

TO: CITY MANAGER **1997 AUGUST 20**

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: PROPOSED TEXT AMENDMENTS FOR (A) ANIMAL TRAINING AND ANIMAL DAYCARE FACILITIES AND (B) BUILDING HEIGHT IN M2 AND M3 INDUSTRIAL DISTRICTS

PURPOSE: To Recommend to Council Bylaw Text Amendments for animal training and animal daycare facilities and height restrictions in M2 and M3 Industrial Districts

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to:
 - a) Prepare a bylaw to define animal training and daycare facilities and to permit such facilities in C4 Service Commercial Districts, M2 General Industrial Districts and M3 Heavy Industrial Districts; and
 - b) Make the appropriate amendments to the Burnaby Kennel Bylaw in order to accommodate animal training and daycare facilities in C4, M2 and M3 zones.
2. **THAT** Council authorize the City Solicitor to prepare a bylaw to restrict height of buildings in M2 and M3 Industrial Zoned Districts to four (4) storeys.
3. **THAT** a copy of this report be forwarded to Mr. Gary Gibson of Custom Canine, 243-4609 Kingsway, Burnaby, B. C., V5H 4L3 for information purposes.

R E P O R T

1.0 ANIMAL TRAINING AND DAYCARE FACILITIES:

1.1 BACKGROUND

On 1997 May 12 Mr. Gary Gibson of Custom Canine addressed City Council requesting an amendment to the Burnaby Zoning Bylaw to permit dog training facilities in zones other than agricultural districts. Currently, in the Burnaby Zoning Bylaw, dog training facilities fall into the definition of a kennel which is a permitted use only in A1 Agricultural and A2 Small Holdings Districts.

Mr. Gibson indicated that the restriction of animal training facilities to A1 and A2 Districts does not provide locations within Burnaby which would be convenient to his customers. Council directed staff to investigate a text amendment to the Zoning Bylaw to allow dog training facilities in zoning districts other than agricultural, and to research the details of the City of Vancouver's Bylaw as it pertains to dog training facilities.

1.2 CURRENT CONDITIONS

A kennel is defined in the Burnaby Zoning Bylaw as "any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or 5 or more cats are or are intended to be trained, cared for, bred, boarded or kept for any purpose whatsoever, and shall include any building or part thereof in which 2 or more dogs are kept for breeding purposes."

As stated above, kennels are a permitted use only in A1 and A2 zones. In Burnaby, A1 and A2 zoned properties are largely in the Big Bend area which is not considered a central, accessible area for potential customers of animal training facilities. From this viewpoint, a wider range of potential locational opportunities could be considered desirable. In addition, although animal training facilities are currently defined as a kennel in the Zoning Bylaw, they may not function in the same manner because it is not necessary for such facilities to keep animals overnight.

From discussion with Mr. Gibson and the License Office, it appears that there is also a demand in Burnaby for animal daycare, or 'doggy daycare' facilities. Under the existing Zoning Bylaw the only way to accommodate such facilities is also in a kennel setting, which, again, is permitted only in the relatively inconvenient A1 and A2 Agricultural Districts.

1.3 CITY OF VANCOUVER ANIMAL TRAINING BYLAW

In response to Council's request, the following are the details of the City of Vancouver's Bylaw pertaining to animal training facilities. In the City of Vancouver's Zoning Bylaw, animal training is included in the definition of Animal Clinic which means "the use of premises for the care of birds, fish, or animals except horses, including veterinary treatment, grooming, training, breeding or boarding." Animal clinics are permitted in commercial zones, industrial zones and some multiple dwelling zones. Commercial districts permitting animal clinics in Vancouver range from large neighbourhood shopping districts adjacent to residential uses to areas serving larger neighbourhoods, districts or communities. Industrial districts permitting animal clinics include both light and heavy industrial zoned districts. Multiple family districts permitting animal clinics are limited to areas within the 'West End' high density residential community of Downtown Vancouver and are on a conditional approval basis. These multiple family areas are intended to have a compatible mixture of residential, commercial, service, recreational, office and institutional uses.

The zoning department at the City of Vancouver and the Vancouver Dog Pound reported no major problems with dog training or doggy daycare facilities in any of these zones, aside from occasional noise complaints which have been easily resolved.

1.4 ADDITION OF DEFINITION OF ANIMAL TRAINING AND ANIMAL DAYCARE FACILITIES

In order to allow animal training and daycare facilities in both Commercial (C4) and Industrial (M2 and M3) zoned districts, as proposed in section 1.5 of this report, a separate definition for such facilities should be included in the Zoning Bylaw. A definition for animal training and daycare facilities should include a provision that all business be conducted within a completely enclosed building in order to ensure that they do not conflict with surrounding uses, especially in areas adjacent to residential areas. A provision should also be made that animal training and daycare facilities are not permitted to keep animals overnight. Without such a provision animal training facilities could possibly be used as kennels which would change the nature and operation of such a facility and greatly increase the potential for conflict with adjacent uses in the surrounding neighbourhood.

1.5 ANIMAL TRAINING AND ANIMAL DAYCARE FACILITIES AS A PERMITTED USE IN C4, M2 AND M3 ZONED DISTRICTS

It is proposed that animal training and animal daycare facilities be permitted uses in C4, M2 and M3 zoned districts. The C4 Zoning District is intended to accommodate vehicular oriented commercial uses of low intensity and for commercial uses requiring large areas for storage and handling of materials, goods and equipment. Animal training and daycare facilities would be appropriate uses in C4 zoned districts, as it is intended for vehicular oriented commercial uses of low intensity, where continuous street oriented storefront presence is not expected.

The M2 Zoning District is intended to provide for the accommodation of general industrial activities under conditions designed to minimize conflicts with surrounding uses and the M3 Zoning District is intended to provide for the accommodation of special types of industry and heavy industrial activities. M2 and M3 zoned districts would be appropriate for animal training and daycare facilities, as these zones are suitable for such low-intensity, internalized uses.

Allowing animal training and animal daycare facilities in C4, M2 and M3 zones would create some inconsistencies in relation to the Burnaby Kennel Bylaw. Under the Kennel Bylaw, animal training and animal daycare facilities are considered to be kennels. Certain provisions in the Kennel Bylaw require kennels to be located at minimum distances from other buildings and require fencing which would not be practical for animal training or animal daycare facilities in C4, M2 or M3 zones. As a result, the Burnaby Kennel Bylaw should be amended in order to accommodate the incorporation of animal training and animal daycare facilities in C4, M2 and M3 zones.

The Licensing Office reported no objections to allowing animal training or animal daycare facilities in C4, M2 or M3 zoned districts. The License Department also reported that there has been no complaints regarding the existing 5 animal hospitals in commercial zones in the past 6 years. This appears to indicate that operating a animal training facility in a completely enclosed building should generate little impact on surrounding properties in these zones.

Environmental Health Services reported no objections to allowing animal training facilities in C4, M2 or M3 zones, but did have some concerns about animal daycare facilities in C4 zones when adjacent to residential areas, as these would not have as high of a ratio of handlers to animals as training facilities would, and, therefore, would not be as controlled an environment. Despite this concern, Environmental Health Services did not object to animal daycare facilities being permitted in C4 zones.

2.0 RESTRICTION OF HEIGHT IN M2 AND M3 INDUSTRIAL ZONES:

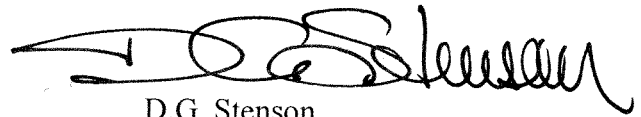
As a separate matter, it is noted that within the guidelines of the Burnaby Zoning Bylaw, there are certain Industrial (M) Districts that do not have a building height limit. Recently there have been initiatives for multi-storey buildings in M2 and M3 Industrially Zoned Districts, which may result in taller buildings than originally was intended for these areas. When these zones were originally formulated, the issue of multi-storey development was not relevant and, therefore, was not a concern at the time. Although some industrial buildings can be very large, with high ceilings and large open spaces to accommodate warehousing and/or manufacturing, the overall density of traditional industrial areas is still quite low.

Due to changes in industrial land use and demand, Burnaby is now experiencing pressure to develop its industrial land as multi-storey office uses in M2 and M3 Zoned Districts where there is not a building height restriction. Although these proposals are classifying their office use as those permitted by the Zoning Bylaw in these zones (e.g. engineering firms), the development of industrial land into multi-storey office buildings would result in increased pressure on such lands and erosion of Burnaby's industrial land base.

Amending the Burnaby Zoning Bylaw to limit building height in M2 and M3 zones would enable the Zoning Bylaw to deal with current issues facing industrial land and enable the City to ensure preservation of industrial land for its intended use. By limiting building height to four (4) storeys in M2 and M3 zones, inappropriate non-industrial land uses such as multi-storey office buildings will be prevented and uses for which these zones are intended can still be accommodated. Limiting the height in M2 and M3 zones by using a storey limit and not an actual height measurement is considered appropriate in order to accommodate large buildings and structures, such as tanks, which are sometimes necessary for industrial activities such as manufacturing, processing or storage of materials. Sites in M2 and M3 zoned districts where buildings greater than four (4) storeys are considered appropriate could still be re-evaluated to allow greater height by being considered for rezoning to a Comprehensive Development district.

3.0 CONCLUSIONS:

- 3.1 Currently there is a lack of locational opportunities for animal training and animal daycare facilities in Burnaby. Allowing such facilities to locate in areas other than agricultural zones will provide both suppliers of animal training and daycare services and their clients greater accessibility and convenience in obtaining these services. It is therefore recommended that the Zoning Bylaw be amended to include a definition of animal training and animal daycare with the provisions that they are within a completely enclosed building, animals are not permitted to stay on the premises overnight and that animal training and daycare facilities be permitted uses in C4, M2 and M3 zones.
- 3.2 In order to prevent any conflict with the Burnaby Kennel Bylaw, applicable sections of the Kennel Bylaw should be amended in order to allow animal training and animal daycare facilities in C4, M2 and M3 zones.
- 3.3 In light of current applications and inquiries for multi-storey development in M2 and M3 Industrial zones, it is recommended that the Zoning Bylaw be amended to place a height restriction of four (4) storeys on buildings in these zones. This will ensure provision of a stable industrial land base in Burnaby and prevent unintended uses from being permitted in these zones.



D.G. Stenson,
Director Planning and Building

PSF/ds

cc: Chief License Inspector
Chief Environmental Health Officer
City Solicitor

