

**COMMUNITY DEVELOPMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PROPOSED BYLAW TEXT AMENDMENTS - 2009 JULY**

**RECOMMENDATION:**

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw and Burnaby Sign Bylaw as outlined in Section 2.0 and 3.0 of this report and that the bylaw be advanced to First Reading on 2009 July 06 and Public Hearing 2009 July 21.

**REPORT**

The Community Development Committee, at its meeting held on 2009 June 23, received and adopted the *attached* report proposing a number of text amendments to the Burnaby Zoning Bylaw and Burnaby Sign Bylaw.

The Committee noted that these text amendments clarify certain aspects of the bylaw, and make minor amendments in support of existing practices and Council policies.

Respectfully submitted,

Councillor C. Jordan  
Chair

Councillor D. Johnston  
Vice Chair

Councillor P. Calendino  
Member

<p>Copied to: City Manager Chief Licence Inspector City Solicitor Director Building &amp; Planning</p>
--

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

**DATE:** 2009 June 16

**FROM:** DIRECTOR PLANNING & BUILDING

**FILE:** 42000.20  
*Reference: Bylaw Text Amendments*

**SUBJECT: PROPOSED BYLAW TEXT AMENDMENTS – 2009 JULY**

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

---

**RECOMMENDATION:**

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw and Burnaby Sign Bylaw as outlined in Sections 2.0 and 3.0 of this report and that the bylaw be advanced to First Reading on 2009 July 06 and Public Hearing 2009 July 21.

**REPORT****1.0 BACKGROUND INFORMATION**

As part of the ongoing review of the applicable Bylaws, 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 ZONING BYLAW TEXT AMENDMENT****2.1 *Group Homes*****Issue**

There is a need to clarify the wording of the Burnaby Zoning Bylaw with respect to group homes.

**Discussion**

Group homes are permitted in the R1, R2, R3, R4, R5, R6, R10, R11, and R12 Residential Districts. A group home is currently defined in the Zoning Bylaw as follows:

To: Community Development Committee  
From: Director Planning & Building  
Re: Proposed Zoning Bylaw Text Amendments – 2009 July  
2009 June 16..... Page 2

**“GROUP HOME”** means a residential care facility for not more than six persons in care that is operated in a private dwelling house and licensed under the *Community Care Facility Act*”

[Section 3, Definitions]

At the time that Council adopted the above referenced definition of a group home, the intent of the Bylaw was to permit the establishment of a group home in a single-family dwelling. In the R4, R5, R6 and R12 Districts which permit two-family dwellings, however, the current wording of the definition for a group home has allowed for the establishment of such facilities within a unit of a two-family dwelling, and in some cases within both units of a two-family dwelling such that there may be up to 12 persons in care on the residential lot. The above situation raises concerns related to sufficient lot area; adequate provision of parking; and impact on the adjacent area where group homes are established in both units of a two-family dwelling. Concerns also arise with regard to impacts on the adjacent dwelling unit where a group home is established on one side of a two-family dwelling. The above situation has resulted in group home facilities being within established two-family dwellings, which are contrary to the intent of the Bylaw.

To provide clarification to the intent of the Bylaw, it is proposed that the definition of a group home be amended as noted below. This amendment would limit group homes to single family dwellings only.

### **Recommended Bylaw Amendment**

1. **THAT** the definition of a group home be deleted and replaced with wording that is the same or similar to the following:

**“GROUP HOME”** means a residential care facility for not more than six persons in care that is operated in a private single family dwelling on a residential lot and licensed under the *Community Care and Assisted Living Act*.

### **3.0 PROPOSED SIGN BYLAW TEXT AMENDMENT**

#### **3.1 Temporary signs**

#### **Issue**

There is a need to clarify the Burnaby Sign Bylaw 1972 with regard to temporary signs.

#### **Discussion**

Schedule No. I, Section (9) of the Burnaby Sign Bylaw 1972 states that the following signs may be erected on all zoning districts:

To: Community Development Committee  
From: Director Planning & Building  
Re: Proposed Zoning Bylaw Text Amendments – 2009 July  
2009 June 16..... Page 3

“Temporary signs, other than political or election signs, pertaining to campaigns, drives or events of civic, philanthropic, educational or religious organizations, but no such signs shall be erected on park land under the jurisdiction of the Parks and Recreation Commission. Signs may be erected on boulevards with the consent of Council if the applicant has agreed in writing to remove the signs within three days after the campaign, drive or event has concluded, but no signs shall be placed on or in front of flower or shrub beds nor along the 60 metre portion of Nelson Avenue and of Imperial Street fronting on the Cenotaph located at the northwest corner of their intersection.”

The intent of this section is to preclude the erection of temporary political or election signs on City-owned property and right-of-ways. Temporary signs, including political or election signs are intended to be permitted on private property, subject to all other regulations of the Sign Bylaw; however, the wording of the above section is somewhat unclear. It is proposed that it be amended to clarify that temporary signs, including political and election signs, are permitted on private property.

Additionally, an issue arose during the recent Provincial election as to whether signs relating to the STV Referendum were covered by the above referenced section of the Bylaw. Staff were of the view that such signage is of the same form and nature as political and election signs, and recommend that this section be amended in the same manner to specifically cover referendum signs.

### **Recommended Bylaw Amendment**

1. **THAT** Schedule No. I, Section (9) be amended to permit temporary signs pertaining to campaigns, drives or events of political, civic, philanthropic, educational or religious organization in all zoning districts, subject to following exceptions:
  - (i) No temporary signs shall be erected or placed on park land under the jurisdiction of the Parks, Recreation and Culture Commission, on public property in front of a flower or shrub bed or along the 60 m portions of Nelson Avenue and of Imperial Street fronting on the Cenotaph located at the northwest corner of their intersection;
  - (ii) No temporary signs shall be erected or placed on public boulevards without the prior consent of City Council and the written agreement of the applicant to remove the signs within three days after the campaign, drive or event has concluded; and
  - (iii) No temporary political signs, election signs, or signs relating to a public referendum, shall be erected or placed on any public property.

To: Community Development Committee  
From: Director Planning & Building  
Re: Proposed Zoning Bylaw Text Amendments – 2009 July  
2009 June 16..... Page 4

#### 4.0 CONCLUSION

The above Zoning and Sign Bylaw text amendments are proposed in order to clarify certain aspects of the bylaw, and make minor amendments in support of existing practices and Council policies. 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 July 06 and Public Hearing 2009 July 21.

  
B. Luksun  
DIRECTOR PLANNING & BUILDING

ZM:gk

cc: City Manager  
Chief Licence Inspector  
City Solicitor  
City Clerk

P:\Zeralynne\Bylaw Amendments\Bylaw Text Amendment - July 2009.doc