



Meeting 2011 May 09

COUNCIL REPORT

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 APRIL

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 2011 May 09 and to a Public Hearing on 2011 May 31 at 7:00 p.m.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 April 19, received and adopted the attached report to propose a number of text amendments to the Burnaby Zoning Bylaw.

The report presents the following four text amendments: measurement of building depth in R Residential Districts; permitted projections into required yards; drive-in restaurant use in the C4 District; and frontage restrictions in the C8 and C8a Districts.

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 April 14

FROM: DIRECTOR PLANNING & BUILDING

FILE: 42000.20
Reference: Bylaw Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2011 APRIL

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 2011 May 09 and to a Public Hearing on 2011 May 31 at 7:00 p.m.

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 text amendments relating to the measurement of building depth in R Residential Districts; permitted projections into required yards; drive-in restaurant use in the C4 District; and frontage restrictions in the C8 and C8a Districts.

2.0 PROPOSED BYLAW TEXT AMENDMENTS**2.1 *Measurement of building depth in R Residential Districts*****Issue**

The measurement of building depth for residential developments in the R Residential District is unclear in the Zoning Bylaw.

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Discussion

The Zoning Bylaw currently defines building depth as follows:

“DEPTH, PRINCIPAL BUILDING” means for a principal building, the horizontal distance between the point of the building face nearest the front lot line and the point of the face nearest the rear lot line (or in the case of a through lot, the other front lot line), excluding the projections into required yards permitted by section 6.12 (1).

[Section 3 Definitions]

In summary, the definition for “building depth” refers to the distance of two points of a building which are nearest to and measured at right angles to the front and rear lot lines. The regulation of building depth is applicable to residential developments in the R Residential District, in which the intent of the Zoning Bylaw is to ensure that the massing of such developments does not impact adjacent residential properties.

It is noted that specific architectural and landscape feature projections into required yards, as listed under Section 6.12(1), are excluded from the measurement of building depth, such as roof features, bay windows, porches and balconies, uncovered terraces, and uncovered swimming pools.

The intent of the Zoning Bylaw is to exclude specific projections from the measurement of building depth, irrespective of its siting on a lot. However, the wording of the definition for “building depth” does not clearly reflect this intent for the measurement of building depth and the current application by the City to exclude the specific features which are attached to the building and sited within the permitted building envelope. As such, it is proposed that the definition of “building depth” be amended to clearly state that the following projections, which are attached or part of the principal building, and as currently defined in the bylaw, are excluded from the measurement of building depth:

- Belt courses, cornices, eaves, gutters, sills chimneys, or other similar features, up to 900 mm (2.95 ft.) in length;
- Bay windows up to 900 mm (2.95 ft.) in length; and
- Balconies, canopies, sunshades, open porches, verandas and sundecks, including supporting structures, up to 1.2 m (3.94 ft.) in length.

It is also proposed that the reference to the term “face” (of the building) be deleted from the definition of “building depth” as it does not clearly reference the points of measurement on a building.

These amendments will clarify the wording of the Bylaw, and will not result in any change to the current application of the Bylaw for the development of single- and two-family dwellings in the R Residential District.

Recommended Bylaw Amendment

1. **THAT** the definition of “Depth, Principal Building” be amended with wording the same or similar to the following:

“**DEPTH, PRINCIPAL BUILDING**” means for a principal building, the horizontal distance between the point of the building nearest the front lot line and the point of the building nearest the rear lot line (or in the case of a through lot, the other front lot line), excluding the following projections:

- a) Belt courses, cornices, eaves, gutters, sills chimneys, or other similar features, up to 900 mm (2.95 ft.) in length;
- b) Bay windows up to 900 mm (2.95 ft.) in length; and
- c) Balconies, canopies, sunshades, open porches, verandas and sundecks, including supporting structures, up to 1.2 m (3.94 ft.) in length.

2.2 Measurement of projections into the required yards

Issue

There is a need to clarify Section 6.12 (1d) of the Zoning Bylaw regarding the measurement of projections into a required yard.

Discussion

Under Section 6.12 (1d) balconies, canopies, sunshades, open porches, verandas and sundecks are permitted to project into a required yard up to 1.2 m (3.94 ft.), or 50 percent of the width of a required side yard. The issue that arises is that the Zoning Bylaw is unclear as to whether these projections are required to be cantilevered or may be supported by a supporting structure (i.e. columns). In Planning and Building practice, these permitted projections have been interpreted to mean both cantilevered projections and those supported by a supporting structure, wherein the projection is measured up to the supporting structure.

In order to clarify that the projections listed under Section 6.12 (d) includes supporting structures, it is proposed that this section of the Zoning Bylaw be amended. This amendment will clarify the wording of the Bylaw, and will not result in any change to the current application of the Bylaw with respect to projections into a required yard.

Recommended Bylaw Amendment

1. **THAT** Section 6.12 (1d) of the Zoning Bylaw be amended with wording the same or similar to the following:

- 1 (d) “Balconies, canopies, sunshades, open porches, verandas and sun decks, but such projections, including the supporting structures, shall not exceed 1.2 m (3.94 ft.), or 50 percent of the width of a required side yard.”

2.3 Exclusion of drive-in restaurants in the C4 District

Issue

There is the need to clarify that drive-in restaurants are not a permitted use in the C4 Service Commercial District.

Discussion

The C4 District permits a range low intensity, automobile-oriented service commercial uses, including drive-in businesses, in which the definition of a drive-in business specifically excludes “drive-in restaurants” as a permitted use.

The intent of the Zoning Bylaw is to preclude the development of drive-in restaurants in zoning districts which may permit drive-in businesses. Therefore, in order to clarify that drive-in restaurants are not permitted in the C4 District, it is proposed that Section 304.1(6c), which permits cafes and restaurants, be amended to exclude drive-in restaurants. It is noted that in the C1, C2, C3, C8 and C9 Commercial Districts, drive-in restaurants are specifically excluded from the permitted uses of the prevailing zoning district as part of a café or restaurant business.

This amendment will clarify the wording of the Bylaw with regard to exclusion of drive-in restaurants in the C4 District, and will not result in any change to the current application of the bylaw.

Recommended Bylaw Amendment

1. **THAT** the phrase, “excluding drive-in restaurants” be added to Section 304.1(6c) following “Cafes and restaurants”.

2.4 First storey frontage restrictions for banks and business and professional offices in the C8 and C8a Urban Village Commercial District (Hastings)

Issue

The ability of banks and business and professional offices to locate at grade (first storey) in the core commercial zone of Hastings Street is impacted by the first storey frontage restrictions of the C8 District.

Discussion

At its meeting on 2011 April 11, Council passed a resolution that staff be directed to review Section 308.2 of the Burnaby Zoning Bylaw with respect to amending or eliminating ground

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level frontage restrictions currently placed upon several commercial uses along Hastings Street in the Heights area. This review specifically addresses the frontage restriction for banks and business and professional offices.

Banks and business and professional offices, including dental offices and medical clinics, provide an important service to the Hastings Street community. Provisions under the C8 and C8a District, however, restrict the frontage of banks to 4.5 m (14.76 ft.) in width; provisions under the C8 District restrict the frontage of business and professional offices to 3.0 m (9.84 ft.) in width. These provisions impact the ability of such businesses to locate in the core commercial zone of Hastings Street particularly at grade (on the first storey with main street access).

The Hastings Street Area plan was originally adopted by Council in 1991. The intent of the Plan was to protect and foster the “village” character of the Hastings Street commercial corridor by encouraging at grade small-scale, pedestrian-oriented retail uses with residential potential above. Subsequent to the adoption of the plan, the C8 and C8a Urban Village Commercial District (Hastings) was created, and in line with the Community Plan, the C8 and C8a District limited the frontage of specific commercial uses to encourage diversity, small-scale use and pedestrian interest along the street. As such, the frontage widths of banks and business and professional offices were restricted.

The historic commercial lot pattern within the Hastings Street core commercial area is generally characterized by smaller lots with a width of 10 m (33 ft.). It is noted that 90% of the commercial lots within the core commercial zone are 10 m (33 ft.) in width. These smaller lots are generally improved with one-storey commercial buildings and contribute to the small-scale and pedestrian-oriented “village” character of this commercial corridor. There are also a few historic smaller and larger lots with a width of 7.62 m (25 ft.) and 15.24 m (50 ft.) respectively.

With regard to business and professional offices, the issue that arises is that the maximum 3.0 m (9.84 ft.) frontage width impacts the ability of many business and professional offices, such as dental and medical clinics, to locate on Hastings Street on a typical 10 m (33 ft.) lot width as it limits opportunities for locating at grade (on the first storey), therefore posing issues related to accessibility for employees and clients; street presence; and commercial unit tenancy. Planning staff review of the issue have determined that permitting a 10 m (33 ft.) frontage for business and professional offices would not impact the pedestrian-oriented retail-commercial character of Hastings Street, as well as improve tenancy potential in the core commercial zone.

With regard to banks, it is noted that many existing banks established in the Hastings Street commercial area are legal non-conforming with respect to frontage width. Planning staff review have determined that also permitting a 10 m (33 ft.) frontage for banks would bring many of these business uses into conformity. Further, the increased frontage would not impact the “village character” of the Hastings Street commercial area.

Given that increasing the frontages for banks and business and professional offices in the C8 and C8a District would not impact the “village character” of the Hastings Street commercial area and is consistent with the intent of the Hastings Street Community Plan, it is recommended that the

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frontage restriction of these permitted banks, business and professional offices be subject to a frontage restriction of 10 m (33 ft.).

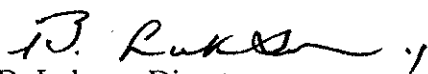
These proposals were discussed with the Heights Merchants Association at their meeting of 2011 April 13 and were considered to be reasonable, and not compromise the intent of the Community Plan.

Recommended Bylaw Amendments

1. **THAT** the first storey frontage restriction for banks in the C8 and C8a District be amended to 10.0 m (33 ft.), where the current frontage restriction is 4.5 m (14.76 ft.).
2. **THAT** the first storey frontage restriction for business and professional offices in the C8 District be amended to 10.0 m (33 ft.), where the current frontage restriction is 9.84 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 as outlined in Section 2.0 of this report and that the bylaw be advanced to First Reading on 2011 May 09 and to a Public Hearing on 2011 May 31 at 7:00 p.m.


B. Luksun, Director
PLANNING & BUILDING

ZM:spf

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

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