

TO: CITY MANAGER 2001 MAY 28

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: ZONING BYLAW TEXT AMENDMENT

PURPOSE: To propose certain minor text amendments to clarify and improve the wording of the zoning bylaw.

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 INFORMATION:

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the bylaw, text amendments are brought forward from time to time. These reports are submitted in order to provide clarifications and improvements to the wording of the bylaw and to respond to changes in related legislation and changes in forms of development, land uses and societal trends. This report proposes a number of such minor text amendments.

2.0 GENERAL DISCUSSION:

2.1 Single Family Dwelling Development in Agricultural Zones

The Burnaby Zoning Bylaw includes the following 3 agricultural (A-District) zones: A1 - Agricultural District, A2 - Small Holdings District, and A3 - Truck Gardening District. Single Family Dwellings are permitted as principal uses in the A1 and A2 Districts, and are permitted, subject to conditions, as an accessory building and use in the A3 District.

The density of permitted residential development in the A1, A2 and A3 Districts is currently only governed by an overall height limitation and minimum front, rear and side yard setbacks. As such, the maximum permitted gross floor area for a residential dwelling in these districts is only limited by the size of the lot, as the districts do not specify a maximum gross floor area for residential development.

Given the larger lots in the A-Districts and the lack of a maximum development density regulation in these districts, there is the potential for single family residential development that is considerably out of scale with the size of single family residential dwellings permitted in other residential districts. As such, the following text amendment is proposed to bring the

potential for single family residential development in the A-Districts in line with the intended use of properties in these areas for residential and agricultural purposes.

To ensure that residential development in the A1, A2, and A3 Districts is consistent with the range of residential development options available in Burnaby's single family districts, it is recommended that residential development in these districts be limited to the lesser of 0.60 floor area ratio or 590 m² (6,350.9 sq.ft.), with the exclusion of 42 m² (452.1 sq.ft.) for a garage or carport, similar to that provided for in the R residential district regulations.

This density of residential development is consistent with the R1 District which provides for the largest single family residential dwellings in Burnaby at 6,350 square feet. This proposed density control for the A1, A2 and A3 Districts would only apply to residential development and not other agricultural developments permitted by the districts such as greenhouses. This amendment would, however, serve to protect the rural residential and agricultural character and use intended for the A-Districts, while still permitting the development of a suitably large single family residential dwelling.

2.2 Rifle Ranges in the A1 Agricultural District

The Zoning Bylaw currently includes the following as a permitted use in the A1 Agricultural District:

- (10) Rifle ranges, administered and operated by a regularly organized association, club or group. Outdoor rifle ranges shall be located 61m (200.13 ft.) or more from the zoning boundary of an R or RM District or from any neighbouring residential, commercial, industrial or institutional building. (B/L No. 6311-68-03-25)

It is proposed that this use be deleted. Indoor rifle ranges which are permitted in the M2 and M3 industrial districts are considered more appropriate in the Burnaby context.

2.3 Gross Floor Area and Underground Facilities

Currently, Section 6.20 (5) (c) of the Burnaby Zoning Bylaw reads:

- (5) For the purpose of computing floor area ratio in the RM, C and P Districts, the following shall not be included as floor area:
 - (c) any portion of a basement or cellar containing heating, laundry, recreational or storage facilities, but excluding areas used for habitable accommodation, and necessary access to habitable accommodation;

There are three changes proposed for this section of the bylaw. The first involves an additional exclusion from the gross floor area calculation, similar to those already noted in Section 6.20 (5) (c). The areas already excluded from the gross floor area calculations are all of an accessory and generally communal nature and include utility and recreational types of areas. In October 1997 Council adopted the recommendation of the Bicycle Advisory Committee that bicycle parking and end-of-trip facilities be incorporated in connection with certain new developments, dependent upon the size of the development. End of trip facilities include showers, lockers and change rooms. In consideration of the similar nature of the end-of-trip facilities to the other communal facilities listed for exclusion in the gross floor area calculation and in order to encourage the provision of these facilities, it is recommended that end-of-trip facilities be included in Section 6.20 (5) (c) of the Zoning Bylaw.

The second recommended change involves the addition of a number of zoning districts to the list of zoning districts noted in Section 6.20 (5) within which the exclusions to gross floor area are applicable. Currently, the zoning districts exclusions are applicable to the RM, C and P Districts. Since the creation of this section of the zoning bylaw, a number of zoning districts have been added to the bylaw, several of which contain similar facilities such as underground parking, recreational facilities and child care facilities. In order to be equitable in terms of the treatment of these types of facilities within different zoning districts and in order recognize the creation of additional zoning districts within the Zoning Bylaw, it is recommended that all M (industrial) and B (business) Districts be included in Section 6.20 (5). While it is likely that the prime utilization of the exclusions to the gross floor area calculations will occur in connection with parking areas in the M5, M8, B1 and B2 zones - which all permit business offices as a principal use - it is considered equitable and reasonable to extend these exclusions to all the industrial (M) and business (B) zones.

The third recommended change is to clarify that the exclusions in Section 6.20(5)(c) are intended to apply only to accessory uses (not principal uses), by adding the word "accessory" so that the phrase reads "accessory heating, laundry, recreational or storage facilities".

2.4 Conditions of Use in the M4 District

The M4 Special Industrial District has 5 conditions of use requirements. Section 404.2 (1) states:

- (1) All permitted industrial uses shall be housed completely within an enclosed building, except for permitted outdoor storage, and parking and loading facilities.

The M1, M2, M5, M8, B1 and B2 industrial zoning districts also all have conditions of use which require all uses to be housed within an enclosed building. The difference is that the conditions of use for these zoning districts simply refer to all permitted uses, without

specifying only industrial uses. The only industrial zoning district which does not require the permitted uses to be housed within an enclosed building is the M3 Heavy Industrial District, which is appropriate for the types of uses and locations for M3 zoned lots. The M4 District permits a number of principal commercial uses, which should also be required to be housed completely within an enclosed building similar to the other industrial zoning districts as well as most of the commercial zoning districts. It is therefore recommended that Section 404.2 (1) be amended to read:

All permitted commercial and industrial uses shall be housed completely within an enclosed building, except for permitted outdoor storage, and parking and loading facilities.

2.5 Fitness and Health Facilities

On 2001 February 12, Council adopted a bylaw amending the text of the Zoning Bylaw dealing with a number of matters. One of these involved changing the term “health service centre” to the more current “fitness and health facility” where it appears in the Zoning Bylaw. While the term was changed to “fitness and health facility” in the pertinent zoning districts at that time, “fitness and health facility” should also be included in Section 800.4 (14), which provides the pertinent parking requirements for this use.

2.6 Office Use in the M4 District

Another change to the Zoning Bylaw which was given Final Adoption by Council on 2001 February 12 involved the deletion of architectural, data processing, drafting, engineering and surveying office uses from the M1, M2 and M3 zoning districts. This was done to protect industrial lands from uses which are more appropriate in districts that permit general business and professional offices and to support high amenity office development in designated business centre areas. Architectural, data processing, drafting, engineering, and surveying offices are also currently permitted in the M4 Special Industrial District. This type of office use should also be deleted from the M4 zone to support the above objectives, but was inadvertently not included in the previous bylaw amendment. It is therefore recommended that architectural, data processing, drafting, engineering and surveying offices (Section 404.1 (1) (l)) be deleted from the M4 district.

2.7 Industrial Oriented Restaurants in M5 District Areas

In 1979 Council amended the Burnaby Zoning Bylaw to create the M“r” industrial zoning districts. The M1“r”, M2“r” and M3“r” sub-category zoning districts were created in order to facilitate Council consideration of rezoning applications for restaurants located within industrial areas which are oriented to the surrounding industrial area and its employees, but not general commercial business. Since that time there have been a number of sites rezoned

to the M”r” category and the resulting restaurants have generally served the surrounding industrial areas, without becoming major commercial destinations.

At the time that the M”r” zoning districts were created there was very little land in Burnaby zoned M5 Light Industrial District and it was felt that it would be inappropriate to locate these restaurants in the M5 District due to its intended close proximity to residential land uses. However, as Burnaby has developed a higher focus on light industrial and office business parks, which create greater employment than traditional industrial sectors, it has become clear that services such as industrial oriented restaurants in these areas are a valuable asset to these areas. It is also noted that M5 light industrial areas, such as Willingdon Green and Slough Estates are large enough to not be in close proximity to residential areas, but to be relatively self contained economic centers requiring there own support facilities.

It is therefore recommended that the M5r designation be included in the M5 District similar to the M”r” designations in the M1, M2 and M3 districts. A staff report, public input through the Public Hearing process and Council approval will still be required for every site specific rezoning application.

2.8 R5 Single Family Dwelling - Small

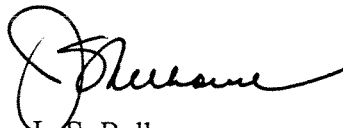
Small single family dwelling lots are permitted in the R5 Residential District and the R12 Residential District and are intended to be able to be created based on the same minimum lot width. The minimum lot width for the R5 District, however, is 9.14m, while the R12 District minimum lot width is 9.15m. As these minimum lot widths are intended to be the same, it is recommended that the minimum lot width for the R5 Single Family Dwelling - Small category be changed to 9.15m.



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cc: City Solicitor

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