."
- ▶ amend sections 108.1; 108.2(1),(2),(3)&(4); 108.4, 108.5, 108.6 and 108.7.

#### 4.0 BACHELOR UNIT

A "bachelor unit" is currently defined in the Bylaw as a dwelling unit having no room used or intended to be used solely as a bedroom. To be gender-neutral in terminology, it is proposed that "bachelor unit" be replaced with "studio unit" or be deleted.

Proposed Bylaw Amendments:

- ▶ amend section 3 (delete definition for "bachelor unit"; add definition for "studio unit")
- ▶ amend section 6.10(2)(a)
- ▶ amend sections 201.4(4), 202.4(4), 203.4(4), 204.6(4)
- ▶ amend preamble to RM3 District to read: "This District provides for a higher density of development designed largely for adults."
- ▶ amend sections 505.1(6)(a), 506.1(4)(a).

#### 5.0 DEVELOPMENT PERMIT AREAS

The Zoning Bylaw contains references to "development permit areas" designated by Council pursuant to section 717(3) of the Municipal Act. Since section 717(3) has been repealed, it is proposed that references to "development permit areas" in the bylaw be deleted.

Proposed Bylaw Amendments:

- ▶ delete sections 7.3(6)(a) to (f).

#### 6.0 CAR WASH STALL IN THE RM7 DISTRICT

In the RM1 to RM5 Multiple-family Districts, there is a requirement for one car wash stall for each 100 dwelling units. However, this requirement was inadvertently omitted in the Hastings Village Multiple-Family Residential District (RM7) when it was created in November 1993. Since the intent of this district is to provide townhouse dwellings in the Hastings Village area at a similar density as the RM3 District, it is proposed that a regulation pertaining to car wash stalls be added to the RM7 District.

Proposed Bylaw Amendment:

- ▶ add section 207.12 to read: "One car wash stall with a "No Parking" sign affixed to it shall be provided for each 100 dwelling units."

## 7.0 OFF-STREET PARKING SCHEDULE: HASTINGS PARKING FUND

Section 800.4(34) of the Off-street Parking Schedule pertains to the Hastings Village Commercial District (C8) which was created in November 1993. For non-residential uses in the C8 and C8a Districts which are located within 1 km of an City-owned parking lot, the property owner may elect to pay \$10,000 for each required parking not provided.

At its meeting on 1994 October 03, Council approved a lower payment-in-lieu amount of \$8,000 per stall for the Hastings Village Area. Therefore, it is proposed that the bylaw be amended to require a payment of \$8,000 for each required parking space not provided on site.

### Proposed Bylaw Amendment:

- ▶ amend section 800.4(34).

## 8.0 CHILD CARE FACILITIES

The Zoning Bylaw contains outdated terminology concerning child care facilities. The terms "kindergartens", "day nurseries" and "day care centre" should be deleted or replaced.

### Proposed Bylaw Amendments:

- ▶ amend section 3 to delete the definition for "kindergarten"
- ▶ amend sections 501.1(2), 505.1(3), 800.4(9) to delete "kindergarten"
- ▶ amend section 501.4 to replace "kindergarten" with "child care facility"
- ▶ amend section 505.4(1)(b) to replace "kindergartens" with "child care facilities"
- ▶ amend sections 101.1(4), 102.1(4), 103.1(4), 104.1(6), 105.1(7), 106.1(8), 110.1(5), 111.1(5), and 112.1(6) to replace "day care centre licensed under the Community Care Facility Act" with "child care facility"
- ▶ include the following definition in section 3: "'family day care centre': means an operation licensed under the Community Care Facility Act as a family day care centre.'
- ▶ amend the definition of "home occupation" (sub-section 4) to read: "the operation of a family day care centre"
- ▶ amend sections 201.1(1), 202.1(1), 203.1(1) to read: "Uses, other than group homes and family day care centres, permitted in the R6 District, subject to the regulations contained therein."

As background to the latter amendment, the Zoning Bylaw was amended in June 1990 to allow different types of child care facilities in the Multiple-Family Residential Districts (RM1 to RM5), provided that the facilities are not located in dwelling units. A home occupation (which is defined to include the operation of a family day care centre) is also a permitted use in the RM1 to RM3 Districts. Since there is a conflict between these two provisions in the bylaw, the latter amendment is proposed to clarify any potential ambiguity that may exist concerning family day care centres in the RM1 to RM3 Districts.

## 9.0 R RESIDENTIAL DISTRICTS

On 1991 December 16, Council adopted a bylaw to amend the bulk regulations for single-family and two-family dwellings in the R Districts. For clarity purposes, this effective date should replace the current wording "at the coming into force of this provision..." in the R1 to R5, and R9 Districts. For the R10 District, the effective date is July 22, 1991.

### Proposed Bylaw Amendments:

- ▶ amend sections 101.5(1), 101.5(2), 101.6(2)
- ▶ amend sections 102.5(1), 102.5(2), 102.6(2)
- ▶ amend sections 103.5(1), 103.5(2), 103.6(2)
- ▶ amend sections 104.5(1), 104.5(2), 104.6(2), 104.7(1)(b)
- ▶ amend sections 105.5(1), 105.5(2), 105.6(2), 105.7(1)(b)
- ▶ amend sections 109.5(1), 109.5(2), 109.6(2)
- ▶ amend section 110.5 (1) to read: "For a principal building that exists on July 22, 1991,...."

## 10.0 CHANGE OF MUNICIPAL STATUS

On 1992 September 22, Burnaby changed its status from a district to a city. Therefore, it is proposed that bylaw references to the "Corporation of the District of Burnaby" be changed to the "City of Burnaby". In addition, references to the "Municipal Engineer" and "Municipal Clerk" should be amended to the "Engineer" and "Clerk".

### Proposed Bylaw Amendments:

- ▶ amend section 2
- ▶ amend section 3 (definitions for "Corporation" and "Council")
- ▶ amend section 4.1
- ▶ amend section 5.2, 5.2(1)
- ▶ amend section 7.1, 7.2, 7.6(2), 7.8(2)
- ▶ amend section 406.2(3)
- ▶ amend section 503.2(b)
- ▶ amend section 800.7(1)
- ▶ amend section 900.6(1)

## 11.0 COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)

The CD Districts provide for the development of an area embracing one or more land use classifications based upon a comprehensive development plan. The CD District currently applies to the uses permitted in the following districts: R, RM, C1, C2, C3, C5, P1, P2, P3, P5, P6, P8, P9, P10, M1, M2, M3, M5 and M7.

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It is proposed that the CD District be amended to include uses permitted under the following districts:

- ▶ the Residential Districts (R) with an "a" and "b" suffix;
- ▶ the Commercial Districts (C) with an "a", "b", and "c" suffix;
- ▶ the Industrial Districts (M) with an "a" and "r" suffix;
- ▶ the Special Institutional District (P7).

**Proposed Bylaw Amendment:**

- ▶ amend section 700.1

**12.0 MISCELLANEOUS BYLAW AMENDMENTS**

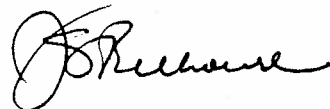
The following bylaw amendments are being proposed to provide greater clarity or to maintain currency with changed terminology.

**Proposed Bylaw Amendments:**

- ▶ amend section 7.8(6)(b) to include the imperial measurement (98.4 ft.)
- ▶ amend section 401.1(17)(a) to replace "Fire Marshal's Act and the Health Act" with "Fire Services Act and the Health Act"
- ▶ amend section 6.20(4) to clarify the floor area calculation for areas with high ceilings in the R Districts: in the principal building where the height from a floor to the top of the wall plate exceeds 3.7 m (12.1 ft.), the gross floor area and the above grade floor area shall be counted twice, less the area of the high ceiling space, up to a maximum of 9.3 m<sup>2</sup> (100.1 sq. ft.) for the building.
- ▶ amend the preamble of the A1 Agricultural District to delete the words: "for future development".

**13.0 RECOMMENDATION**

It is recommended that Council approve the above proposed text amendments and authorize the City Solicitor to prepare a bylaw to be forwarded to First Reading and to a Public Hearing.



D.G. Stenson, Director  
PLANNING AND BUILDING

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cc: City Solicitor

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