

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED BYLAW TEXT AMENDMENTS – 2010 SEPTEMBER

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 2010 October 04 and Public Hearing 2010 October 26.

REPORT

The Community Development Committee, at its meeting held on 2010 September 21, received and adopted the *attached* report proposing a number of text amendments to the Burnaby Zoning Bylaw.

Should Council adopt the recommendations 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 2010 October 26, Public Hearing.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to: City Manager Chief Licence Inspector City Solicitor Director Planning and Building
--

TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE

DATE: 2010 September 16

FROM: DIRECTOR PLANNING & BUILDING

FILE: 42000.20
Reference: Bylaw Text Amendments

SUBJECT: PROPOSED BYLAW TEXT AMENDMENTS – 2010 SEPTEMBER

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 2010 October 04 and Public Hearing 2010 October 26.

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.

This report presents four text amendments regarding side yards requirements in the C8 Urban Village Commercial District; uses designated under the CD Comprehensive Development District; family child care centres in two-family dwellings; and permitted gross floor area of all accessory buildings in the R4 and R5 Residential Districts.

2.0 PROPOSED BYLAW TEXT AMENDMENTS**2.1 *Side Yard Requirement in the C8 Urban Village Commercial District*****Issue**

The C8 Urban Village Commercial District does not currently include provisions for side yard requirements on corner lots adjoining a flanking street or lane.

To: Community Development Committee
From: Director Planning & Building
Re: Proposed Zoning Bylaw Text Amendments – 2010
September
2010 September 16..... Page 2

Discussion

Development proposals in the C8 District with a four-storey form (typically ground level commercial and 3 storeys of low-rise apartment units above) could potentially result in inadequate setback for buildings on corner lots adjoining a flanking street or lane. It is noted that in the C9 Urban Village Commercial District, in which developments are similar in scale and form to the C8 District, side yard provisions have been established to address the spatial separation of buildings on corner lots. In view of the above, it is proposed that the C8 District be amended, similar to the C9 District, to provide for adequate spatial separation of buildings on corner lots.

Recommended Bylaw Amendment

1. **THAT** Section 308.8A be added following Section 308.8 with wording the same or similar to:

Side Yard:

No side yard shall be required, except in the case of a corner lot, a side yard adjoining the flanking street or lane shall be provided not less than 2.0 m (6.56 feet) in width.

2.2 Uses Designated Under CD Comprehensive Development District Rezoning

Issue

It is desirable to clarify the Burnaby Zoning Bylaw with regard to uses established under CD Comprehensive Development District rezonings.

Discussion

The CD Comprehensive Development District provides for the development of an area embracing one or more land use classifications based upon a comprehensive development plan. All uses contained in the zoning districts specified in a CD plan under Section 700.1 of the Zoning Bylaw may be permitted. A CD District rezoning and its CD Plan may also utilize any of the generally permitted uses of a zoning district to establish either a single use, a subset group of uses, or exclude one or more specific uses from the full range of permitted uses under a land use classification. While an application for CD District zoning requires submission of a statement of uses as part of a CD Plan, and forms part of the CD Bylaw, in order to further clarify the uses established and specific permitted and/or excluded uses under the subject CD Bylaw, a Zoning Bylaw text amendment is desirable.

To: Community Development Committee
From: Director Planning & Building
Re: Proposed Zoning Bylaw Text Amendments – 2010
September
2010 September 16..... Page 3

Section 700.4 of the Zoning Bylaw currently states that “all buildings, structures and uses shall comply with the size, shape and siting as designated on the approved comprehensive development plan, which shall be attached to and form part of this Bylaw.” In order to clarify the need to comply with the uses established under a CD District, it is considered appropriate that compliance with the statement of uses as designated on the approved CD Plan be included in Section 700.4.

Recommended Bylaw Amendment

1. THAT the words “size, shape and siting” in Section 700.4 be replaced by wording the same or similar to “size, shape, siting and statement of uses”.

2.3 Family Child Care Centres in Two-family Dwellings

Issue

The Planning Department received a complaint from the property owner of a unit in a two-family dwelling regarding the establishment of a family child care centre within the adjacent unit of the dwelling.

Discussion

Under the *Community Care Facility Act*, child care centres licensed as “family child care” and “in-home multi-aged child care” may provide care for up to 7 or 8 children with one employee in a residential dwelling. These programs are collectively defined as a family child care centre within the Zoning Bylaw. Family child care centres are permitted in the R1 through R12 Residential Districts, as well as within the ground floor dwelling units of multiple family residential developments, as a home occupation, subject to provisions outlined in Section 6.8 and 6.8A of the Bylaw. Two issues have arisen with regard to the establishment of a family child care centre within two-family dwellings:

Issue #1

The Bylaw does not require the support of the adjacent property owner to establish a family child care centre within a unit of a two-family dwelling. As such, applications for a family child care within one unit of a two-family dwelling are permitted without an indication of support from the adjacent owner.

It is noted that in Section 6.8A of the Zoning Bylaw, applications for family child care centre in the RM and P11 Districts are required to obtain the support of the owner, manager, or strata council of the building where the centre is proposing to locate.

To: Community Development Committee
From: Director Planning & Building
Re: Proposed Zoning Bylaw Text Amendments – 2010
September
2010 September 16..... Page 4

Issue #2

The wording of the Bylaw has permitted the establishment of a family child care centre within each unit of a two-family dwelling such that there may be up to 16 children and 2 staff on a residential lot. The above situation raises a number of concerns related to increased traffic in the neighbourhood; adequacy of on-site parking for staff and pick-up and drop-off of children; and impact on neighbouring properties (i.e. noise). It is noted that residential dwellings in the R1-R6, and R10-R12 Districts which have been rezoned with a “b” designation are permitted only up to 10 children and 2 staff, in which applications are assessed to ensure that the proposed child care centre would not pose increased traffic concerns to the neighbourhood; on-site parking requirements (pick-up and drop-off space) for the centre would be met; outdoor play space would be appropriately screened to reduce noise impact to adjacent neighbours; and that the applicant verify that there has been no prior noise complaints from adjacent neighbours in connection with the existing family child care centre.

To extend the provisions of the Bylaw to two-family dwellings, it is proposed that additional conditions be established for two-family dwellings, whereby family child care centres be permitted only in one of the dwelling units and where the consent of the property owner of the adjacent unit is obtained.

Recommended Bylaw Amendment

1. THAT Section 6.8A Family Child Care Centres be amended such that in the R Districts, a family child care centre shall be permitted in one unit of a two-family dwelling only if the owner of the adjacent unit supports the establishment of the operation and satisfies the Director of Planning and Building as to that support.

2.4 Accessory Buildings in the R4 and R5 Residential Districts

Issue

The permitted gross floor area of all accessory buildings on residential lots with a semi-detached dwelling, as permitted under Section 6.6(2b)(ii), is not consistent with the permitted gross floor area for accessory buildings under the *Development Density* provisions of the R4 and R5 Residential Districts.

Discussion

Under Section 6.6(2b)(ii), the permitted gross floor area of all accessory buildings on residential lots developed with a semi-detached dwelling (two-family dwelling wherein the two dwelling units are placed side by side) is up to 74.4 m² (800 sq. ft.). The *Development Density* section of the R4 and R5 Residential Districts, however, states that the gross floor area of all accessory buildings shall not exceed 56 m² (602.8 sq. ft.).

To: Community Development Committee
From: Director Planning & Building
Re: Proposed Zoning Bylaw Text Amendments – 2010
September
2010 September 16..... Page 5

The intent of the Zoning Bylaw is to permit for the development of accessory buildings with a larger total gross floor area on residential lots with a two-family development to accommodate the development of two garages or carports, as well as storage space. In order to clarify the intent of the Bylaw, it is proposed that the Development Density section of the R4 and R5 Districts be amended to allow for the gross floor area of all accessory buildings on residential lots developed with two family developments not to exceed 74.4 m² (800 sq. ft.).

Recommended Bylaw Amendment

1. **THAT** the following phrase “except on lots developed with a semi-detached dwelling, the gross floor area shall not exceed 74.4 m² (800 sq. ft.)” be added to Section 104.4(2), following the phrase “The gross floor area of all accessory buildings on a lot shall not exceed 56 m² (602.8 sq. ft.)”.
2. **THAT** the following phrase “except on lots developed with a semi-detached dwelling, the gross floor area shall not exceed 74.4 m² (800 sq. ft.)” be added to Section 105.4(2), following the phrase “The gross floor area of all accessory buildings on a lot shall not exceed 56 m² (602.8 sq. ft.)”.

3.0 CONCLUSION

The above Zoning 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 2010 October 04 and Public Hearing 2010 October 26.


B. Luksun
DIRECTOR PLANNING & BUILDING

ZM:tn

cc: City Manager
Chief Licence Inspector
City Solicitor
City Clerk