

CITY OF VANCOUVER



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POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: January 28, 2008
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Meeting Date: February 12, 2008

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: Miscellaneous Text Amendments: Zoning and Development By-law,
Sign By-law and CD-1 By-laws

RECOMMENDATION

THAT the Director of Planning be instructed to make applications to amend the Zoning and Development By-law, Sign By-law and CD-1 By-laws for miscellaneous amendments generally as presented in Appendix A, and that the applications be referred to a Public Hearing; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix A, for consideration at the Public Hearing.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no Council Policy directly applicable to the proposed amendments.

PURPOSE AND SUMMARY

This report recommends a number of miscellaneous text amendments to the Zoning and Development By-law, Sign By-law and CD-1 By-laws. The amendments achieve the intent of initial rezonings.

DISCUSSION

From time to time, Council has approved packages of miscellaneous text amendments intended to fix typographical or inadvertent errors, and to provide clarity for the public and staff in the interpretation of by-laws and guidelines. Proposed amendments that are substantive in nature are not included in these packages, but are reported separately. Urgent amendments are reported individually as the need arises. The last package of miscellaneous text amendments was enacted by Council in May, 2007.

The following is a brief description of each of the proposed amendments. An explanation and draft by-law wording for each is contained in Appendix A.

Zoning and Development By-law

- To amend Section 2 to provide clarity on the definition of “wholesale”.
- To amend Section 2 and the I-2 and M-2 District Schedules to correct an inadvertent error.

CD-1 By-law No. 9116 (#435) for 1380 Hornby Street

- To amend Section 6 to clarify the parking requirements for the site in order to allow a development to provide parking according to the parking by-law if the site is not fully developed under the existing CD-1 by-law provisions. This would achieve the intent of the original CD-1 By-law.

CD-1 By-law No. 9588 (#461) for 3203 - 3229 West 10th Avenue

- To amend this CD-1 to achieve the intent of the original rezoning.

Sign By-law

- To amend Schedule E to achieve the intent of an earlier rezoning.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report proposes miscellaneous amendments to clarify language, achieve the intent of initial rezonings, and to correct typographical and inadvertent errors. To this end, it is recommended that staff be instructed to make applications to amend the Zoning and Development By-law, Sign By-law and CD-1 By-laws and that the applications be referred to a Public Hearing.

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PROPOSED MISCELLANEOUS TEXT AMENDMENTS
ZONING AND DEVELOPMENT BY-LAW, CD-1 BY-LAWS, AND SIGN BY-LAW

[All additions are show in *bold italics*. Deletions are shown in ~~strikeout~~.]

By-law amendments will be prepared generally in accordance with the provisions listed below and are subject to change and refinement prior to by-law posting.

ZONING AND DEVELOPMENT BY-LAW

1. Staff have identified the following correction in Section 2 to correct a typographical error:

Wholesale means to offer to sell or rent, or to sell or rent, merchandise other than ~~as~~ *at* retail;

2. Staff have identified the following corrections in Section 2 and in the I-2 and M-2 District Schedules to achieve the intent of an earlier rezoning:

Section 2:

~~Limited Food Service Establishment, which means the use of premises for the primary purpose of selling, or selling and serving, prepared food to the public during all hours of operation, where the premises include not more than 16 indoor or outdoor seats for customers consuming food purchased on the premises, but where customers may also purchase food for take-out, and where live entertainment is not available;~~

I-2 and M-2 in section 3.2.R:

Replace "Limited Food Service Establishment." with "*Limited Food Service Establishment, which means the use of premises for the primary purpose of selling, or selling and serving, prepared food to the public during all hours of operation, where the premises include not more than 16 indoor or outdoor seats for customers consuming food purchased on the premises, but where customers may also purchase food for take-out, and where live entertainment is not available.*"

CD-1 BY-LAWS

3. CD-1 By-law No. 9116 (#435) for 1380 Hornby Street: At the time of rezoning to CD-1 for this site a minimum parking requirement of 37 spaces was included in the CD-1 By-law. The applicant has decided not to pursue the approved development at the present time. Because the developer will not be building to the full extent of the approved development at this time, 37 parking spaces would not be necessary under the parking by-law for the limited development being proposed. The following clarification would allow the developer to provide parking in accordance with the parking by-law:

6 Parking and loading, and bicycle storage

Any development or use of the site requires the provision, development, and maintenance of off-street parking and loading, and bicycle storage, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, except that *if development of the site consists of hotel use* the site must include at least 37 off-street parking spaces.

4. CD-1 By-law No. 9588 (#461) for 3203 - 3229 West 10th Avenue: Staff have identified a provision that was inadvertently omitted that the Director of Planning may relax the horizontal angle of daylight provision in this CD-1 By-law. The following addition to Section 5 would achieve the intent of the original CD-1 rezoning:

Immediately after Section 5.5 please add the following:

5.6 The Development Permit Board or the Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement of section 5.1 provided he first considers the intent of this CD-1 By-law and all the applicable policies and guidelines adopted by Council and providing that a minimum distance of 3.7 m of unobstructed view is maintained.

SIGN BY-LAW

5. Staff have identified the following correction to Schedule E achieve the intent of an earlier rezoning:

Immediately after 3215 MacDonald Street CD-1(25) 4076 B (C-1) please add:

2105 West 32nd Avenue, 4615 - 4675 Arbutus Street CD-1 (26) 4078 B (C-1)