



REVISED

Meeting 2009 Feb 02

COUNCIL REPORT

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: ZONING BYLAW TEXT AMENDMENTS – JANUARY 2009

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 2009 February 02 and to a Public Hearing on 2009 February 17.

REPORT

The Community Development Committee, at its meeting held on 2009 January 20, received and adopted the *attached* report proposing a number of text amendments to the Burnaby Zoning Bylaw.

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.

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 2009 February 17 Public Hearing.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to: City Manager Director Planning & Building Chief Building Inspector Chief Licence Inspector City Solicitor
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TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE **DATE:** 2009 January 14

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 42000.20
Reference: Bylaw Text Amendments

SUBJECT: ZONING BYLAW TEXT AMENDMENTS – JANUARY 2009

PURPOSE: To propose a number of text amendments to the Burnaby 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 advanced to First Reading on 2009 February 02 and to a Public Hearing on 2009 February 17.

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 *Billiard Hall***Issue

The definition of a billiard hall does not reflect the changes the Provincial government has made to its licensing classifications under the Liquor Control and Licensing Act.

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Discussion

The Zoning Bylaw defines a “billiard hall” as follows:

“BILLIARD HALL” means a commercial undertaking containing two or more billiard or pool tables available for the use of its patrons, but does not include an establishment holding a Class “A”, “C”, “D”, “F”, or “I” licence under the Liquor Control and Licensing Act, an apartment building, hotel or a club or lodge.

The Provincial government, however, has since collapsed its licensing categories (Class “A”, “C”, “D”, “F”, and “I”) into the following two types: Food Primary and Liquor Primary Licences. As such, it is considered appropriate to amend the definition of a billiard hall to reflect the changes the Provincial government has made to its licensing categories.

Recommended Bylaw Amendment

THAT the definition of a “billiard hall” be replaced with wording the same or similar to the following:

“BILLIARD HALL” means a commercial undertaking containing two or more billiard or pool tables available for the use of its patrons, but does not include a liquor licence establishment for which a liquor primary licence is required under the Liquor Control and Licensing Act, an apartment building, a hotel or a club or lodge.

2.2 Trade Contractor Offices

Issue

There is a need to clarify the wording of the Zoning Bylaw with respect to trade contractor businesses.

Discussion

A trade contractor business, as an industrial activity, is permitted in the M1 Manufacturing, M2 General, M3 Heavy Industrial and M4 Special Industrial Districts of the Bylaw. A trade contractor business may consist of the following components: “offices, storage buildings, workshops and yards.” The office-only function of a trade contractor business may also be located in C1 Neighbourhood, C2 Community, C3 General, C4 Service, and C8 and C9 Urban Village Commercial, and M5 Light Industrial Districts which permit business and professional offices. From time to time, an issue arises when the office-only component of a trade contractor business seeks to locate

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within a designated M1, M2, M3 and M4 industrial district, contrary to the intent of the Bylaw.

To provide clarification to the intent of the Bylaw, it is proposed that the term “offices” be deleted from the description of a trade contractor business. Trade contractor offices would remain a permitted in use the M1, M2, M3 and M4 Districts as an accessory use of a trade contractor business, in combination with the storage buildings, workshops and/or yards component, consistent with the intent of the Bylaw.

Recommended Bylaw Amendment

THAT “offices” be deleted from Sections 401.1(1h), 402.1(2b), 404.1(1h)

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 on 2009 February 09 and to a Public Hearing on 2009 February 17.



B. Luksun
Director Planning and Building

ZM:gk

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