

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 NOVEMBER

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, for advancement to a Public Hearing at a future date.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 November 29, received and adopted the attached report to propose a number of text amendments to the Burnaby Zoning Bylaw.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to:	City Manager Dir. Engineering Dir. Planning and Building Chief Licence Inspector Chief Building Inspector City Solicitor
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TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE

DATE: 2011 November 24

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000.20

Reference: Bylaw Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 NOVEMBER

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, for advancement to a Public Hearing at a future date.

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 four Zoning Bylaw amendments regarding the siting of accessory buildings on a residential lot; posting of signage related to home occupations on residential lots; street canopies for industrial buildings; and location and siting of parking facilities adjacent to residential uses in the C8, C9 and CD Districts.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 *Siting of accessory residential buildings on corner lots*

Issue

There is a need to clarify provisions within the Zoning Bylaw for the siting of accessory residential buildings on corner lots.

Discussion

Section 6.6(2)(g)(i) of the Zoning Bylaw, which relates to the siting of an accessory building on a residential corner lot, states:

An accessory building in an A, R, or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the front yard setback for the principal building on the same flanking street.

[Section 6.6 (2)(g)(i)]

This section of the Bylaw states that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot or is separated by a lane, the accessory building is required to be located no closer to the flanking street than the front yard setback established under the prevailing A, R or RM District of the subject property.

The intent of the Zoning Bylaw is to mitigate the impact of the siting of the accessory building on the immediate neighbouring property which fronts onto the flanking street, as well as preserve the character of the broader streetscape. The issue that arises, however, is that the wording of the Bylaw is not clear with regard to the determination of the required front yard setback. For example, the required setback could be based on the front yard averaging requirement of the Bylaw, the constructed setback of the existing building, or the minimum front yard setback of the Bylaw. Planning staff review of Bylaw's intent has determined that the required setback for accessory buildings from the flanking street is the minimum front yard setback established under the prevailing zoning of the subject residential property (see attached Sketch #1).

In view of the above, it is proposed that the Zoning Bylaw be amended to state that the setback requirement for accessory buildings from a flanking street is the minimum front yard setback established under the prevailing zoning of the subject residential property. This amendment is consistent with the Planning and Building Department's current application of the Bylaw.

Recommended Bylaw Amendment

1. **THAT** the wording under Section 6.6 (2)(g)(i) be deleted and replaced with wording the same or similar to the following:

“An accessory building in an A, R, or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins

the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the minimum required front yard setback established under the prevailing zoning district of the lot being developed, except that front yard averaging shall not be applied.

2.2 *Posting of signage related to home occupations on residential lots*

Issue

Provisions for signage on residential properties where the resident is carrying on a home occupation under the Burnaby Sign Bylaw 1972 is not consistent with those within the Zoning Bylaw.

Discussion

At the time that the Burnaby Zoning Bylaw 1965 was adopted by Council, provisions were established for the use of signage advertising home-based businesses (home occupation) on a residential lot. Section 6.8(3) of the Bylaw states:

There shall be no external display or advertisement other than a sign bearing only the name and occupation of the owner, which may be illuminated but not flashing and shall not exceed 1,900 cm² (2.05 sq. ft.) in area.

[Burnaby Zoning Bylaw 1965 - Section 6.8(3)]

Subsequent to the Burnaby Zoning Bylaw, Council adopted the Burnaby Sign Bylaw 1972, in which the provisions for the use of signage for home occupations is not consistent with the provisions established under the Zoning Bylaw. Specifically, the Sign Bylaw does not permit signs advertising a home-based business on a residential lot to exceed 2.0 sq. ft. in size or be illuminated. It is the intent of the Zoning Bylaw that signs used in home occupations are consistent with the provisions established under the Sign Bylaw, and in line with current practice. It is noted that there are no provisions in other sections of the Zoning Bylaw regarding the use of signage.

Given that current practice and the intent of the Zoning Bylaw is to permit the use of signage in home occupations as per the provisions of the Sign Bylaw, and that there is no other reference to signage in the Zoning Bylaw, it is proposed that Section 6.8(3) of the Zoning Bylaw be deleted.

Recommended Bylaw Amendment

1. **THAT** Section 6.8(3) be deleted from the Zoning Bylaw.

2.3 Street canopies on industrial buildings

Issue

Industrial buildings which are legally non-conforming with respect to required front yard setback are not permitted to install a street canopy which projects over the front lot line of the property.

Discussion

Street canopies attached to a commercial building provide a number of benefits, including weather protection, signage space, and architectural interest to the frontage/face of the building. Provisions have been established under Section 6.12(1)(d) of the Zoning Bylaw which permits such canopies in all zoning districts to project into a required front, side and rear yard up to a maximum projection of 1.2 m (3.94 ft.) or 50 percent of the width of a required side yard. Provisions have also been established under the Bylaw which permits commercial sites improved with a legal non-conforming commercial building to have a street canopy that projects over the front lot line and onto the City right-of-way. Section 6.6(3)(d) provides as follows:

Notwithstanding section 6.6(1)(b), a street canopy attached to a building in a C District that:

- (i) Has a front yard setback of less than 2.0 m (6.56 ft.), and
- (ii) Is lawfully non-conforming with respect to the front yard setback

may project over the front lot line with the approval of the Director Engineering if it is constructed with a building permit and projects no more than 1.5 m (4.92 ft.) into the road allowance and has a minimum height clearance of 2.7 m (8.86 ft.) from ground level to the lowest point of the canopy.

[Section 6.6(3)(d) – Height of Buildings and Structures]

It is noted that in addition to meeting the above noted Zoning Bylaw requirements, approval from the Director Engineering is required for the street canopy. This requirement is to ensure that the street canopy does not pose vehicular and pedestrian safety issues or impact the maintenance of the immediate public right-of-way.

Industrial buildings which are legally non-conforming with respect to required front yard setback, however, are not permitted to install street canopies which project over the front lot line of a property and onto the City right-of-way, as industrial lands are not referenced in Section 6.6(13)(d) noted above. Given that such canopies would provide a benefit to tenants and patrons who make use of such industrial buildings, it is proposed that industrial buildings which have a front yard setback of less than 2.0 m (6.56 ft.) and are legally non-conforming with respect to the front yard setback be permitted to install street

canopies which project over the front line, subject to the same Zoning Bylaw regulations, and Director Engineering approval, for street canopies on commercial buildings.

Recommended Bylaw Amendment

2. THAT Section 6.6(3)(d) be amended to include the M Districts.

2.4 Location and siting of parking facilities adjacent to residential uses in the C8, C9 and CD Districts

Issue

Setback requirements for parking facilities located adjacent to residential uses in the A, R and RM Districts, currently do not apply to parking facilities located adjacent to residential uses in C8, C9 and CD Districts.

Discussion

The Zoning Bylaw regulates the development of parking facilities within the required yard setback of a property, when such property abuts or is separated by street or lane from a lot in the A, R, and RM Districts. These provisions are as follows under Section 800.6 (2) of the Zoning Bylaw:

No parking area shall be located within the following required yards:

- (a) A side yard which adjoins a flanking street on a corner lot in an RM or P District, provided that in no case need the setback for such parking area exceed a distance of 4.5 m (14.76 ft.)
- (b) A side yard in a C or P District which is separated by a street from a lot in an A, R, or RM District, provided that in no case need the setback for such parking area exceed a distance of 4.5 m (14.76 ft.)
- (c) Any yard in an M District which abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom.

[Section 800.6 (2) Location and Siting of Parking Facilities]

The intent of these requirements is to mitigate potential impacts the parking facility could have on the adjacent residential use. The current wording of the Zoning Bylaw, however, does not provide for this mitigation of potential impacts for residential uses in the C8, C9 or CD Districts.

It is therefore proposed that the wording of the Zoning Bylaw be amended to clarify that the specific yard setback requirements for parking facilities adjacent to A, R, or RM District sites, are applicable to the C8 and C9 Districts, and those CD Districts that include the A, R or RM base Districts. This amendment is consistent with the Planning Department’s current application of the Bylaw.

To: Community Development Committee
From: Director Planning and Building
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Recommended Bylaw Amendment

1. **THAT** Section 800.6 of the Zoning Bylaw be amended to clarify that the specific yard setback requirements for parking facilities when adjacent to an A, R, or RM District site, is applicable to those sites zoned to the C8 and C9 Districts, and CD District zoning that include A, R, and RM base Districts.

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, as outlined in Section 2.0, of this report for advancement to a Public Hearing at a future date.

B. Luksun, Director
PLANNING AND BUILDING

ZM:ll

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