

**TO: CITY MANAGER**

2000 December 06

**FROM: DIRECTOR PLANNING AND BUILDING**

**SUBJECT: ZONING BYLAW TEXT AMENDMENT**

**PURPOSE:** To propose a number of text amendments to the Burnaby Zoning Bylaw.

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**RECOMMENDATION:**

1. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0.

**R E P O R T**

**1.0 BACKGROUND:**

As part of the on-going review of the Burnaby Zoning Bylaw, text amendments are brought forward from time to time to ensure that the Bylaw is kept current or to provide clarifications and improvements where warranted. This report proposes a number of such text amendments.

**2.0 DISCUSSION:**

**2.1 Health Service Centres in the C2 Community Commercial District:**

Health service centres such as fitness centres are currently permitted in the C3 General Commercial, C4 Service Commercial, and C8 Hastings Village Commercial Districts. It is proposed that the Burnaby Zoning Bylaw be amended to also permit health service centres in the C2 Community Commercial District. This amendment is recommended for a number of reasons.

Firstly, this Department has recently received a rezoning application to permit increased health service centre use at 4501 North Road. Rather than increase the portion of the property with zoning based on the C3 District, this Department has received an application to rezone the existing C3 District area to the C2 District. The C2 District, as a relatively local commercial zoning district (although of a higher commercial level than the even more

local C1 District), is considered a more appropriate designation than the more core commercial C3 District designation for this project location.

In addition to the above reason related to Rezoning Reference #00-32, this amendment is considered appropriate given that health service centres are similar to certain uses currently permitted in the C2 District — for example, recreational centres such as bowling alleys and commercial operations such as self-improvement schools. Furthermore, health service centres are appropriate for the C2 District given that they tend to be used on a relatively frequent basis and are a positive local community amenity.

The inclusion of health service centres in a more “local” commercial district is also not unusual, with other Lower Mainland municipalities such as Vancouver, New Westminster, and Port Moody permitting health service centres in C2-type zoning districts as well as in core commercial and service commercial zoning districts. Increased locational opportunity for health service centres is considered appropriate in Burnaby as well.

Finally, it is recommended that the term “health service centre” be amended to the more current “fitness and health facility” where it appears in the Zoning Bylaw.

## 2.2 Deletion of Reducing Salons as a Permitted Use:

In conjunction with the above proposed amendments regarding health service centres (fitness and health facilities), it is also recommended that reference to reducing salons as a permitted use in the C3, C4, and C8 Districts be deleted. Such reference is unnecessary given that reducing salons could be included as a personal service establishment use, which are permitted in the C1, C2, C3, C4, C8, and C9 Districts. Reference to reducing salons in Section 800.4 (14) of the Zoning Bylaw would also be deleted.

## 2.3 Front Yard Setbacks in Industrial Districts adjacent to Agricultural Districts:

The M1 Manufacturing, M2 General Industrial, and M3 Heavy Industrial Districts currently require a front yard of “not less than 6.0 m (19.69 ft.) in depth, except that where a lot is separated from a lot in an A, R, or RM District by a street, such front yard shall be not less than 9.0 m (29.53 ft.) in depth.” For the reasons discussed below, it is recommended that this requirement be amended in Section 401.6, 402.5, and 403.4 to delete reference to the A District.

This Department recently received a development proposal which, because of the increased setback requirement described above, cannot be approved. It was determined that the increased setback for the adjacent A District would cause little benefit in this particular instance, or other similar instances of industrial district properties being separated by a

street from agricultural district properties which were examined. The proposed text amendment would have little impact on agricultural district properties but would increase the flexibility of industrial district properties providing required setbacks. The increased setback requirement with respect to R and RM District properties would be unchanged.

2.4 Zoning Districts Permitted as Guidelines for 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 a wide range of zoning districts. As the flexibility and site specific nature of Comprehensive Development zoning has become more appropriate and useful for a variety of situations, more zoning districts have been added over the years to Section 700.1 of the Zoning Bylaw, which lists the zoning districts upon which CD District zoning may be based.

On 1995 August 14, Council adopted a recommendation authorizing the preparation of a bylaw amending the Zoning Bylaw which included adding the uses permitted under a number of zoning districts to those permitted through CD District zoning. These additional zoning districts were added to those already listed in Section 700.1. On 2000 July 24, Council received a report recommending the inclusion of additional zoning districts upon which CD District zoning may be based. The amending bylaw for these inclusions was adopted by Council on 2000 November 06. The 2000 July 24 report, however, did not include the C9 Royal Oak Commercial District, which was intended to be a possible basis of CD District zoning as per the adopted Royal Oak Community Plan. It is therefore proposed that the C9 District now be included in Section 700.1 (2) as a zone upon which CD District zoning may be based.

While this amendment will affect the eligibility of the C9 District to be included in a CD bylaw, it is emphasized that the suitability and appropriateness of using the respective categories in a particular instance is evaluated by Council on a case by case basis.

2.5 Designation of Districts:

Section 5.1 of the Zoning Bylaw notes how the City of Burnaby is divided into certain zoning districts. A number of zoning districts have inadvertently not been included in this section. These are the C3d, M1L, M1K, M2L, M2K, M3L, M3K, M4L, M4K, and M5L Districts. It is therefore recommended that these ten zoning districts be added to Section 5.1 under the appropriate category.

2.6 Clarification of Conditions for Neighbourhood Public Houses in the C1 District:

Section 301.1 (10) (d) reads:

*“Any part of a lot used for building, parking, or loading facilities shall be fully and suitably landscaped and properly maintained.”*

The word “not” was inadvertently omitted from the above phrase and it is recommended that it be inserted between the words “lot” and “used”.

2.7 Deletion of Architectural, Data Processing, Drafting, Engineering, and Surveying Office Uses from the M1, M2, and M3 Districts:

Offices for architectural, data processing, drafting, engineering, and surveying offices are currently permitted as principal uses in the M1, M2, and M3 Districts. These office uses are no longer considered appropriate in the M1, M2, and M3 Districts and it is therefore recommended that Section 401.1 (1) (o) of the Zoning Bylaw be deleted.

This amendment would not affect the ability of industrial properties with existing architectural, data processing, drafting, engineering, and surveying office uses to maintain such uses in the future. The uses would be considered legal non-conforming and would be governed by Section 911 of the Local Government Act. However, general industrial properties currently not developed for architectural, data processing, drafting, engineering, and surveying office uses would be restricted from establishing these under pre-existing zoning for M1, M2, and M3 Districts. In the case of designated business centre areas, the subject office uses would be permitted and accommodated through a comprehensive development plan and the applicable zoning district.

This amendment would serve to protect industrial lands from uses which are more appropriate in districts that permit general business and professional offices and would focus and support high amenity office development in designated business centre areas as per the adopted Official Community Plan. It would also facilitate the recently adopted Lake City Business Centre Guide Plan by precluding the subject office uses from being established under the prevailing M3 District. New office development would proceed through a Comprehensive Development (CD) rezoning to achieve the overall objectives of the guide plan for transition of this area to a high amenity Business Centre environment. New CD development would be primarily based on the proposed B1 and B2 Business Centre Districts, as well as other appropriate districts.

The proposed amendment would also help prevent current difficulties which arise when permitted office uses wish to locate in buildings intended for more traditional industrial activities. Finally, it would help address current interpretation difficulties related to office uses that have been included under a "data processing" definition, a use included in the Zoning Bylaw in 1966 but which has now been replaced by high technology, business, and professional office uses.

2.8 Updating Reference to the Municipal Act:

As part of the Local Government Statutes Amendment Act, which received Royal Assent on 2000 June 12, the Municipal Act is now named the Local Government Act. It is therefore recommended that the Zoning Bylaw be amended to reflect this name change and that reference to particular sections of the Act be updated as necessary.

3.0 CONCLUSION:

The proposed text amendments of the Zoning Bylaw outlined in this report are intended to update and clarify portions of the Zoning Bylaw. 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

LS/ds  
cc: City Solicitor

