

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS - 2018 JUNE

RECOMMENDATIONS:

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 on 2018 July 24.

REPORT

The Planning and Development Committee, at its meeting held on 2018 June 26, received and adopted the attached report proposing a number of text amendments to the Burnaby Zoning Bylaw to allow for fitness and health facilities in the C9 Commercial District, and beekeeping on a greater range of lot sizes providing more flexibility in siting beehives. The Bylaw appears elsewhere on this Council agenda.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Copied to: City Manager Director Planning & Building Chief Building Inspector Chief Licence Inspector City Solicitor
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TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2018 June 21

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20
Reference: Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2018 JUNE

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 on 2018 July 24.

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 1) fitness and health facilities in the C9 District; and 2) beekeeping in Agricultural Districts.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 Fitness and Health Facilities in the C9 District

Issue

There is a desire to allow for fitness and health facilities in the C9 Commercial District, given that they are permitted in similar Commercial Districts, such as the C8 District.

Discussion

Currently, fitness and health facilities are permitted in the C2, C3, C4, and C8 Commercial Districts, but not the C9 District. The C9 District was created in 2000, and is utilized in Urban Villages to provide for a wide range of commercial and retail establishments with medium density multiple-family dwellings located above. However, when the C9 District was adopted, fitness and health facilities were not included as a permitted use.

The exclusion of fitness and health facilities from the C9 District is inconsistent with both the intent of the C9 District, and their inclusion in similar Commercial Districts, such as the C8 District. Furthermore, staff also recognize the positive contribution that urban fitness and health facilities can make to both the health and social wellbeing of a community, and the vibrancy of a commercial district, given their broad appeal and visual interest when designed with visually permeable frontages.

Given the above, it is therefore recommended that the C9 District be amended to allow for fitness and health facilities.

Recommended Bylaw Amendment

1. **THAT** Section 309.2 (C9 District) of the Zoning Bylaw be amended by adding in subsection (18) with wording the same or similar to the following:

Fitness and health facilities

2.2 Beekeeping in Agricultural Districts

Issue

There is a need to amend the setback requirements applicable to the keeping of bees in the A1, A2, and A3 Agricultural Districts to allow for beekeeping on a greater range of lot sizes and to provide more flexibility in siting beehives to help improve the productivity of agricultural lands.

Discussion

In accordance with Sections 601.1(6), 602.1(4) and 603.1(3) of the Burnaby Zoning Bylaw, beekeeping is permitted in the A1, A2, and A3 Districts provided that all hives or structures used for such purposes are located at a distance of not less than 24.5 m (80.38 ft.) from all street or lot lines, and not less than 9.0 m (29.53 ft.) from a dwelling situated on the same lot.

The keeping of bees is also permitted as an accessory use in conjunction with a single-family dwelling in the R1, R2, R3, R4, R5, R10 and R11 Districts, subject to a number of conditions including a minimum lot area of 557.4 m² (6,000 sq. ft.), a width of not less than 15 m (49.2 ft.), and a limit of two beehives and two nucleus colonies. Beehives located on R District lots are also required to be sited in the rear yard and must either be surrounded by a solid fence or hedge not

less than 1.8 m (5.91 ft.) in height, or setback at least 7.5 m (25 ft.) from all lot lines, or elevated not less than 2.5 m (8.0 ft.) above the ground.

However, the setback requirements applicable in the A Districts are inconsistent with those required in the above noted R Districts, and prevent the keeping of bees on many smaller A District zoned lots, where beekeeping would otherwise be permitted on an R District lot. For example, in the above noted R Districts, no setback is required from a lot line provided a 1.8 m (5.91 ft.) tall fence is constructed around the beehives, whereas in the A Districts, all beehives must be sited a minimum of 24.5 m (80.38 ft.) from a lot line, irrespective of whether there is a fence surrounding the hive. Likewise, on an applicable residential zoned lot, a beehive may be sited up against a dwelling unit, whereas on an agricultural zoned lot, a farmer is required to locate their hives at least 9.0 m (29.53 ft.) from their residence.

Given that A District lots are primarily intended for agricultural uses, and therefore benefit most from pollinators, there is a need to amend the setback requirements applicable to the keeping of bees in the A1, A2, and A3 Agricultural Districts to allow for beekeeping on a greater range of lot sizes, and to provide more flexibility in siting beehives to help improve the productivity of agricultural lands. Therefore, it is recommended that the setback requirements applicable to the keeping of bees in the Agricultural Districts be amended to generally align with the setback requirements applicable in the above noted Residential Districts.

Furthermore, given that there are a number of smaller A2 District lots (typically less than 2,000 m²) that are located in more urban areas and that function similar to residential lots, particularly in the Montecito Community Plan area, it is further recommended that on such lots, the keeping of not more than 2 beehives and 2 nucleus colonies be permitted, similar to residential zoned lots.

It should be noted that beekeeping is also regulated under the Provincial Bee Act, which requires honeybee colony operators and the location of their beehives to be registered with the BC Ministry of Agriculture and Lands. Provincial staff respond to nuisance complaints, inspect honeybee colonies and have the authority to remove or destroy hives if a beekeeper or beehive is not registered, or if the colony is diseased. This additional regulatory oversight helps to promote good management practices and minimise the occurrence of beehive related complaints.

Planning staff have reviewed beekeeping bylaws in the City of Surrey, Richmond, New Westminster and the District of North Vancouver. These municipalities generally require that beehives be setback a minimum of 7.5 m (25 ft.) from the property line, except in circumstances where the hive is 2.5 m (8 ft.) above the ground or behind a solid fence of a specified height. Further, the City of Richmond and New Westminster limit the number of hives to four where the lot area is less than 2,000 m² (0.2 ha). The City of Surrey and the District of North Vancouver are less restrictive with regards to the number of hives permitted on smaller lots. As such, the above noted amendments would generally be consistent with the planning practices of neighbouring municipalities.

Recommended Bylaw Amendment

1. **THAT** references to the keeping of bees be removed from Sections 601.1(6) (A1 District) and 602.1(4) (A2 District) of the Zoning Bylaw.

2. **THAT** Section 601.1 (A1 District) of the Zoning Bylaw be amended by adding in subsection (13) with wording the same or similar to the following:

The keeping of bees, provided that all hives or structures used for such purposes are:

(a) surrounded by a solid fence or hedge not less than 1.8 m (5.91 ft.) in height; or

(b) set back not less than 7.5 m (25 ft.) from all lot lines; or

(c) elevated not less than 2.5 m (8.0 ft.) above the surface of the ground.

3. **THAT** Section 602.1 (A2 District) of the Zoning Bylaw be amended by adding in subsection (7) with wording the same or similar to the following:

The keeping of bees, provided that all hives or structures used for such purposes are:

(a) surrounded by a solid fence or hedge not less than 1.8 m (5.91 ft.) in height; or

(b) set back not less than 7.5 m (25 ft.) from all lot lines; or

(c) elevated not less than 2.5 m (8.0 ft.) above the surface of the ground,

except that on lots with an area less than 2,000 m² (0.2 ha), not more than two beehives and two nucleus colonies shall be maintained on the lot, and all hives or structures used for such purposes shall be located in the rear yard.

4. **THAT** Section 603.1(3) (A3 District) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

The keeping of bees, provided that all hives or structures used for such purposes are:

(a) surrounded by a solid fence or hedge not less than 1.8 m (5.91 ft.) in height; or

(b) set back not less than 7.5 m (25 ft.) from all lot lines; or

(c) elevated not less than 2.5 m (8.0 ft.) above the surface of the ground.

To: Planning and Development Committee
From: Director Planning and Building
Re: Burnaby Zoning Bylaw Text Amendments –2018 June
2018 June 21 Page 5

3.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of the Bylaw, make amendments in support of existing practices and Council policies, and achieve other 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 on 2018 July 24.


Lou Pelletier, Director
PLANNING AND BUILDING

MN/KL:eb/tn

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

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