

TO: CITY MANAGER

1996 February 13

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: ZONING BYLAW TEXT AMENDMENT
PRIVATE SCHOOL SITE REQUIREMENTS
AND SCHOOL DEFINITIONS**

PURPOSE: To propose amendments to the Burnaby Zoning Bylaw to modify and clarify the lot area requirements for private school sites and the definitions of commercial, private and trade schools and to permit commercial schools in the C2 District.

RECOMMENDATION:

1. **THAT** the City Solicitor be authorized to prepare a bylaw amending the Burnaby Zoning Bylaw to reflect the modifications and clarifications described in this report.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 This Department and the Licence Office have received many enquiries regarding the establishment of schools in which the proposed schools are not easily categorized under the existing definitions or the schools are proposed for zoning districts other than those in which they are permitted.

The nature of non-publicly funded schools has changed in recent years to reflect a greater variety of programs offered in certain schools and orientation to a wider variety of people. Therefore, it is necessary to clarify the basic premises of commercial, private and trade schools and it is considered to be appropriate to permit some overlap in these schools, as has been proposed.

- 1.2 Also, in the past, this Department has received two requests from private schools to consider amending the Zoning Bylaw to permit the expansion of the number of students at private schools where the private schools were proposed to have both elementary and secondary students. In both cases, this was not possible under the current Zoning Bylaw requirements. In response to these requests, staff have undertaken a review of the lot area requirements for private schools and their rationale.

2.0 EXISTING ZONING REGULATIONS:

2.1 Commercial Schools, Private Schools and Trade Schools are currently defined in the Burnaby Zoning Bylaw respectively as follows:

"**SCHOOL, COMMERCIAL**" includes a school that offers courses in business, language, self-defence or other specialized courses but does not include a trade school, private school or self-improvement school.

"**SCHOOL, PRIVATE**" means a school, other than a public school, where academic subjects are taught or which is maintained for philanthropic or religious purposes and may include a boarding school, but does not include any school or home otherwise classified or defined under this Bylaw.

"**SCHOOL, PUBLIC**" means a place of instruction other than a commercial or technical school, maintained at the public expense pursuant to the School Act of the Province of British Columbia.

"**SCHOOL, SELF-IMPROVEMENT**" means a school that provides training or instruction in dance, drama, music, art or modelling.

"**SCHOOL, TRADE**" means a school other than a commercial or public school which offers principally a manual, mechanical or technical trade.

The Burnaby Zoning Bylaw presently provides for the above diverse types of schools as follows:

- 1) Commercial schools are permitted in the C3 General Commercial District.
- 2) Private Schools are permitted in the P5 Community Institutional District.
- 3) Public Schools are permitted in the P3 Park and Public Use District.
- 4) Self-Improvement Schools are permitted in the C2 Community Commercial and C3 District.
- 5) Trade Schools are permitted in the M1 Manufacturing District, M2 General Industrial District, M3 Heavy Industrial District and M5 Light Industrial District.

For information, Section 506.1(2) of the Zoning Bylaw (P6 Regional Institutional District) also includes:

(2) The following major governmental and educational institutions:

- (a) Colleges
- (e) Technical Schools
- (f) Universities
- (g) Vocational Schools

The preamble to the P6 District states that this District provides for the location and regulation of large scale public institutional uses at a municipal, metropolitan or regional level. The minimum lot area requirement is 2 ha (4.9419 acres). The schools in this zoning district are differentiated from the other schools noted above by the combination of large scale orientation, public institutions and the 2 hectare minimum lot area requirement.

2.2 Private schools are currently permitted in the P5 Community Institutional District. Section 505.4(1) provides the minimum lot area for private schools as follows:

- (a) Private elementary schools shall have a minimum lot area of 0.8 ha (1.9768 acres) plus 0.32 ha (0.7907 acre) for each 100 pupils.
- (b) Private secondary schools shall have a minimum lot area of 1.6 ha (3.9535 acres) plus 0.32 ha (0.7907 acre) for each 100 pupils.

The Zoning Bylaw has been interpreted to indicate that as private elementary and secondary schools have separate base minimum lot areas, if a private school includes both elementary and secondary students, the base lot area requirements are to be added (i.e. 0.8 ha [1.9768 acres] + 1.6 ha [3.9535 acres] = 2.4 ha [5.9303 acres]).

Section 505.4(2) states that the minimum width requirements for private schools is 61m (200.13 ft.)

3.0 SCHOOL DEFINITIONS:

3.1 The above noted definitions of commercial and private schools are open to some interpretation as to their scope and recently schools have begun to overlap the definitions in terms of their orientation. It is now quite plausible that a commercial school will offer a number of adult-oriented career- or interest-based courses, as well as high-school academic upgrading to secondary school students and possibly first year college courses, thereby bridging the scope of at least 2 types of schools.

It is therefore considered useful to outline the intent of and differences between these types of schools and to reflect the current desire for some overlap.

- 3.2** Private schools are primarily meant to be places of learning which are operated at private expense to provide primarily academic courses for elementary and secondary students. Private schools are often quite similar to public schools in terms of function and the type of development and provide space for school grounds with playing fields. Private schools are usually located in a residential setting.

Commercial schools are, conversely, primarily privately funded places of learning which provide a variety of courses, including some academic courses to adults. The courses may be career oriented programs or short term courses taken for interest. Commercial schools are significantly different from public schools due to different support facilities/services needed for adults. Commercial schools generally do not need school grounds for the students' use, but are generally permitted near other commercial uses, such as retail stores, personal service establishments and banks, for the students' convenience. It is considered advisable, however, that commercial schools should provide some reasonable common areas for students to relax and mingle between classes. Commercial schools may be located in a commercial building along with several other commercial uses. Commercial schools are currently permitted only in the C3 General Commercial District. The C3 District provides for the support services intended to complement an adult oriented commercial school and will provide a location which is unlikely to negatively impact adjacent residences as the zoning is oriented to serve a broad consumer population.

- 3.3** Commercial schools may in some instances, however, also provide high school upgrading courses as a minor aspect of their services, thus overlapping with private schools and private school requirements. There have been requests to this effect, although this is not necessarily a common feature of commercial schools.

In light of the above discussion, it is considered reasonable that the definitions be modified as follows:

- a) The definition of private school should note that academic subjects are taught to elementary and secondary students.
- b) The definition of commercial school should indicate that it is primarily an adult educational institution, without the necessity of stating which types of courses are taught.

This Department has recently received enquiries regarding the possibility of commercial schools providing some secondary school courses to secondary school age students. The purpose of this combination is to provide courses to young adults which allow them to seek academic upgrading to permit enrollment in higher education institutions as well as career oriented courses such as computer sciences, together with E.S.L. courses. While this is considered supportable as a special orientation for some students in that age category, it is not intended that this additional orientation for commercial schools be significant or a replacement for public and private schools where certain standards for useable outdoor space and play fields are maintained. It therefore recommended that the number of secondary school age students be limited to a small, accessory amount.

It is recommended that the enrollment in commercial schools be permitted to include not more than 25% of the students being of secondary school age (i.e. 17 years old and under) taking secondary education courses, up to a maximum of 50 students in that category.

- 3.4 Trade Schools have also changed in recent years in connection with the 1990's nature of business and industry. In the past, trade schools were often associated with learning a trade which involved large or heavy machinery that created noise, fumes, unsightliness or other nuisances. With the evolution of computers and other small business machines, trades can often entail work which is manual and technical, but which is now similar to courses taught in commercial or private schools in that they do not result in negative conditions of use such as those mentioned above and in that they are taught in a standard classroom setting.

In this regard, it is considered beneficial to differentiate between trade schools which require an industrial type setting and those which operate within a standard commercial classroom and have no potential negative conditions of use. In considering the similar nature of some commercial school courses and trade school courses which occur in a classroom setting like computer upgrading/small electronic repair, it is recommended that the definition of Trade School be amended to specify that Trade School means a school which offers principally manual, mechanical or technical industrial training, involving the use of industrial equipment and materials that are customarily found in industrial settings. Through this amendment to the Trade School definition, manual, mechanical or technical training could be offered in commercial schools when the training is offered in a standard commercial classroom setting with no potential negative environmental effects.

For information, as the current Trade School definition states that **principally** a manual, mechanical or technical trade is taught in a Trade School, it is considered that related academic subjects can be taught as part of a Trade School (e.g. mathematics for a surveying or engineering course).

4.0 ZONING FOR COMMERCIAL SCHOOLS

4.1 As was discussed in Section 3.2, the C3 District provides an array of complementary commercial services and activities for adult oriented commercial schools, while providing locations which are less likely to negatively impact adjacent residential development, as the orientation is intended for a broad consumer population.

In this regard, the C2 District is also considered to be appropriate as it provides a wide range of permitted uses and a higher potential development density, therefore, a broad commercial orientation. As long as the parking is adequately addressed for this type of use, commercial schools should be an appropriate principal use in the C2 District. It is therefore recommended that commercial schools be permitted in the C2 Community Commercial District.

5.0 LOT AREA REQUIREMENTS FOR PRIVATE SCHOOLS:

5.1 As was noted above, the application of the elementary and secondary private school lot area requirements was recently brought into question. Staff have therefore examined lot area requirements and would recommend the following changes.

- a) As it is currently written, private elementary and secondary schools must provide minimum lot areas of 0.8 hectares and 1.6 hectares respectively, as a base area requirement. In order to permit 100 students, a further 0.32 hectares is required. In contrast, the minimum lot area requirements for children's institutions, kindergartens and rest homes and private hospitals in Section 505.4(1)(a),(b) and (e) all permit a base number of people in relation to the base lot area requirement. This approach appears more logical, as there would be at least a base number of students occupying the physical facilities built in the minimum lot areas of 0.8 or 1.6 hectares.

It is recommended that the 0.32 hectares required for each 100 students shall apply after the first 200 students. This amounts effectively to a reduction in the area requirements of the bylaw, but is felt to be realistic and appropriate in light of the base area increment.

- b) The Zoning Bylaw currently has different base minimum lot area requirements for elementary and secondary private schools, therefore if a private school wishes to have elementary and secondary students, both base areas are applied, regardless of the number of students.

This Department considers the provision of adequate useable outdoor areas as one of the primary bases for requiring land area per students.

The cumulative totalling of the base lot area requirements for combined elementary and secondary schools does not, however, recognize that there are several aspects of a private school development which would be common to both the elementary and secondary schools. These would include part of the building, parking areas, landscaped areas and some of the outdoor useable space. Therefore, it is suggested that when a private school is both elementary and secondary, that only that portion of the elementary base lot area requirement (0.8 hectares) which provides for separate space needs above and beyond the secondary school needs be added on to the secondary school base lot area requirement.

Based on the maximum site coverage of 30% for private schools permitted in the Bylaw and our estimation that the additional land areas (i.e. landscaping, parking) may take up a further 30% of the site, it is recommended that the total additional land area required for a dual lot area requirement be based on 40% of the smaller base area requirement for elementary schools. It is therefore recommended that where a private school has both elementary and secondary students that the total base lot area requirement be 1.92 hectares. This is based on 40% of the private elementary and 100% of the private secondary base lot area requirements.

Staff have assessed the proposed amendments to the lot area requirements for a sample of existing private schools and observe that the number of students permitted would not change from that currently permitted by the Zoning Bylaw for most of the private schools assessed.

6.0 CONCLUSION:

- 6.1 In light of ongoing changes in the functions of commercial, private and trade schools, which includes schools which provide overlapping types of programs and trade schools which are presented in a standard classroom setting without any negative environmental effects, it is recommended that the definitions of Commercial, Private and Trade Schools be amended generally as follows, with specific wording to be developed by the City Solicitor:

- a) Private schools means a school, other than a public school, where academic subjects are taught to elementary and secondary students.
- b) Commercial school means an adult educational institution, with the proviso that not more than 25% of the students may be secondary school-age students enrolled in secondary education courses, up to a maximum of 50 such students.
- c) Trade school means a school which offers manual, mechanical or technical industrial training, involving the use of industrial equipment and materials, in an industrial setting.

In consideration of the appropriate commercial orientation and density of the C2 District relative to providing complementary services, it is recommended that commercial schools be permitted in the C2 Community Commercial District.

Upon reviewing the lot area requirements for private elementary and secondary schools, it is recommended that the 0.32 hectares required for each 100 students should apply after the first 200 students and that where a private school has both elementary and secondary students, the total base lot area requirement be 1.92 hectares.



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BW: gk

cc: City Solicitor
Chief Licence Inspector