

**COMMUNITY DEVELOPMENT COMMITTEE****G***HIS WORSHIP, THE MAYOR  
AND COUNCILLORS***SUBJECT: ZONING BYLAW TEXT AMENDMENTS – 2006 (APRIL)****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 First Reading and to the 2006 May 30 Public Hearing.

**REPORT**

The Community Development Committee, at its Open meeting held on April 25, received and adopted the *attached* report proposing text amendments to the Zoning Bylaw regarding restoration public houses, use of comprehensive development district zoning, commercial building setbacks and street canopies.

Respectfully submitted,

Councillor Colleen Jordan  
ChairCouncillor Dan Johnston  
Vice ChairCouncillor Garth Evans  
Member

COPY: CITY MANAGER  
DIRECTOR PLANNING & BUILDING  
CHIEF LICENCE INSPECTOR  
CHIEF BUILDING INSPECTOR  
CITY SOLICITOR

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**TO:** CHAIR AND MEMBERS  
COMMUNITY DEVELOPMENT  
COMMITTEE

**DATE:** 2006 April 21

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** ZONING BYLAW TEXT AMENDMENTS - 2006 (APRIL)

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

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**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.

**REPORT**

**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 clarification 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 Restoration Public Houses**

**Issue**

Restoration Public Houses, which was a classification of liquor licences, is listed in the C2 Community Commercial District. As Class 'I' Restoration public houses were a particular type of Provincial liquor licence, which no longer exists, it is redundant for this land use category to be included in the Burnaby Zoning Bylaw.

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### **Discussion**

Restoration Public Houses were included in the Zoning Bylaw in 1994 in response to a new Provincial government liquor licence classification and private interest in pursuing a development which included that type of licensed facility. Restoration public houses were basically a licensing category which allowed for a site which included a hotel with a Class “A” liquor licence to be redeveloped without the retention of the hotel, but to still have a neighbourhood pub type liquor licence establishment.

In December 2002, extensive changes were made to the Provincial liquor licensing system. This included collapsing the number of liquor licence classifications from 19 to 2, with one sub-category. The two liquor licence classifications are food primary and liquor primary, with a liquor primary club sub-category. All Restoration Public Houses in the Province would have become a liquor primary licensed establishment. The Shark Club on Lougheed Highway is the only liquor primary licensed facility which was previously a Restoration Public House. With the elimination of the Provincial Class “F” Restoration public house liquor licence classification, Restoration public houses are a redundant land use category in the Zoning Bylaw and should be deleted.

### **Recommended Bylaw Amendment:**

That Section 302.1 (16) be deleted.

## **2.2 Use of Comprehensive Development District Zoning**

### **Issue**

The different types of regulations for which exemptions may be granted through Comprehensive Development District zoning, has become a matter of discussion in recent years. A close review of what regulations may be varied through Comprehensive Development District zoning reveals the limitations in how Comprehensive Development zoning can be utilized. A broader scope of potential exceptions to regulations on a site specific basis through Comprehensive Development District zoning is proposed. This is considered a housekeeping matter relative to current practice and the specific effect of the bylaw amendment, which will provide greater clarity in interpretation in this section of the bylaw.

### **Discussion**

Currently, the scope of what may be varied through Comprehensive Development District zoning is contained within Section 700.2 (2) as follows:

“(2) Exceptions to the applicable bulk regulations of this Bylaw may be permitted,…”

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Bulk is defined in the Zoning Bylaw as:

“**BULK**” means the size and location of buildings and structures in relation to the lot. Bulk regulations include maximum height of a building, maximum lot area and width, minimum front, side and rear yards and maximum lot coverage and floor area.”

While the exceptions granted through Comprehensive Development District zoning are limited to that described as exceptions to ‘Bulk,’ past practice has included other elements which have generally resulted in a better overall development. This underlines the need to clarify and broaden the scope of regulations which can be varied through the use of Comprehensive Development District zoning.

The specific areas for which it is recommended that exceptions should be able to be considered through Comprehensive Development District zoning are parking and loading, car wash stalls, screening and landscaping, minimum frontage of a business, and projections into required yards. These are all areas for which permitting exceptions through site specific consideration and Comprehensive Development District zoning may potentially result in an improved overall development. It is important to note that in utilizing Comprehensive Development zoning in order to achieve a better development, that requirements are not just reduced, but may also be increased to fit the particular demands of the development and the surrounding land uses.

It is stressed that amending the Zoning Bylaw in this manner does not automatically alter the requirements for any developments or change the fundamental process. Amending the Zoning Bylaw to allow exceptions to the regulations discussed above simply gives staff the opportunity to recommend exceptions and allows Council to consider and approve exceptions to the pertinent regulations through Comprehensive Development District zoning.

### **Recommended Bylaw Amendment**

That the words “parking and loading, car wash stalls, screening and landscaping, minimum frontage of a business, projections into required yards” be inserted after the word ‘applicable’ in Section 700.2 (2) of the bylaw.

## **2.3 Commercial Building Setbacks**

### **Issue**

Arising from recent community plan reviews, the benefits of bringing more uniformity to the front yard setback requirements of the different commercial zoning districts and providing an opportunity for flexibility for developers have been discussed and changes in this respect are proposed.

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### Discussion

Currently, the Zoning Bylaw requires different front yard setbacks for the various commercial zoning districts. Arising from recent community plan reviews (e.g. the Sixth Street Study Area, the Royal Oak Community Plan Area, the Lougheed/Holdom Station Area, and Apartment Area C) is the desire to bring some uniformity to the front yard setback requirements for the various commercial zones in Burnaby.

While it is acknowledged that the various commercial zones serve different purposes, some uniformity in front yard setbacks is desired to achieve a more suitable street-front relationship, especially in core commercial or urban village areas. Such proposed amendments would also create greater uniform massing along commercial or mixed use streets which have numerous abutting commercial zoning districts (requiring varied front yard setbacks). For example, Sixth Street between Edmonds and Tenth Avenue has abutting C2 Community Commercial and C4 Service Commercial Districts. The former requires a 2.0m setback and the latter requires a 6.0m setback. Under the current zoning regulations, the front yards along commercial streets in Burnaby can show an alternating mix of narrow boulevard type landscape strips, which are 6 feet in width, wider front yards which feature more prominent landscaped areas and front yards which have parking within 6 feet of the front property line and additional landscaping behind the parking area. This presents an often unappealing, confusing and haphazard street front appearance. A more uniform 2.0m front yard setback in the different commercial zoning districts is desirable to present a more cohesive and attractive commercial street frontage and to help discourage parking between commercial buildings and the street.

In light of the above considerations, it is proposed that the C1 Neighbourhood Commercial, C3 General Commercial, C4 Service Commercial and the C7 Drive-In Restaurant Districts all have their minimum front yard setback requirements amended to 2.0m (6.5 ft.), which is the same as that currently provided and required in the C2, C8 and C9 commercial zoning districts. This represents a reduction from the current 6.0m (19.69 ft) front yard setback requirement in the C1, C4 and C7 zoning districts and an increase from the no front yard requirement currently in the C3 zoning district. The only zoning change which could theoretically create some non-conformity in terms of the setback requirement involves the elimination of the no front yard requirement in the C3 district. However, most C3 properties in Burnaby are actually zoned CD Comprehensive Development District (based on C3 district guidelines), with most of the properties being in Metrotown, for which many of the sites have been developed with a 6 to 10 foot site specific front yard setback.

It is also proposed that, for the C1, C2, C4 and C7 districts, rain protection canopies of up to 2.0m (6.5 ft.) in depth be permitted within the required front yard.

It is believed that these amendments would contribute to a more cohesive urban design for developments in most Burnaby commercial areas, and provide improved relationships to the street, while providing more opportunities for flexibility for developers in siting

commercial buildings. In addition to improving the urban streetscape, this proposed text amendment should actually increase the economic value of the land through allowing additional building closer to the front property line in the C1, C4 and C7 zoning districts.

### **Recommended Bylaw Amendments**

It is recommended that:

- 1) The front yard setback requirements for the C1, C3, C4 and C7 zoning districts be amended to 2.0m (6.5 ft.).
- 2) Rain protection canopies be permitted up to 2.0m (6.5 ft.) in depth within the required front yard in the C1, C2, C4 and C7 districts.

## **2.4 Street Canopies**

### **Issue**

The Zoning Bylaw currently permits street canopies to project over the lot line on to the street right-of-way, under certain conditions, if they are attached to a building zoned C2, C3 or C4 District. Issues have arisen relative to this requirement related to equitable treatment of commercial zoned properties other than C2, C3 and C4 and the necessity of allowing this projection on to the street right-of-way in new developments.

### **Discussion**

Section 6.6 (3) (d) of the Zoning Bylaw deals with street canopy projections as follows:

*“Notwithstanding section 6.6(1)(b), a street canopy that is attached to a building in C2, C3 and C4 District may project over the lot line into the street with the approval of the Director Engineering if it is constructed in accordance with a building permit and projects no more than 1.5m into the street and has a minimum height clearance of 2.7m from ground level to the lowest point of the canopy.”*

The above section of the Zoning Bylaw was given Final Adoption by Council in 1987 and was instituted in response to continuing interest by commercial users in buildings with minimal or nil setbacks to install canopies. Canopies have been proposed in order to improve the aesthetic appearance of the storefront, provide shelter for pedestrians and to provide an opportunity for sign display. Two concerns have arisen with respect to this requirement. The first is that while this section of the Zoning Bylaw allows for projections across the lot line for C2, C3 and C4 zoned properties, it does not allow for such projections in the C8 and C9 zoning districts which have been established since 1987. A more fundamental concern arises in connection with the text amendment proposed in Section 2.3 above. As previously noted, this section was incorporated into

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the Bylaw in order to deal with buildings with minimal or nil setbacks. If the text amendments in Section 2.3 are approved by Council, there will be no commercial zoning districts which permit a nil front yard setback. With the development of new commercial buildings which have a 2.0m (6.5 ft.) front yard setback, there is ample opportunity for the installation of canopies without an extension on to the public right-of-way. The installation of canopies solely on private property is the superior option as it avoids issues related to interference with engineering services and utilities, use of public property for private purposes, maintenance and repairs and liability.

To ensure that this provision for canopy projections on to street rights-of-way only applies to buildings which do not have the necessary setback area to accommodate a canopy on the private property, a bylaw amendment to incorporate this provision is necessary. In the case of buildings which are non-conforming in terms of the required building setback (less than 2m), it is proposed that the canopy still be allowed to project in to the street right-of-way up to a maximum of 1.5m (4.92 ft.).

**Recommended Bylaw Amendment**

That Section 6.6 (3) (d) be deleted and replaced with the following:

- (d) Notwithstanding Section 6.6(1)(b), a street canopy that is attached to a building in a C District in which the existing building setback is less than the required setback as of the date of Council adoption of this text amendment, may project over the lot line into the street with the approval of the Director Engineering if it is constructed in accordance with a building permit and projects no more than 1.5m into the right-of-way and has a minimum height clearance of 2.7m from ground level to the lowest point of the canopy.



J. S. Belhouse  
DIRECTOR PLANNING AND BUILDING

BW:gk

cc: City Manager  
Chief Licence Inspector  
Chief Building Inspector  
City Solicitor  
City Clerk

