



Meeting 2008 May 05

COUNCIL REPORT

**COMMUNITY DEVELOPMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – APRIL 2008**

**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 advanced to First Reading on 2008 May 05 and Public Hearing 2008 May 27.

**REPORT**

The Community Development Committee, at its Closed meeting held on 2008 April 22, received and adopted the attached report proposing a number of text amendments to the Burnaby Zoning Bylaw.

The 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.

Should Council adopt the recommendation of the Community Development Committee, a bylaw appears elsewhere on this agenda in order to meet the statutory requirements for sending the text amendment to the 2008 May 27 Public Hearing.

Respectfully submitted,

Councillor C. Jordan  
Chair

Councillor D. Johnston  
Vice Chair

Councillor G. Evans  
Member

|            |   |
|------------|---|
| Copied to: | City Manager<br>Director Planning and Building<br>Chief Building Inspector<br>Chief Licence Inspector<br>City Solicitor |
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**TO:** CHAIR AND MEMBERS  
COMMUNITY DEVELOPMENT  
COMMITTEE

**DATE:** 2008 April 14

**FROM:** DIRECTOR PLANNING AND BUILDING

**FILE:** 42000.20  
*Reference: Bylaw Text Amendment*

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – APRIL 2008**

**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 advanced to First Reading on 2008 May 05 and Public Hearing 2008 May 27.

**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. This report presents a number of text amendments for consideration by the Committee for advancement to Council.

**2.0 PROPOSED BYLAW TEXT AMENDMENTS****2.1 Residential Sales Centres****Issue**

The establishment of residential sales centres for the marketing of residential developments is being reviewed in view of the following issues:

- a) the limitations of some urban residential development sites to accommodate an on-site residential sales centre; and

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- b) the need to ensure that residential sales centres meet the technical requirements of the Zoning Bylaw.

The siting and approval of residential sales centres is currently not required to be reviewed through the preliminary plan approval process (PPA). The following bylaw amendments seek to amend requirements with respect to PPA and temporary building requirements to allow on-site residential sales centres that exceed the construction phase of the development. Amendments also seek to expand the range of opportunities for the location of residential sales centres on- and off-site in the M1 Manufacturing, M2 General Industrial, M4 Special Industrial and M5 Light Industrial Districts.

### **Discussion**

#### *2.1.1 On-site residential sales centres*

Currently, on-site residential sales centres are considered a “temporary building” in the Zoning Bylaw, subject to the conditions referenced as follows:

- A temporary building or structure may be erected for construction purposes on a lot being development for a period not to exceed the duration of such construction [Section 6.7(2)].
- Any person wishing to undertake a development shall apply for and receive preliminary plan approval from the Director of Planning before the issuance of a building permit, except in the case of the following:
  - (f) The erection, construction or placing of temporary buildings as defined in this Bylaw [Section 7.3(1)(f)].

In some cases, however, especially where large projects are phased over a long period of time, residential sales centres may need to be retained on a site for a period of time that exceeds the construction phase of a development project. It is therefore recommended that the Zoning Bylaw be amended accordingly by adding supplemental regulations with respect to on-site temporary sales centres, and defining the requirements for PPA issuance.

#### *2.1.2 Off-site residential sales centres*

Off-site residential sales centres are considered a “retail store” which is a permitted use in the C1 Neighbourhood Commercial District, C2 Community Commercial District, C3 General Commercial District, C8 Urban Village Commercial District and C9 Urban Village Commercial District. A residential sales centre may currently be located in the above Districts on a permanent basis as a retail store. Limiting off-site residential sales centres to these commercially zoned properties, however, raises an issue in that such sites may not be located or available in proximity to all new residential developments.

To increase the opportunity to locate residential sales centres in the City and in recognition that many multiple family redevelopment sites cannot accommodate an on-site sales centre for various reasons (i.e. extent of excavation), it is recommended that the Zoning Bylaw be amended to further permit off-site residential sales centres as a permitted use in the M1 Manufacturing, M2 General Industrial, M4 Special Industrial and M5 Light Industrial Districts.

It is also recommended that a regulation be established to ensure that on-site, and off-site residential sales centres in the M Districts, do not remain in operation beyond the completion of the initial sales of recently developed residential lands, buildings or units.

To achieve these objectives, it is recommended that the Zoning Bylaw be amended in line with the following:

**Recommended Bylaw Amendment**

1. **THAT** the term “Residential Sales Centre” be defined in the Zoning Bylaw with wording the same or similar to the following:

“SALES CENTRE – RESIDENTIAL” means the use of a building for the marketing of developing or recently developed residential lands, or unoccupied residential buildings or units.

2. **THAT** supplementary regulations for residential sales centres be added in the Zoning Bylaw with wording the same or similar to the following:

**6.7A Sales Centre - Residential:**

- (1) A residential sales centre use may be on the lands being developed for the purpose of marketing the residential lands, or unoccupied buildings or units on such lands.
  - (2) The residential sales centre building, structure and use shall cease on the completion of initial sales of the residential lands, or unoccupied residential building or units being developed.
3. **THAT** Section 7.3 (1)(f) be deleted and replaced with the following:  
“The erection, construction or placing of temporary buildings as defined in this Bylaw, excluding residential sales centres.”
  4. **THAT** “Residential Sales Centre” be added as a permitted use in the M1, M2, M4 and M5 Districts.

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5. **THAT** Section 403.1 (1) of the M3 Heavy Industrial District be amended in the Zoning Bylaw with wording the same or similar to the following:

Uses permitted in the General Industrial District (M2) other than retail building supply establishments or residential sales centres.

## 2.2 **Taxi Dispatch Office in the M4 Special Industrial District**

### **Issue**

On 2008 January 14, Council at its Open Meeting received correspondence from a taxi operator, requesting to locate a taxi dispatch office in the M4 Special Industrial District in the Royal Oak area. While the Zoning Bylaw permits a taxi dispatch office in the C2 Community Commercial, C3 General Commercial and C4 Service Commercial Districts, the M1 Manufacturing, M2 General Industrial, and M3 Heavy Industrial Districts, a taxi dispatch office is not currently a permitted use in the M4 Special Industrial District.

### **Discussion**

The Burnaby Zoning Bylaw defines a “taxi dispatch office” and a “taxi service centre” as follows:

**“TAXI DISPATCH OFFICE”** means an office from which taxis are dispatched by radio to pick up fares and where related office functions may be carried on, but excluding the servicing and outside parking or storage of taxis on the lot.

**“TAXI SERVICE CENTRE”** means an establishment from which taxis may be dispatched to pick up fares and where the servicing and outside parking of storage of taxis may be carried on in addition to related office functions.

A taxi dispatch office is a permitted use in the C2, C3 and C4 District as it requires an office space to carry out the office related functions of a taxi business. The office related function is considered compatible with other permitted uses in these Districts. A taxi dispatch office is also a permitted use in the C4, M1, M2, and M3 District as a subset of a taxi service centre.

A taxi dispatch office is currently not a permitted use in the M4 District. The M4 District does permit accessory office/retail use and a number of commercial and service uses which require an office/retail space to function. These uses include offices for trade contractors and architectural, data processing, drafting, engineering and surveying offices. A taxi dispatch office is similar to these permitted office uses, and as such, the addition of taxi dispatch offices to the district is considered appropriate.

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Within the context of the Council adopted Royal Oak Community Plan, M4 District lands have been identified as industrial transition areas. The M4 District area bounding Imperial Street to the north and Beresford Street to the south, generally west of Macpherson Avenue, is proposed for mixed-use commercial/medium density multiple family residential development. The M4 District area bounding Imperial Street and the intersecting Kingsway to the north and Beresford Street to the south, generally east of Macpherson Avenue, is designated for light industrial/office uses with the intent of developing an enhanced service industrial area. The location of a taxi dispatch office is most appropriate within this area of Royal Oak east of Macpherson Avenue and would be considered in line with the Community Plan for Sub-area #11 to promote an enhanced service industrial area (see attached sketch #1). The location of a taxi dispatch office west of Macpherson Avenue would not be considered supportable, given the objectives to develop the area of mixed-use commercial/medium density multiple family residential development.

**Recommended Bylaw Amendment**

It is recommended that the Zoning Bylaw be amended as follows:

**THAT** Taxi Dispatch Office be added as a permitted use in the M4 District provided that the use

- (i) is in the area bounded by Kingsway to the north, Macpherson Avenue to the west, Beresford Street to the south, and Gilley Avenue to the east.

**2.3 Distances Between Buildings on the same Lot, C8 and C9 Urban Village Commercial Districts**

**Issue**

Section 6.3 of the Zoning Bylaw defines the minimum distances between buildings on the same lot required in the RM Multiple Family Residential Districts, as well as all other zoning districts. The Bylaw, however, does not provide clear provisions for mixed-use developments permitted in the C8 and C9 Urban Village Commercial Districts.

**Discussion**

Section 6.3 of the Zoning Bylaw deals with the minimum spatial separation required between buildings on the same lot. The pertinent section of the Bylaw is provided for reference as follows:

**6.3 Distances between Buildings on the same Lot:**

Where the exterior walls of the same building or of any two buildings in a group face and overlap, the clear distance between such overlapping walls shall not be less than the following:

- (1) When windows to habitable rooms occur in the overlapping section of either or both of the opposing walls:
  - (a) In the RM Districts, twice the overlap in either the horizontal or vertical direction. Such distance shall be not less than 7.5 m (24.61 ft.), but need not exceed 15.0 m (49.21 ft.) for buildings 3 storeys or less in height, nor 15.0 m (49.21 ft.) plus 900 mm (2.95 ft.) per storey for buildings greater than 3 storeys in height.
  - (b) In all zoning districts, except RM Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.).
- (2) When no windows in habitable rooms occur in the overlapping section of either or both of the opposing walls:
  - (a) In RM Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 3.5 m (11.48 ft.), but need not exceed 7.5 m (24.61 ft.).
  - (b) In all zoning districts, except RM Districts, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building.

The intent of this section of the Bylaw is to ensure that each dwelling unit in a multiple family and/or mixed-use development is provided with adequate privacy, and that the development as a whole is provided with sufficient court yard/green space at the ground level through the appropriate separation of building faces. One issue that has arisen is that sections 6.3 (1)(b) and 6.3 (2)(b) do not specifically list the C8 and C9 Districts. Mixed-use development proposals in these Districts with a four-storey form (ground level commercial and 3 storeys of low-rise apartment units above) could potentially result in inadequate spatial separation between buildings on the same lot. Given that the residential component of these developments are similar in scale to the RM3 Multiple Family Residential District, clarification of this section is considered appropriate to ensure that the Bylaw requires mixed-use developments in the C8 and C9 Districts to provide adequate spatial separation between buildings on the same lot, utilizing Sections 6.3 (1)(a) and 6.3 (2)(a), on the same basis as required in the RM Districts.

**Recommended Bylaw Amendment**

It is recommended that the Zoning Bylaw be amended with wording that is the same or similar as follows:

1. **THAT** the C8 and C9 Districts be added to Sections 6.3(1)(a) and 6.3(2)(a).

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2. THAT “and developments in the C8 and C9 Districts that include a residential component” be added following “except RM Districts” in Sections 6.3(1)(b) and 6.3(2)(b).

#### **2.4 Zoning Districts permitted as guidelines for Comprehensive Development (CD)**

##### **Issue**

The addition of all zoning districts to the Comprehensive Development Districts (CD) of the Zoning Bylaw is proposed given that the utilization of Comprehensive Development zoning on a site specific basis has generally resulted in developments that better meet the demands of the development site and surrounding land uses.

##### **Discussion**

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 wide 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 Comprehensive Development zoning may be based.

In view that the utilization of Comprehensive Development zoning on a site specific bases has generally resulted in a better overall development, it is considered appropriate and beneficial to include all uses permitted in all zoning districts to those permitted through CD District zoning.

While this amendment will allow for the inclusion of all uses within a CD bylaw, it is emphasized that the suitability and appropriateness of each use to be permitted under a CD Bylaw would continue to be evaluated on a case by case basis through the development approval process.

##### **Recommended Bylaw Amendment**

1. THAT the following zoning districts be added to Section 700.1 as a permitted use in the Comprehensive Development Districts:
  - A1 Agricultural District
  - A2 Small Holdings District
  - A3 Truck Gardening District
  - C3e General Commercial District
  - C4a Service Commercial District
  - C4e Service Commercial District



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C8, C8a and C8f Urban Village Commercial District (Hastings)  
M4 and M4L Special Industrial District  
M6 Truck Terminal District  
P11 and P11e S.F.U. Neighbourhood District

## 2.5 Trade schools in the M4 Special Industrial District

### Issue

A trade school is currently permitted in the C4 Service Commercial, M1 Manufacturing, M2 General Industrial and M3 Heavy Industrial Districts. A trade school, however, is currently not permitted in the M4 Special Industrial District.

### Discussion

The Zoning Bylaw defines a “trade school” as follows:

“**SCHOOL, TRADE**” means a school other than a private or public school that offers training in a manual, mechanical, or technical trade in an industrial setting that involves the use of industrial equipment or materials.

A trade school is currently permitted in the C4, M1, M2 and M3 Districts as this use is compatible with and supportive of the other permitted uses in these Districts. A trade school, while currently not permitted in the M4 District, is also compatible with the uses permitted in this District.

Within the context of the Council adopted Royal Oak Community Plan, M4 District lands have been identified as industrial transition areas. The M4 District area bounding Imperial Street to the north and Beresford Street to the south, generally west of Macpherson Avenue, is proposed for mixed-use commercial/medium density multiple family residential development. The M4 District area bounding Imperial Street and the intersecting Kingsway to the north and Beresford Street to the south, generally east of Macpherson Avenue, is designated for light industrial/office uses with the intent of developing an enhanced service industrial area. The location of a trade school is most appropriate within this area of Royal Oak east of Macpherson Avenue and would be considered in line with the Community Plan for Sub-area #11 to promote an enhanced service industrial area (see attached sketch #1). The location of a trade school west of Macpherson Avenue would not be considered supportable, given the objectives to develop the area of mixed-use commercial/medium density multiple family residential development.

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**Recommended Bylaw Amendment**

It is recommended that the Zoning Bylaw be amended as follows:

**THAT** Trade Schools be added as a permitted use in the M4 District provided that the use

- (i) is bounded by Kingsway to the north, Macpherson Avenue to the west, Beresford Street to the south, and Gilley Avenue to the east.

**2.6 Retail Sale of New Goods in the C4 Service Commercial District**

**Issue**

Council, at its 2008 April 07 meeting, adopted the Hastings Street Area Plan Extension for the Hastings Street frontage extending from Willingdon Avenue to Delta Avenue. The implementation of the approved plan includes the rezoning of the area to allow for additional retail uses (retail sale of new goods) under a new “a” category of the C4 Service Commercial District. The purpose of the area rezoning is to strengthen the Heights area generally as a destination shopping street.

**Discussion**

The retail sale of new goods is currently not permitted in the C4 Service Commercial District. As an integral implementation component of the recently adopted Plan extension, it is proposed that the Zoning Bylaw be amended to include a C4 “a” sub-zoning designation within the C4 Service Commercial Districts to permit the retail sale of new goods. This amendment to the Zoning Bylaw would create the necessary zoning district to allow for advancement of the rezoning of the subject area in accordance with the adopted Plan.

To allow for advancement of the approved area rezoning initiative, it is recommended that the Zoning Bylaw be amended in line with the following:

**Recommended Bylaw Amendment**

1. **THAT** the following Section be added to the C4 District:


**304.1F Uses Permitted in a C4a Zoning District:**

- (1) Uses permitted in the Service Commercial District C4.
- (2) Retail sale of new goods.

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### 3.0 CONCLUSION

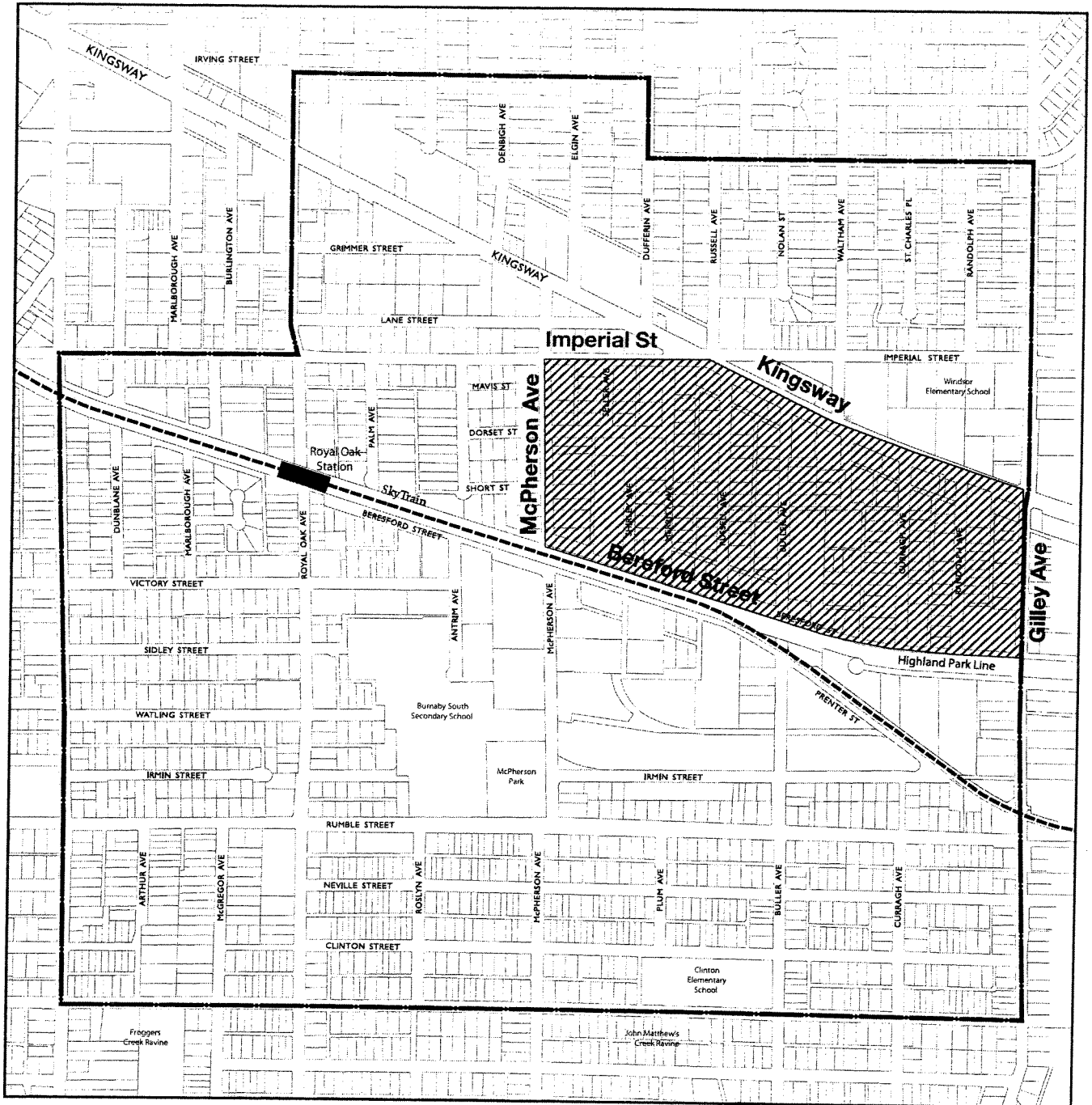
The above zoning bylaw text amendments are proposed in order to clarify certain aspects of the bylaw, make minor amendments in support of existing practices and Council policies, as well as other minor regulatory changes. It is recommended that Council approve the above proposed text amendments and authorize the preparation of a bylaw to be forwarded to First Reading 2008 May 05 and to a Public Hearing 2008 May 27.

  
B. Luksun  
Director Planning and Building

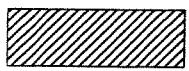
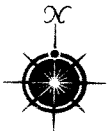
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cc: City Manager  
Chief Licence Inspector  
Chief Building Inspector  
City Solicitor  
City Clerk

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# Royal Oak Community Plan



Sub Area 11



Royal Oak Community Plan boundary