

Attachment 1 – Proposed Bylaw Amendments

This attachment outlines the proposed amendments to the Burnaby Development Procedures Bylaw 2022, effective July 22, 2024. Proposed additions are underlined and proposed deletions are struck through.

Section	Current	Proposed
2.1		<u>“Sign Bylaw” means the Burnaby Sign Bylaw 1972</u>
4A.1	<p>For the purpose of this bylaw, minor variance means a variance that meets all of the following criteria:</p> <p>(a) varies the requirements of the Zoning Bylaw relating to:</p> <p style="padding-left: 20px;">(i) siting, size, and dimensions of a building or structure, or a portion thereof, except those related to fences and retaining walls, clearance at intersections, lot coverage, and minimum or maximum floor area of a dwelling unit or living unit; and/or</p> <p style="padding-left: 20px;">(ii) siting of a permitted use;</p> <p>(b) does not exceed 25 percent of the applicable requirements of the Zoning Bylaw; and</p> <p>(c) does not result in a change to the use, density, residential rental tenure, and flood plain requirements specified in the Zoning Bylaw.</p>	<p>For the purpose of this bylaw, minor variance means a variance that meets all <u>each</u> of the following <u>relevant</u> criteria:</p> <p>(a) varies the requirements of the Zoning Bylaw relating to <u>in relation to the Zoning Bylaw (including a Comprehensive Development District), varies one or more requirements relating to:</u></p> <p style="padding-left: 20px;">(i) siting, size and dimensions of a building or structure, or a portion thereof; fences and retaining walls, clearance at intersections, lot coverage, and minimum or maximum floor area of a dwelling unit or living unit; and/or</p> <p style="padding-left: 20px;">(ii) siting of a permitted use <u>siting, size and dimensions of uses that are permitted on the land, or portion thereof;</u></p> <p style="padding-left: 40px;">(iii) <u>off-street parking space requirements; or</u></p> <p style="padding-left: 40px;">(iv) <u>screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance the natural environment;</u></p> <p>(b) <u>in relation to the Sign Bylaw, varies a requirement under the bylaw;</u></p>

		<p>(c) does not exceed <u>varies the requirement by no greater than 25 50</u> percent, except:</p> <p>(i) <u>building or structure heights may be varied by no greater than 25 percent; and</u></p> <p><u>(ii) in respect to a Comprehensive Development District, the requirement may be varied by no greater than 50 percent of the corresponding requirement (or 25 percent in the case of building or structure heights) set out in the current Zoning Bylaw without reference to any variations under the Comprehensive Development District; and</u></p> <p>(c) <u>in relation to the Zoning Bylaw (including a Comprehensive Development District)</u> does not result in a change to the use, density, residential rental tenure, or flood plain requirements.</p>
4.2A	<p>Pursuant to section 498.1 of the Local Government Act, Council delegates to the General Manager Planning and Development the authority to:</p> <p>(a) issue a development variance permit in respect to minor variances;</p> <p>(b) amend a development variance permit issued in respect to minor variances, provided that the combined variances do not exceed 25 percent of the applicable requirements of the Zoning Bylaw; and</p> <p>(c) impose terms and conditions in a development variance permit in respect to minor variances to ensure public safety, improve livability, maintain neighbourhood character, preserve the natural</p>	<p>Pursuant to section 498.1 of the Local Government Act, Council delegates to the General Manager Planning and Development the authority to:</p> <p>(a) issue a development variance permit in respect to minor variances;</p> <p>(b) amend a development variance permit issued in respect to minor variances, provided that the combined variances do not exceed 25 percent of the applicable requirements of the Zoning Bylaw <u>the criteria set out in section 4A.1 (c) of this bylaw</u>; and</p>

	<p>environment, retain heritage character, and/or enhance sustainability, in accordance with applicable City policies.</p>	<p>(c) impose terms and conditions in a development variance permit in respect to minor variances to ensure public safety, improve livability, maintain neighbourhood character, preserve the natural environment, retain heritage character, and/or enhance sustainability, in accordance with applicable City policies.</p>
<p>4A.3</p>	<p>The General Manager Planning and Development shall consider the following guidelines in determining whether to issue a development variance permit for minor variances:</p> <p>(a) the requested variance facilitates the efficient use and development of the site, taking into account the specific site conditions and/or special circumstances have unreasonably compromised the potential development of the site;</p> <p>(b) the applicant has made reasonable efforts to eliminate the need for, or reduce the extent of, the requested variance;</p> <p>(c) the proposed development is generally compatible with the adjacent neighbourhood and uses;</p> <p>(d) the proposed development will not have significant impacts on adjacent uses, streetscapes, or the natural environment;</p> <p>(e) the requested variance generally meets the intent of the Zoning Bylaw; and</p> <p>(f) the proposed development and the requested variance are generally in compliance with other City policies and regulations.</p>	<p>The General Manager Planning and Development shall consider the following guidelines in determining whether to issue a development variance permit for minor variances:</p> <p>(a) the requested variance facilitates the efficient use and development of the site, taking into account the specific site conditions and/or special circumstances have unreasonably compromised the potential development of the site;</p> <p>(b) the applicant has made reasonable efforts to eliminate the need for, or reduce the extent of, the requested variance;</p> <p>(c) (c) the proposed development is generally compatible with the adjacent neighbourhood and uses; Repealed</p> <p>(d) the proposed development will not have significant impacts on <u>the</u> adjacent <u>neighbourhood</u>, uses, streetscapes, or the natural environment; <u>and</u></p> <p>(e) the requested variance generally meets the intent of the Zoning Bylaw, as applicable; and</p>

		(f) the proposed development and the requested variance are generally in compliance with other City policies and regulations.
4A.6	The public notification requirements in Part 5 of this bylaw shall apply to an application to the General Manager Planning and Development and reconsideration by Council under this Part 4A.	The public notification requirements in Part 5 of this bylaw shall apply to an application to the General Manager Planning and Development and reconsideration by Council under this Part 4A <u>reconsideration by Council upon a request by an owner of a site under section 4A.5 of this bylaw. For certainty, the requirements shall not apply to an application to the General Manager Planning and Development under this Part 4A.</u>
5.1	Where notice is required to be provided in the Local Government Act or under this bylaw for an application for a permit , the distance for the mailing or delivery of notices is 50 m (164 ft.) from that part of the site that is subject to the permit .	Where notice is required to be provided in the Local Government Act or under this bylaw for an application for a permit , the distance for the mailing or delivery of notices is <u>50-30</u> m (<u>164 98.4</u> ft.) from that part of the site that is subject to the permit .
5.2	The City shall give notice of an application for a permit or Council reconsideration of a decision under this bylaw in accordance the following, as applicable: (a) for a temporary use permit , in accordance with section 494 of the Local Government Act ; (b) for a development variance permit to be considered by Council , in accordance with section 499 of the Local Government Act , and (c) for a development variance permit in respect to minor variances , in accordance with section 499 of the Local Government Act as if the decision of the General Manager Planning and Development is a Council resolution. (BYLAW 14547)	The City shall give notice of an application for a permit or Council reconsideration of a decision under this bylaw in accordance the following, as applicable: (a) for a temporary use permit , in accordance with section 494 of the Local Government Act ; <u>and</u> (b) for a development variance permit to be considered by Council , in accordance with section 499 of the Local Government Act . ,-and (c) for a development variance permit in respect to minor variances, in accordance with section 499 of the Local Government Act as if the decision of the General Manager Planning and Development is a Council resolution. (BYLAW 14547)

		<u>(c) Repealed</u>
5.3	<p>In addition to all statutory notice requirements, an applicant shall post a sign on the site in respect to an application for a permit or Council reconsideration of a decision under this bylaw in accordance with the following:</p> <p>(a) for a permit to be considered by Council, at least thirty (30) days prior to the date of the Council meeting at which the application will be considered;</p> <p>(b) for a development variance permit in respect to minor variances, no later than fifteen (15) days after the date the application was made in accordance with section 3.1 of this bylaw.</p> <p>(c) for Council reconsideration of a decision of the General Manager Planning and Development under Part 4A of this bylaw, at least ten (10) days prior to the date of the Council meeting at which the decision will be reconsidered. (BYLAW 14547)</p>	<p>In addition to all statutory notice requirements, an applicant shall post a sign on the site in respect to an application for a permit or Council reconsideration of a decision under this bylaw in accordance with the following:</p> <p>(a) for a permit to be considered by Council, at least thirty (30) <u>ten (10)</u> days prior to the date of the Council meeting at which the application will be considered; (b) for a development variance permit in respect to minor variances, no later than fifteen (15) days after the date the application was made in accordance with section 3.1 of this bylaw.</p> <p><u>(b) Repealed</u></p> <p>(c) for Council reconsideration of a decision of the General Manager Planning and Development under Part 4A of this bylaw, at least ten (10) days prior to the date of the Council meeting at which the decision will be reconsidered.</p>
5.5	<p>The sign(s) required to be posted in accordance with sections 5.3 of this bylaw shall be removed from the site within ten (10) days after the decision of Council or the General Manager Planning and Development, as applicable, in respect to the application or reconsideration. If the owner fails to do so, the City, by its employees or contractors, may enter the site and remove the sign(s) and the owner shall pay the sign removal fee set out in the <i>Burnaby Consolidated Fees and Charges Bylaw</i>, and if such fee is unpaid by the 31st day of December of the year in which the</p>	<p>The sign(s) required to be posted in accordance with sections 5.3 of this bylaw shall be removed from the site within ten (10) days after the decision of Council or the General Manager Planning and Development, as applicable, in respect to the application or reconsideration. If the owner fails to do so, the City, by its employees or contractors, may enter the site and remove the sign(s) and the owner shall pay the sign removal fee set out in the <i>Burnaby Consolidated Fees and Charges Bylaw</i>, and if such fee is unpaid by the 31st day of December of the year in which the</p>

	expenses were incurred, shall be added to and form part of the property taxes payable in respect of the site as taxes in arrears. (BYLAW 14547)	expenses were incurred, shall be added to and form part of the property taxes payable in respect of the site as taxes in arrears.
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