



CITY OF VANCOUVER

P2

POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: September 2, 2008
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Meeting Date: September 16, 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

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

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.

- B. THAT miscellaneous amendments to the Parking By-law be approved, generally in accordance with Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix B, for enactment.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A and B.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE AND SUMMARY

This report recommends a number of miscellaneous text amendments to the Zoning and Development By-law, to various CD-1 By-laws, to the Sign By-law and to the Parking By-law. The amendments achieve the intent of earlier rezonings and correct an inadvertent error in a definition.

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 April 2008.

Following is a brief description of each of the proposed amendments. An explanation and a description of the wording changes for each is contained in Appendix A.

Zoning and Development By-law

- To amend section 8 to remove imprisonment as a penalty for a by-law offence. This would achieve the intent of an earlier Council decision.
- To amend section 8 to increase the minimum fines to be consistent with other by-laws and to achieve the intent of an earlier Council decision.
- To amend the minimum site requirements for One-Family Dwelling with Secondary Suite in RM-2, RM-3, RM3-A, RM-4 and RM-4N. This would correct an inadvertent error.

CD-1 By-law No. 4296 (#41A) for 1966 East 19th Avenue

- To replace the use term "Special Needs Residential Facility - Congregate Housing" with "Seniors Supportive or Assisted Housing" to achieve the intent of an earlier rezoning.

CD-1 By-law No. 4677 (#86) for 2633-2677 East Broadway

- To replace the use term "a multiple dwelling designated solely for families of low income under the provisions of the National Housing Act" with "Seniors Supportive or Assisted Housing" to achieve the intent of an earlier rezoning; and
- To replace "40 parking spaces" in section 5 with "13 parking spaces" to achieve the intent of an earlier rezoning.

CD-1 By-law No. 7655 (#360) for 2855 Sophia Street and 296 East 12th Avenue

- To replace the use term "Special Needs Residential Facility - Congregate Housing" with "Seniors Supportive or Assisted Housing" to achieve the intent of an earlier rezoning.

CD-1 By-law No. 9113 (#433) for 1885 - 1895 Venables Street

- To amend section 4 of this CD-1 and correct the height of the building which was incorrectly noted in the by-law. This would correct an inadvertent error.

CD-1 By-law No. 9693 (#470) for 2900 East Broadway

- To amend section 2 and section 3 of this CD-1 to correct the definitions to the term "Desktop Publishing". This would correct an inadvertent error.

Sign By-law

- To correct the definition to the term "site" to remove an inconsistency which arose when this definition was imported into the Sign By-law from the Zoning By-law.
- To amend section 8 to increase the minimum fines to be consistent with other by-laws and to achieve the intent of an earlier Council decision.

Parking By-law

- To amend section 6 and correct the institutional use terms, to achieve the intent of earlier zoning amendments.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report proposes miscellaneous amendments to achieve the intent of earlier 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, the CD-1 By-laws listed in this report, the Sign By-law and the Parking By-law, and that the applications to amend the Zoning and Development By-law, the CD-1 By-laws listed in this report, and the Sign By-law 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 shown 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. **Section 8:** On April 18, 2000, Council passed a resolution removing the possible penalty of imprisonment from the penalty provisions in twenty seven City by-laws. This was done after Council was advised that the penalty of imprisonment is not sought during prosecution of any City by-laws and the presence of the reference to imprisonment meant that certain legal arguments could be raised under the Charter of Rights, even though the City never sought imprisonment. At the time the penalty provision of the Zoning by-law was not amended simply because an amendment to the Zoning By-law required a public hearing. It is recommended that this amendment be made to ensure that the penalty section in the Zoning By-law is consistent with actual City practices and with the penalty sections in other City by-laws. The following amendment is to achieve the intent of the earlier Council Report:
 - 8.2 Every person who commits an offence against this By-law is liable to a fine and penalty of not more than \$2,000 and not less than \$50 for each offence ~~and, in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding two months.~~
2. **Section 8:** On April 15, 2008, Council enacted a by-law to set minimum fines for various by-laws and to set the fines at a level that would be a deterrent to offenders. The following amendment is to achieve the intent of this earlier Council decision subject to public hearing:
 - 8.2 Every person who commits an offence against this By-law is liable to a fine and penalty of not more than \$2,000 and not less than ~~\$50~~ ***\$250*** for each offence ~~and, in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding two months~~ ***except for failing to comply with section 6.8 in which case the fine is to be not less than \$500.***
3. **RM-2, RM-3, RM-3A, RM-4 and RM-4N:** On July 19, 2005, Council enacted various amendments to the Zoning and Development By-law to further facilitate the legalization of secondary suites. Amendments were made to extend to one-family dwelling with secondary suite, the minimum site area requirements and relaxations that apply to one-family dwellings. To accomplish this, the term "one-family dwelling with secondary suite" was included in sections 1.1.1 (site area) and 5.1 (relaxation of regulations) of several RS-, RT-, and RM-residential district schedules. It has since been determined that in a small number of RM- zones, the minimum site area requirements do not apply to one-family dwelling and therefore should not have been extended to one-family dwelling with secondary suite. The purpose of the following "housekeeping" amendments is to achieve the intent of the earlier Council decision:

Section 4

RM-2

- 4.1.1 The minimum site area for a multiple dwelling, ~~one-family with secondary suite,~~ or rooming house shall be 550 m² and the maximum site area for such developments shall be 3 000 m², except that where the existing subdivision is such that this limitation would require the exclusion of less than 300 m² of an existing lot, the maximum site area shall be 3 300 m².

RM-3, RM-3A, RM-4 and RM-4N

- 4.1.1 The minimum site area for a multiple dwelling, ~~one-family dwelling with secondary suite,~~ or rooming house shall be 550 m².

Section 5

RM-2, RM-3, RM-3A, RM-4 and RM-4N

Delete section 5.1(b) and renumber the sub-sections that follow.

RM-4 and RM-4N

- 5.3(a) one-family dwelling, *one-family dwelling with secondary suite*, or two-family dwelling, provided that the floor space ratio shall in no case exceed 1.00;

CD-1 BY-LAWS

4. CD-1 By-law No. 4296 (#41A) for 1966 East 19th Avenue: On April 6, 2004, Council enacted various amendments to the Zoning and Development By-law to reflect changes to seniors housing and to replace the term "Special Needs Residential Care Facility - Congregate Housing" with "Seniors Supportive or Assisted Housing". The purpose of the following amendment is to achieve the intent of this earlier Council decision:

Section 2 Uses

- 2(b) ~~Special Needs Residential Facility - Congregate Housing~~ *Seniors Supportive or Assisted Housing*

5. CD-1 By-law No. 4677 (#86) for 2633-2677 East Broadway: At the time of rezoning for this site in 1990 there had been lack of clarity that the 80-unit multiple dwelling at "Broadway Manor" was actually a senior citizen's housing development rather than a multiple dwelling designated for low-income families. Correspondingly, the requirement of 40 parking spaces should have been reduced to 13 spaces. The purpose of the following amendments is to rectify this situation:

Section 2

For Lot D

- (a) a maximum of 80 dwelling units in a ~~multiple dwelling designated solely for families of low income under the provisions of the National Housing Act~~ *Seniors Supportive or Assisted Housing*;

Section 5 Off-street Parking and Loading

Off-street parking and loading shall be provided, developed and maintained in accordance with the provisions of the Parking By-law, except that a minimum of ~~40~~ 13 parking spaces shall be provided for the permitted uses on Lot D and a minimum of 72 parking spaces shall be provided for the permitted uses on Lot E.

6. CD-1 By-law No. 7655 (#360) for 2855 Sophia Street and 296 East 12th Avenue: On April 6, 2004, Council enacted various amendments to the Zoning and Development By-law to reflect changes to seniors housing and to replace the term "Special Needs Residential Care Facility - Congregate Housing" with "Seniors Supportive or Assisted Housing". The purpose of the following amendment is to achieve the intent of this earlier Council decision:

Section 6 Off-Street Parking and Loading

6.1 Off-street parking, loading and bicycle spaces must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that for a ~~Special Needs Residential Facility - Congregate Housing~~ *Seniors Supportive or Assisted Housing*

7. CD-1 By-law No. 9113 (#433) for 1895 Venables Street: At the time of rezoning to CD-1 for this site the existing height of the Heritage building was incorrectly noted in the by-law. The following corrections to section 4 would achieve the intent of the original CD-1 rezoning:

Section 4 Building Height

The building height, measured above base surface, must not exceed ~~13.4 m~~ 19.1 m for new construction and ~~17.9 m~~ 18.9 m for the building existing as of the date of enactment of this By-law.

8. CD-1 By-law No. 9693 (#470) for 2900 East Broadway: At the time of rezoning to CD-1 for this site the term "Desktop Publishing" was incorrectly defined under the Definitions and Uses sections in the by-law. The following corrections to section 2 and 3.2 (d) would achieve the intent of the original CD-1 rezoning:

Section 2 Definitions

" 'Desktop Publishing' means the ~~development or production of computer software, and the research or design of computer, electrical, electronic or communications equipment or similar products~~ creation of page layouts with text, graphic, photos and other visual elements using computer software."

Section 3 Uses

3.2 (d) Office Uses, limited to *Desktop Publishing, Information Technology and* General Office but not including the offices of accountants, lawyers or notaries public, or of real estate, advertising, insurance, travel or ticket agencies;

SIGN BY-LAW

9. Historically, the provisions of the Sign By-law used to form part of the Zoning and Development By-law. When the Sign By-law was enacted as a separate by-law, a

number of definitions which existed in the Zoning and Development By-law were imported into the Sign By-law, definitions which made sense in the context of zoning and development of land, but did not necessarily make sense in regards to regulation of signs. It makes sense, for example, to define a site for land development purposes by requiring that it abut on a street, not a lane, for various reasons relating to delivery of City services such as sewers and water lines and sidewalks, but it does not make sense to define a site for the purposes of regulating signs by a requirement that the site abut a street. There are sound zoning reasons not to include a strata lot in the definition of a site in the Zoning and Development By-law, but there is no reason to include that provision in regards to regulation of signs. The following "housekeeping" amendment is to remove an inconsistency which arose when this definition was imported into the Sign By-law from the Zoning and Development By-law:

Section 2 Definitions

Site means an area of land consisting of one or more adjoining parcels or lots ~~abutting on a street not being a lane, but does not include a strata lot;~~

10. **Section 8:** On April 15, 2008, Council enacted a by-law to set minimum fines for various by-laws and to set the fines at a level that would be a deterrent to offenders. The following amendment is to achieve the intent of this earlier Council decision subject to public hearing:
 - 8.2 Every person who commits an offence against this By-law is liable to a fine and penalty of not more than \$2,000.00 and not less than ~~\$100.00~~ **\$250.00** for each offence.
 - 8.3 Notwithstanding the minimum fine referred to in Section 8.2, every person who commits an offence against Section 6.5 by continuing to display a sign without a valid permit or Section 7.2 by failing to comply with an order is liable to a fine of not less than ~~\$200.00~~ **\$500.00** for each offence.

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

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

PARKING BY-LAW

Section 6.2.2: On June 24, 2008, Council approved amendments to the Special Needs Residential Facilities (SNRF) definitions. Staff have identified the following corrections in section 6.2.2 to achieve the intent of this earlier Council decision.

Column 1 Building Classification

Section 6.2.2.1

- ~~Special Needs Residential Facility~~—Community Care *Facility* - Class B; ~~Special Needs Residential Facility~~—Group Living *Residence*; Detoxification Centre.

Section 6.2.2.5

- Ambulance Station; Child Day Care Facility; Social Service Centre; ~~Special Needs Residential Facility~~—Community Care *Facility* - Class A; ~~Special Needs Residential Facility~~—Congregate Housing *Seniors Supportive and Assisted Housing*.