
COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 MAY

RECOMMENDATION:

1. THAT Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 for advancement to a Public Hearing at a future date.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 May 31, received and adopted the attached report to propose a number of text amendments to the Burnaby Zoning Bylaw.

The report presents the following two Zoning Bylaw amendments regarding side and rear yard setback provisions for commercial or industrial developments adjacent to a Comprehensive Development District site, and the regulation of business establishments for the purchase of gold, silver and other precious metals.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to:	City Manager Dir. Planning and Building Chief Licence Inspector Officer In Charge - RCMP City Solicitor
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TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE

DATE: 2011 May 26

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000.20
Reference: Bylaw Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 MAY

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 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 two Zoning Bylaw amendments regarding side and rear yard setback provisions for commercial or industrial developments adjacent to a Comprehensive Development District site, and regulation of business establishments for the purchase of gold, silver and other precious metals.

2.0 PROPOSED BYLAW TEXT AMENDMENTS**2.1 *Side and rear yard setback provisions for commercial or industrial developments adjacent to a Comprehensive Development District site*****Issue**

There is a need to clarify that side and rear yard setback requirements for commercial or industrial developments adjacent to A-Agricultural, R-Residential (single- and two-family) or

RM-Multiple Family Residential District sites, are applicable to agricultural and residential lands developed under CD Comprehensive Development District zoning.

Discussion

Development of commercial and industrial lands under the C1, C2, C3, C4, M1, M2, M3, M4 and M5 Industrial Districts are required to provide a specific side and rear yard setback when adjacent to lands zoned A, R, or RM District. The intent of the Zoning Bylaw is to ensure that such commercial and industrial land uses pose minimal conflict with adjacent agricultural and residential land uses. The issue that arises, however, is that the current wording of the Zoning Bylaw does not specifically state that commercial or industrial developments adjacent to agricultural or residential lands development under CD Comprehensive Development District zoning are required to also provide the specific side or rear yard setback of the prevailing zoning of the lot being developed.

It is therefore proposed that the wording of the Zoning Bylaw be amended to clarify that the specific side and rear yard setback provisions for commercial and industrial developments adjacent to A, R, or RM District sites, are applicable to those agricultural and residential sites developed under CD District zoning. This amendment is consistent with the Planning Department’s current application of the Bylaw.

Recommended Bylaw Amendment

1. **THAT** the Zoning Bylaw be amended to clarify that the specific side and rear yard setback provisions for the C1, C2, C3, C4, M1, M2, M3, M4 and M5 Districts when adjacent to an A, R, or RM District site, is applicable to those agricultural and residential sites developed under CD District zoning.

2.2 Establishments for the purchase and sale of gold, silver and other precious metals

Issue

It is unclear in the Zoning Bylaw in which commercial zoning districts business establishments which purchase used gold, silver and other precious metals are permitted.

Discussion

The Planning Department has received a number of inquiries regarding the appropriate commercial zoning district for establishments engaged in the purchase of used gold, silver and other precious metals (“Cash for Gold” businesses). The issues that arise are as follows:

- a) such businesses are presently not included as a distinct permitted use in the Burnaby Zoning Bylaw, except as part of the operations of a “Second-Hand Store” or as an accessory use to a retail establishment;

- b) such businesses pose concerns regarding their impact on a neighbourhood in relation to local property crime and sale of stolen goods.

Staff review of “Cash for Gold” businesses have determined that such operations are similar to second-hand stores in Burnaby, in that the commodities/resources being purchased are typically derived from used goods, including jewellery, silverware and coins, and that such businesses are also subject to the *Burnaby Second-Hand Dealers Bylaw*. The *Burnaby Second-Hand Dealers Bylaw* regulates businesses which engage in the sale and purchase of used goods to ensure that such businesses are not potential venues for crime (i.e. sale and purchase of stolen property).

The Zoning Bylaw defines a second-hand store as follows:

“**SECOND-HAND STORE**” means an establishment where more than ten per cent of the floor area is used for the purchase and sale of:

- (a) used electronic equipment, including audio or video equipment and accessories, ware or merchandise;
- (b) two or more of the following types or classes of used goods, ware or merchandise:
 - (i) bicycles;
 - (ii) sports equipment;
 - (iii) jewellery;
 - (iv) cameras and camera equipment;
 - (v) musical instruments and equipment;
 - (vi) compact discs (CDs) or digital video discs (DVDs) or both;
 - (vii) tools;
 - (viii) electronic office equipment, including photocopiers and fax machines;

but does not include:

- (a) an antique and collectible store;
- (b) an establishment where used goods, ware and merchandise are sold by a society, charity or other organization that operates on a not-for-profit basis;
- (c) an establishment where all of the used goods, ware, and merchandise offered for sale have been acquired by donation or purchased from societies, charities, or other organizations that operate on a not-for-profit basis; or
- (d) an establishment that sells good, ware or merchandise on consignment.

In summary, the definition of a second-hand store distinguishes between businesses that are potentially problematic (i.e. venue for stolen property) from those stores selling used goods that

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From: Director Planning and Building
Re: Burnaby Zoning Bylaw Text Amendments - May 2011
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are legitimate, productive business operations (i.e. specialty used goods stores; antique stores, non-profit thrift shops).

“Second-Hand Stores” in Burnaby are permitted in the C3 “g” and C4 “g” Districts only, in which each development proposal is reviewed through the rezoning process based on the merits of the application/proposed business operations, and Council-adopted locational guidelines. The rezoning approach has generally served Burnaby well at ensuring that such businesses are located in appropriate commercial areas and pose minimal neighbourhood impact in relation to local property crime and sale of stolen goods.

Given that “Cash for Gold” businesses are typically engaged in the purchase of commodities/resources derived from used goods which are of concern to the RCMP; pose locational concerns; and are regulated under the *Second-Hand Dealers Bylaw*, it is proposed that such businesses be defined in the Zoning Bylaw as a “Second-Hand Store”.

Recommended Bylaw Amendments

1. **THAT** “used gold, silver and other precious metals” be added as a good which defines a “Second-Hand Store”.
2. **THAT** the definition of a “second-hand dealer” under the *Second Hand Dealer’s Bylaw* be amended, in line with the proposed changes to the Zoning Bylaw regarding “Second-Hand Stores”.

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:tn

cc: City Manager
Chief Licence Inspector
Officer In Charge - RCMP
City Solicitor
City Clerk