



## CITY OF VANCOUVER

### POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: April 7, 2009  
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Meeting Date: April 21, 2009

TO: Vancouver City Council

FROM: Director of Planning

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

#### RECOMMENDATION

- A. THAT the Director of Planning be instructed to make applications to amend the Zoning and Development By-law, various Comprehensive Development (CD-1) By-laws, and the Sign By-law 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 text amendments to the Zoning and Development Fee 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-laws, generally in accordance with Appendix B, for enactment.

#### GENERAL MANAGER'S COMMENTS

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

## 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, various CD-1 By-laws, the Sign By-law, the Development Permit Board and Advisory Panel By-law, and the Zoning and Development Fee By-law. The amendments achieve the intent of earlier rezonings and correct inadvertent errors.

## 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. The last package of miscellaneous text amendments was enacted by Council in April 2009.

The following is an explanation and description of the proposed amendments that require a Public Hearing. The draft by-law wording for each is contained in Appendix A.

### Zoning and Development By-law – RM-5, RM-5A, RM-5B, RM-5C Districts Schedule

- On March 3, 2009, Council enacted a by-law to amend the definition of “Fitness Centre” and to make consequential changes to the Zoning and Development By-law. After preparation of the by-law, staff realised it was not necessary to add “Fitness Centre - Class 1” to the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule because “Fitness Centre” use is already a permitted use in the RM-5C District under Section 3.2.2.C [Cultural and Recreational]. The term “Fitness Centre” includes both “Fitness Centre Class 1” and Fitness Centre - Class 2”. The purpose of this amendment is to remove this redundancy.

### CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue

- When a CD-1 By-law was created for this site in 2005, exclusions for covered porches and areas of floor below sloping roof rafters were inadvertently omitted in the by-law provisions for calculating floor space. Staff have since determined that the design of housing intended for the site cannot be achieved with the approved by-law. The proposed amendment would be consistent with the approved Celtic Avenue CD-1 (No. 448) Design Guidelines and it would achieve the intent of the earlier Council decision.

### **CD-1 #476 (By-law 9766) for 3238 Granville Street and 1402 McRae Avenue**

- During the review of a development application for 1450 McRae Avenue (DE412659), staff determined that the floor area exclusion of below-grade mechanical space, provided in Section 3.5 (h) does not allow for the intended building design to be achieved. The intent of this exclusion is to exclude normal below grade mechanical rooms that are accessible from common areas while limiting those located within dwelling units. Staff therefore propose amending the by-law to realize the intent of the original rezoning.

### **Sign By-law – Section 13.5 Annual Encroachment Charge**

- Staff no longer assess the fee for Section 13.5 Annual Encroachment Charges. Encroachment signs are now permitted if they comply with the Sign By-law, thus an administrative decision was made to not pursue the collection of the annual encroachment charge as the costs associated with staff time to track, administer, and enforce was greater than that of the revenue and fee collected. The purpose of this amendment is to achieve consistency and to clarify the language of the Sign By-law.

The following is an explanation and description of the proposed amendments that can be approved without a Public Hearing. The draft by-law wording for each is contained in Appendix B.

### **Zoning and Development Fee By-law**

- On May 24, 2005, Council enacted changes to the Zoning and Development Fee By-law, to amend specific rezoning and development applications fees and to add new fee categories to the fee schedule. At the time of amendment, cross-references to the fee changes were not updated accordingly. This amendment would correct for this inadvertent error and achieve the intent of the earlier Council decision.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **CONCLUSION**

This report proposes miscellaneous amendments to achieve the intent of earlier rezonings, and to correct inadvertent errors. To this end, it is recommended that the Director of Planning be instructed to make applications to amend the Zoning and Development By-law, various CD-1 By-laws, and the Sign By-law, and that these applications be referred to a Public Hearing and be approved. Staff also recommend the approval of amendments to the Zoning and Development Fee By-law.

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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~~.]

**Note:** A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

ZONING AND DEVELOPMENT BY-LAW (By-law No. 3575)

1. RM-5, RM-5A, RM-5B and RM-5C Districts Schedule

Amend Section 3.2.1.C to remove Fitness Centre reference as follows:

3.2.1.C [Cultural and Recreational]

- ~~Fitness Centre – Class 1, but only in the RM-5C District~~
- Museum or Archives. *compatibility with nearby sites, parking, proximity to major streets, size of facility*

CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue

2. Section 7 Density

Insert the following after 7.6(e):

- 7.6(f) Covered porches, provided that the Director of Planning first approves the porch design, and that:
- (i) they face the street and are located at the first storey;
  - (ii) the portion facing the street shall be open or protected by guard rails the height of which shall not exceed the minimum specified in the Building By-Law;
  - (iii) the total area being excluded does not exceed 8 percent of the permitted floor area; and
  - (iv) the ceiling height, excluding roof structures, of the total area being excluded does not exceed 3.1m measured from the porch floor;
- 7.6(g) Areas of floor over open-to-below space located directly below space located directly below sloping roof rafters or a sloped ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, provided that the Director of Planning first approves the roof design, and that:
- (i) the distance from the floor to any part of the ceiling is no higher than 2.3m and no lower than 1.2m, both measured vertically; and
  - (ii) the excluded floor area does not exceed 10 percent of the permitted floor area.

CD-1 #476 (By-law No. 9766) for 3238 Granville Street and 1402 McRae Avenue

3. Section 3 Density

Amend Section 3.5(h) as follows:

3.5(h) below grade mechanical space ~~that does not exceed 158 m<sup>2</sup> combined for all dwelling units~~ except that any mechanical space ~~that is contiguous to another mechanical space~~ *directly accessed from within a dwelling unit* must not exceed 11.6 m<sup>2</sup> *for each dwelling unit*; and

SIGN BY-LAW (By-law No. 6510)

4. Section 12 Maintenance and Removal of Signs

Remove references to Section 13.5 as follows:

12.3.1 The cost of removal, repair, transportation and storage of any signs under Section 12.2 ~~and Section 13.5.3~~ of this By-Law, when certified by the Director, shall be a debt due and recoverable from the owner of the premises by the City in any court of competent jurisdiction.

12.3.2 An owner of the property or the sign, seeking to reclaim a sign removed by the Director under Section 12.2.1, 12.2.2, or 12.2.3 ~~or Section 13.5.3~~ of this By-Law shall submit a request in writing, within 14 days from the date such sign is removed. The owner, before reclaiming such sign, shall pay for the cost of removal, transportation and storage. If the sign is not reclaimed after 14 days, the Director upon 10 days notice in writing may order such sign destroyed or disposed of in any way he deems appropriate.

5. Section 13 Fees and Charges

Delete Section 13.5 Annual Encroachment Charge and references to Section 13.5 and renumber subsequent sections as follows:

~~13.6~~ 13.5 Amendment Application Fee

~~13.6.1~~ 13.5.1 Every person applying to the City Council for an amendment to the Sign By-law shall pay to the City at the time such application is filed with the Director of Planning the appropriate fee as set forth in this Section, and no application is valid without such payment.

- (a) For an amendment, other than Schedule E, where no more than one section requires amendment..... \$5,720.00
- (b) For an amendment, other than Schedule E, where more than one section requires amendment or where the amendment would allow a type of sign that is not permitted..... \$8,570.00

- (c) For an amendment to Schedule E:
  - (i) To assign a Comprehensive Development District, at time of creation of the District, to the same sign schedule that applied to the site prior to its Comprehensive Development District zoning ..... \$142.00
  - (ii) To assign a Comprehensive Development District to an existing sign schedule with different sign regulations than currently apply to the site ..... \$1,420.00
  - (iii) To assign a Comprehensive Development District to a new schedule to be created..... \$8,570.00

~~13.6.2~~ **13.5.2** No fee paid to the City pursuant to Section ~~13.6.1~~ **13.5.1** shall be refunded after the application for the amendment has been considered by the Director of Planning, but where the application has been withdrawn before being considered by the Director of Planning, the Director of Finance may refund to the applicant such part of the fee as is recommended by the Director of Planning.

~~13.6.3~~ **13.5.3** Where an application to amend the Sign By-law is made by the Director of Planning at the direction of City Council, no fee pursuant to this By-law shall be payable.

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PROPOSED MISCELLANEOUS TEXT AMENDMENTS  
ZONING AND DEVELOPMENT FEE BY-LAW

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

ZONING AND DEVELOPMENT FEE BY-LAW (By-law No. 5585)

6. Sections 3 and 6

Amend Sections 3 and 6 to correct section cross-references as follows:

3. Every person applying to the City Council for an amendment to the Zoning & Development By-law under sections 1, 2, 3(a), *3(b), 3(c)*, 4(a), *4(b), 4(c)*, 7, ~~or~~ 8, *or 9* of Schedule 2 hereof shall pay to the City at the time such application is filed with the Director of Planning the appropriate fee as set forth in Schedule 2 hereof, and no application is valid without such payment.
6. No fee paid to the City pursuant to section 3 of this by-law and under sections 1, 2, 3(a), *3(b), 3(c)*, 4(a), *4(b), 4(c)*, 7, ~~or~~ 8, *or 9* of Schedule 2 hereof shall be refunded after the application for the amendment has been considered by the Director of Planning, but where the application has been withdrawn before being considered by the Director of Planning, the Director of Finance may refund to the applicant such part of the fee as is recommended by the Director of Planning.

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