

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: PARKING OR STORAGE OF COMMERCIAL VEHICLES,
RECREATIONAL VEHICLES, TRUCKS, TRAILERS, BOATS OR
EQUIPMENT IN RESIDENTIAL DISTRICTS**

RECOMMENDATION:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 3.0 of this report for advancement to First Reading and Public Hearing at a future date.

REPORT

The Community Development Committee, at its meeting held on 2010 September 21, received and adopted the *attached* report proposing text amendments to the Burnaby Zoning Bylaw regarding the storage or long term parking of commercial and recreational vehicles on residential lots.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to: Chief Licence Inspector City Solicitor Director Planning and Building
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TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE

DATE: 2010 September 16

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000.20

SUBJECT: **PARKING OR STORAGE OF COMMERCIAL VEHICLES,
RECREATIONAL VEHICLES, TRUCKS, TRAILERS, BOATS OR
EQUIPMENT IN RESIDENTIAL DISTRICTS**

PURPOSE: To propose text amendments to the Burnaby Zoning Bylaw regarding the storage or long term parking of commercial and recreational vehicles on residential lots.

RECOMMENDATION

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 3.0 of this report for advancement to First Reading and Public Hearing at a future date.

REPORT

1.0 BACKGROUND INFORMATION

- 1.1 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.
- 1.2 On 2009 August 31, Council received a report from the Director of Finance regarding issues related to the parking and storage of vehicles outside of an enclosed building on private residential properties, resulting in unsightly premises complaints. Arising from discussions, Council adopted a recommendation to amend the Burnaby Unsightly Premises Bylaw to specifically include "Derelict Vehicles" as items which contribute to unsightly premises. This amendment was adopted on 2009 October 05.

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As also noted in the 2009 August 31 report, the Planning Department and Licence Office have been reviewing measures to effectively deal with these complaints. This report is a response to that review.

2.0 DISCUSSION

2.1 The parking and storage of commercial and recreational vehicles, including trucks, trailers, boats or equipment is currently permitted in the R Residential and RM Multiple Family Residential Districts, subject to the following conditions:

6.17 Parking or Storage of Commercial Vehicles, Recreation, Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts

No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4500 kg GVW (9,920.631 lbs GVW);
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises;
- (c) any dismantled or wrecked vehicle for a period of not more than 30 successive days;
- (d) one boat or vessel not exceeding a length of 6.0 m (19.69 ft.);
- (e) one recreation vehicle or trailer not exceeding a length of 6.0 m (19.69 ft.)

[Section 6.17]

6.17.1 Parking or Storage of Commercial Vehicles, Trucks, Recreation Vehicles, Trailers, Boats or Equipment in R1 to R5 and R9 to R12 Districts:

- (1) Section 6.17, except paragraphs (d) and (e), applies to parking and storage in an R1, R2, R3, R4, R5, R9, R10, R11, and R12 Districts.
- (2) Notwithstanding subsection (1) and subject to the vision clearance provisions of section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m (39.37 ft.), may be parked in the open in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts subject to the following restrictions:
 - (a) on a corner lot or on a lot with one street frontage, no parking is permitted between the front lot line and the dwelling, nor within the required side yards, nor closer than 1.2 m (3.94 ft.) to the side lot lines in the rear yard;
 - (b) on a through lot, no parking is permitted in the required front yards or required side yards, nor in the area between the required front yard and the face of the dwelling that is oriented to the street from which the dwelling is addressed;
 - (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 (19.69 ft.) in length may be parked on the front driveway or

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to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.

- (3) The parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
 - (a) on a corner lot or through lot to obscure the view from the closest abutting street,
 - (b) where the front driveway is used, to obscure the view from any abutting property, and
 - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.

[Section 6.17.1]

The conditions outlined in the above referenced sections are intended to regulate the number and location of commercial and recreational vehicles on a residential lot, given the impact such vehicles can have on adjacent properties and streetscape, including aesthetics, noise, and emissions of fumes and/or smoke.

In summary, the Zoning Bylaw allows for the keeping of one commercial vehicle, one recreational vehicle and one boat within the rear yard. In cases where a recreational vehicle and/or boat cannot be accommodated within the rear yard of an R1 to R5, R9, R10, R11 or R12 District lot, provisions have also been made for their storage in the open, subject to vision clearance and screening requirements. The Zoning Bylaw also makes provisions for the temporary keeping of commercial vehicles or equipment related to the construction, repair or maintenance of the premises.

2.2 Staff have identified a need clarify Section 6.17 and 6.17.1 of the Bylaw, as well as include additional conditions for the keeping of commercial or recreational vehicles on residential lots, in view of cases of property misuse and unsightly premises. These issues are discussed below:

2.2.1 Storage or long term parking of commercial and/or recreational vehicles that are not registered to a resident of the property on which they are located

Past bylaw enforcement files have shown that on some residential lots, a portion of the yard is rented out for the storage or long term parking of commercial and/or recreational vehicles. The intent of the Bylaw, however, is to accommodate the outdoor storage and long term parking of commercial and/or recreational vehicles belonging only to the resident of the residential property. In all other cases, the storage and long term parking of such vehicles are generally directed to locate within the appropriate zoning districts that permit parking garage or storage yard uses.

Staff propose that Section 6.17 and 6.17.1 be amended to clearly indicate that the long term parking of commercial and/or recreational vehicle(s) on a residential lot must be registered to the resident of such lot.

2.2.2 Storage or long term parking of trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises

Past bylaw complaints have also identified that on some residential lots, construction-related trucks, commercial vehicles and/or equipment are being stored outside on a permanent basis. The intent of the Bylaw, however, is to accommodate the outdoor storage of such vehicles for the duration of any construction, repair, servicing or maintenance of the premises.

Staff propose that Section 6.17 be amended to clearly indicate that the outdoor storage of any trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises be permitted only for the duration of such works.

2.2.3 Storage or long term parking of wrecked or dismantled vehicles

The Zoning Bylaw currently permits the outdoor storage of one wrecked or dismantled vehicle on a residential lot for a period to not exceed 30 successive days. The intent of the Bylaw was to temporarily permit the keeping of such vehicles while the resident repaired or made arrangements to have the vehicle repaired. On some residential lots, however, wrecked and dismantled vehicles on are being stored on a quasi-permanent basis, similar to the appearance of a junk yard and resulting in unsightly premise complaints. To address this issue, on 2009 October 05, Council adopted an amendment to the Burnaby Unsightly Premises Bylaw which precludes the outdoor storage of vehicles in derelict, wrecked or dismantled condition on residential lots.

Staff propose that the Burnaby Zoning Bylaw be amended consistent with the Burnaby Unsightly Premises Bylaw, so as to preclude the outdoor storage of vehicles in derelict, wrecked or dismantled condition on residential lots.

2.2.4 Storage or long term parking of uninsured operable-condition vehicles

The Zoning Bylaw does not specifically address the outdoor storage or long term parking of uninsured, complete and intact, and operable-condition vehicles (including passenger vehicles) and has resulted in some residents storing several of such vehicles on their lot.

To address the above issue, staff propose that a limit of not more than two uninsured, complete and intact, and operable-condition vehicles be permitted to be stored outside on a residential lot.

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The proposed amendments would provide staff with the means to effectively address property misuse and unsightly premises issues related to the storage of commercial, uninsured, and recreational vehicles on residential lots, as well as bring the Burnaby Zoning Bylaw in line with the amended Unsightly Premises Bylaw.

- 2.3 The title for Section 6.17.1 currently states: “Parking or Storage of Commercial Vehicles, Trucks, Recreation vehicles, Trailers, Boats or Equipment in R1 to R5 and R9 to R12 Districts.” Staff propose to delete “Trailers” and “Equipment” from the title as this section of the Bylaw permits only one recreational vehicle and one boat on the above referenced residential zoning districts, subject to conditions, and does not reference trailers and equipment.

3.0 CONCLUSION

The intent of Sections 6.17 and 6.17.1 of the Zoning Bylaw is to accommodate the long term parking and outdoor storage of commercial and recreational vehicles on residential lots, subject to conditions that are intended to reduce the impacts such vehicles can have on adjacent properties and the streetscape. Section 2.0 of this report discusses issues City staff have dealt with regarding the regulation of such vehicles on residential lots and proposes that amendments be made to Sections 6.17 and 6.17.1, in light of City initiatives to mitigate issues of property misuse and unsightly premises in residential neighbourhoods. It is therefore recommended that Council authorize the City Solicitor to prepare the necessary bylaw amendments to the Burnaby Zoning Bylaw, as outlined below, for advancement to First Reading and Public Hearing at a future date.

Recommended Bylaw Amendment

1. **THAT** Section 6.17 be deleted and replaced with wording the same or similar to:

6.17 Parking or Storage of Commercial Vehicles, Recreation, Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts:

No commercial vehicle, truck, bus, contractor’s equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4500 kg GVW (9,920.631 lbs GVW) that is registered to the resident of the dwelling;

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- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises for a period not to exceed such works;
 - (c) one boat or vessel not exceeding a length of 6.0 m (19.69 ft.) that is registered to the resident of the dwelling;
 - (d) one recreation vehicle or trailer not exceeding a length of 6.0 m (19.69 ft.) that is registered to the resident of the dwelling; and
 - (e) not more than two uninsured vehicles that are complete and operable, and registered to the resident of the dwelling.
2. **THAT** the word “Trailers” be deleted from the title of Sections 6.17.1, following the word “Recreation Vehicles” and the word “Equipment” be deleted, following the words “in R1-R5 and R9 to R12 Districts”.



B. Luksun,
DIRECTOR PLANNING AND BUILDING

ZM:bd

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City Solicitor
City Clerk

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