

CITY OF BURNABY

HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: ZONING BYLAW TEXT AMENDMENTS - 2005

RECOMMENDATION:

1. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 of this report and that the bylaw be forwarded to a Public Hearing on 2005 March 22.

REPORT

The Housing Committee, at its Open meeting held on 2005 January 25, received and adopted the attached report proposing a number of text amendments to the Zoning Bylaw.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

Councillor C. Jordan
Member

COPY: CITY MANAGER CHIEF LICENCE INSPECTOR CHIEF BUILDING INSPECTOR CITY CLERK CITY SOLICITOR DIRECTOR PLANNING AND BUILDING

TO: CHAIR AND MEMBERS
HOUSING COMMITTEE

2005 January 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: ZONING BYLAW TEXT AMENDMENTS - 2005

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

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 of this report and that the bylaw be forwarded to a Public Hearing on 2005 March 22.

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 and the general need to update the bylaw, text amendments are brought forward from time to time. These text amendment 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 social trends.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 *Clarification of Floor Area Ratios in RM Multiple Family Residential Districts*

Issue

Clarification is required relative to the Floor Area Ratios utilized in the Zoning Bylaw, particularly with regard to multiple family residential districts. In order to provide clarification and avoid any ambiguity with the development community regarding interpretation over the permitted Floor Area Ratio (FAR) in the pertinent zoning districts, it would be useful to amend the Bylaw to utilize a consistent numerical presentation for the maximum permitted FAR.

Discussion

Currently, the Zoning Bylaw does not have a consistent numerical presentation in terms of the FAR's in the different zoning districts. For example, the maximum permitted FAR is 1.10 with full underground parking in the RM3 Multiple Family Residential District, while the maximum permitted FAR is 1.2 with full underground parking in the RM4 Multiple Family Residential District, as opposed to a FAR of 1.20. There is no intended difference in the application of the maximum FAR, depending on whether the figure is taken to one or two digits to the right of the decimal point. It is noted that differing interpretation of the permitted FAR in multiple family residential zoning districts through "rounding up" could have a significant effect on large developments. In order to make the numerical presentation of the maximum permitted FAR's in zoning districts consistent and remove any ambiguity in interpretation, it is recommended that FAR's in the Zoning Bylaw be shown to include 2 digits to the right of the decimal point.

Recommended Bylaw Amendment

That the Floor Area Ratio's in the following zoning districts be clarified as follows:

<u>Bylaw Section</u>	<u>Current FAR</u>	<u>Clarified FAR</u>
201.5 (2)	0.1	0.10
202.5 (2)	0.1	0.10
204.7 (1)	1.2	1.20
204.7 (2)	0.3	0.30
204.7 (2)	2.0	2.00
205.7 (2)	0.4	0.40
205.7 (2) (a)	2.8	2.80
205.7 (2) (b)	2.6	2.60
206.6	0.7	0.70
207.5	0.9	0.90
302.5	1.0	1.00
302.5	1.3	1.30
308.6	2.0	2.00
308.6	3.0	3.00
309.6	1.2	1.20
309.6	1.0	1.00
309.6	2.2	2.20
408.10	1.0	1.00
408.10	1.2	1.20
451.6	1.0	1.00
452.6	1.5	1.50
511.8 (a)	0.9	0.90
511.8 (b)	1.7	1.70

2.2 *Requirement for Survey for Neighbourhood Public House Development*

Issue

The Burnaby Zoning Bylaw contains a requirement for the submission of the results of a survey of residents surrounding any proposal for a neighbourhood public house development. This requirement is out of date and redundant in relation to both Provincial and Burnaby requirements and should be deleted.

Discussion

Section 7.3 (2) of the Zoning Bylaw list items which are to accompany every application for Preliminary Plan Approval. Section 7.3 (2) (g) states:

- (g) In the case of a neighbourhood public house development, the submission of the results of a survey expressing the views of the residents within a six-block radius of the proposed site.

In December 2002, the Provincial government reduced the number of liquor licence classifications from nineteen to two, with one sub-category. Class "D" Neighbourhood Public Houses was one of the licenced categories which was eliminated. Arising out of the change by the Provincial government, on 2003 May 12 Council gave Final Adoption to a text amendment to the Zoning Bylaw which eliminated a number of terms which described different liquor facilities and replaced them with the term "liquor licence establishments," which covers all establishments which have a liquor primary or a liquor primary club licence. The public input process for the consideration of liquor licence establishments is the Public Hearing associated with the required rezoning process.

As neighbourhood public houses are no longer included as a liquor licensing classification in the Burnaby Zoning Bylaw or the pertinent Provincial regulations, the above requirement for a survey of residents is redundant and should be deleted.

Recommended Bylaw Amendment

That Section 7.3 (2) (g) be deleted

2.3 *Deletion of Fraternity or Sorority Houses*

Issue

The Burnaby Zoning Bylaw currently includes Fraternity or Sorority Houses in the RM1, RM2 and RM3 Multiple Family Residential zoning districts. This is an out dated and redundant use in the bylaw and is recommended to be deleted.

Discussion

Fraternity and Sorority House is defined in the Zoning Bylaw as follows:

'FRATERNITY OR SORORITY HOUSE' means a building rented, occupied or owned by a general or local chapter of some regularly organized university fraternity or sorority, or on its behalf by a building corporation or association composed of members or alumni thereof, and occupied by members of the local chapter of such fraternity or sorority as a place of residence.

As noted, Fraternity and Sorority Houses are permitted in the RM1, RM2 and RM3 Multiple Family Residential Districts of the Zoning Bylaw. Fraternity and Sorority Houses were included in the original 1965 Burnaby Zoning Bylaw, likely in order to provide an opportunity for a university sorority for Simon Fraser University to provide residential accommodation for members of an organized sorority. While it can not be definitively determined, from staffs' recollection, it does not appear that Burnaby has ever had a fraternity or sorority house in a multiple family residential district.

It is questionable as to whether it would be appropriate to encourage such a use in a multiple family residential area in Burnaby due to the more passive, quieter function of multiple family residential developments.

The question of whether fraternity or sorority houses are permitted by the City of Burnaby could be considered somewhat of a redundant question in any event, as Simon Fraser University, the only university in Burnaby does not permit fraternities or sororities. In both a decision by the SFU senate and supported by a campus referendum, in 1966, it was decided that sororities and fraternities were not permitted at SFU. This policy has been upheld since that time.

Recommended Bylaw Amendment

That Fraternity and Sorority House be deleted from the definition section of the bylaw, including its reference in the definition of Residential Use Building, as well as from the RM1, RM2 and RM3 multiple family residential districts as a permitted principal use.

2.4 *Services At Gasoline Service Stations*

Issue

The issue has arisen regarding certain services that should be provided as part of the operation of gasoline service stations. It has been brought to the attention of staff that certain basic services, such as air and water, are not always available or in good working condition.

Discussion

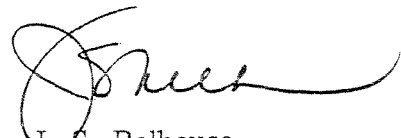
In consideration of the erosion of services offered with respect to vehicle serving by gasoline service stations over the last 20 years and the need to maintain at least the very minimal level of basic services related to automobile operation, it has been suggested that the provision of water and air for customers should be required. This should not be an unusual requirement for gasoline service stations as many stations have provided this service to customers in the past. In order to ensure that free water and air is incorporated into new gasoline service stations, the definitions of Conventional and Self-Serve Gasoline Service Stations in the Burnaby Zoning Bylaw is proposed to be amended to require free air and water to be included in terms of both the facility and the operational service. If the definitions for gasoline service stations were amended to incorporate this requirement, all new and redeveloped service stations would be required to include free air and water on an ongoing basis. Under this provision, it would be the responsibility of the service station operator to ensure that the air and water dispensers are kept in good working condition on a permanent basis.

Recommendation

THAT the definitions of Conventional Gasoline Service Station and Self-Serve Gasoline Service Station be amended to include a requirement that at all times free air and water must be provided to the motoring public.

3.0 CONCLUSION

The above zoning bylaw text amendments are proposed in order to clarify certain aspects of the bylaw, make minor amendments in support of existing practices and Council policies, as well as other minor regulatory changes. It is recommended that Council approve the above proposed text amendments and authorize the preparation of a bylaw to be forwarded to First Reading and to a Public Hearing.



J. S. Belhouse
Director Planning and Building

BW/gk:tn
cc: Chief Licence Inspector
Chief Building Inspector
City Clerk
City Solicitor