



City of Richmond

Report to Committee

To: Planning Committee
From: Brian J. Jackson, MCIP
 Director of Development

Date: February 8, 2010
File: 12-8060-20-8582/Vol
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Re: Housekeeping Amendments to Richmond Zoning Bylaw 8500

Staff Recommendation

That *Richmond Zoning Bylaw 8500, Amendment Bylaw 8582* be introduced and given first reading.

Brian J. Jackson, MCIP
 Director of Development
 (604-276-4138)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Business Licences		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Law		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Building Approvals		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Transportation		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
REVIEWED BY TAG		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
			<i>mk</i>		
REVIEWED BY CAO		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
			<i>(Signature)</i>		

Staff Report

Origin

The purpose of this report is to introduce various housekeeping amendments to the *Richmond Zoning Bylaw 8500*. Each of these amendments correct minor "errors or omissions" in the new *Zoning Bylaw*.

Findings Of Fact

Proposed Housekeeping Amendments

Section 3.4 Use and Term Definitions

a) Add a new definition entitled "commercial vehicle parking and storage"

The previous *Richmond Zoning & Development Bylaw No. 5300* allowed "the outside storage of commercial vehicles, recreational vehicles and boats" in the "industry, light" definition. This was inadvertently omitted in the new *Richmond Zoning Bylaw 8500*. Rather than include this in the new definition of "industrial, general" in *Bylaw 8500*, it is proposed to add a new definition for "commercial vehicle parking and storage" and permit this use in all the standard Industrial (I, IL, IB1, IB2, IR1, IR2, IS) zones subject to the 20.0 m setback from residential uses to be included in the specific use regulations described elsewhere in this report.

b) Amend the existing definition for "entertainment, spectator" to clarify its meaning

The new *Zoning Bylaw* includes in the definition that "entertainment, spectator ... does not include entertainment developments associated with liquor primary establishments". Business Licensing staff have pointed out that this could be confusing particularly in relation to the casino which serves liquor in its show theatre. So, this reference is proposed to be deleted. This amendment does not change the existing process where Council is consulted regarding liquor primary establishments.

c) Amend the existing definition for "fleet service" to clarify that it permits vehicle storage

The storage of non-commercial vehicles was previously permitted as "auto towing & storage" in *Richmond Zoning & Development Bylaw No. 5300*. This use has now been replaced with "fleet service" in *Richmond Zoning Bylaw 8500*. However, this newly defined use doesn't make it that clear that vehicle storage is also permitted (e.g., the storage of brand new, unlicensed automobiles as is done by Fraser Wharves at Riverport).

d) Amend the existing definition for "recreation, indoor" by adding paintball and pool or billiard rooms

This amendment is deemed necessary to clarify that paintball is not a rifle and pistol range or an "indoor shooting range" (which was recently added to the *Zoning Bylaw* as a defined use that is only permitted on a specific property on Mitchell Island) and that pool or billiard rooms continue to be permitted in "indoor recreation" facilities as was previously the case.

*Section 4.12 Projections into Yards in All Zones***e) Revise the existing projection allowed for cantilevered roofs, eaves and gutters**

Richmond Zoning Bylaw 8500 currently allows this projection into yards in all zones to be between 0.9 m to 1.2 m. Building Approvals staff have advised that this range leads to uncertainty and that cantilevered roofs, eaves and gutters should not be allowed to project up to the property line in the required 1.2 m side yard found in most single detached housing zones. This amendment corrects this anomaly.

*Section 5 Specific Use Regulations***f) Add new regulations regarding the proximity of commercial vehicle parking and storage to residential uses**

With the addition of “commercial vehicle parking and storage” as a defined permitted use that would be allowed in all the standard Industrial (I, IL, IB1, IB2, IR1, IR2, IS) zones, it is deemed appropriate to include some specific use regulations to control the proximity of the parking or storage of commercial and recreational vehicles to residential zones and uses. A 20.0 m setback is proposed, which is consistent with the distance used to separate “vehicle repair”, “vehicle body repair or paint shop” and “car wash” from residential properties.

*Section 7.5.6 Development & Maintenance Standards for On-Site Parking***g) Clarify that the existing tandem parking provisions do not automatically apply to town housing**

This amendment clarifies that tandem parking (i.e., standard parking spaces) is only permitted for town housing in certain site specific zones. The City does not want to automatically allow tandem parking in all town house zones. In certain instances, tandem parking has and can be permitted by means of a variance through the development permit process.

*Section 8.2 Compact Single Detached (RC1, RC2) Zone***h) Add the omitted clause limiting the 10% floor area exemption to the ground floor**

The new *Zoning Bylaw* inadvertently omitted that the 10% floor area exemption in the Compact Single Detached zone had to be located on the ground floor. This provision was in the former R1-0.6 zone and is intended to accommodate porches and verandas. Concern has been expressed that if the 10% exemption is permitted on the second floor, it will lead to covered decks and outside balconies. This would add to the mass of houses typically being built on the City’s arterial roads and could lead to these decks or balconies being enclosed in the future as additional floor area for the house.

Section 9.3 Downtown Commercial (CDT1, CDT2, CDT3) Zone

- i) **Delete “vehicle sale/rental” and add “vehicle rental, convenience” as a permitted use**
- The previous *Richmond Zoning & Development Bylaw No. 5300* permitted vehicle rentals as “retail trade & services” in the former Downtown Commercial District (C7) zone but specifically did not allow “the sales and servicing of automobiles, trailers and motorcycles”. The intent was to retain the City Centre as an area free of automobile dealerships and related outside display areas for vehicles. The new *Zoning Bylaw* incorrectly permits “vehicle sale/rental”, when it actually should have permitted “vehicle rental, convenience” (e.g., Enterprise Rent-A-Car at the Hilton Vancouver Airport).

Section 10.3 Auto-Oriented Commercial (CA) Zone

- j) **Add the omitted setback for body rub studio, body painting studio, adult retail and massage service**

This setback was included in the previous *Zoning & Development Bylaw*. Business Licensing staff have indicated that this provision should have been carried over into the new *Zoning Bylaw*. Their experience has been that body rub and body painting studios, massage services and adult retail stores should not be located near residential uses or the casino. Furthermore, by including this site restriction in the *Zoning Bylaw*, it helps limit the number of these businesses (which can put a strain on police and City resources because they often are associated with activities that are not licensed under the *Business Regulation Bylaw*).

Section 12 Industrial (I, IL, IB1, IB2, IR1, IR2, IS) Zones

- k) **Delete “parking, non accessory” and replace it with “commercial vehicle parking and storage” as a permitted use in the Industrial (I), Industrial Retail (IR1, IR2) and Industrial Storage (IS) zones**
- l) **Add “commercial vehicle parking and storage” as a permitted use in the Light Industrial (IL) and Industrial Business Park (IB1, IB2) zones**

“Parking, non accessory” was not permitted in any of the standard Industrial zones in the previous *Zoning Bylaw*. It was incorrectly added to *Richmond Zoning Bylaw 8500* when the intent actually was to allow “commercial vehicle parking and storage”. The difference between these two (2) uses is:

- “parking, non accessory” involves the parking of regular vehicles by residents, employees and clients on a property where the building they are using is located elsewhere; and
- “commercial vehicle parking and storage” involves large trucks, truck trailers, buses, travel trailers, motorized homes and other recreational or commercial vehicles that are either parked overnight or stored longer term on a property.

The City does not want to encourage industrial lands to be used for off-site parking lots, but does want to provide a location where commercial or recreational vehicles can be parked or stored.

m) **Add "health service, minor" as a permitted use in the Industrial Business Park (IB1, IB2) zones**

The previous *Richmond Zoning & Development Bylaw 5300* permitted "office" in the former Business Park Industrial District (I3) zone. "Office" was not defined in *Bylaw 5300* but was interpreted to include medical and dental offices. The new *Richmond Zoning Bylaw 8500* defines "office" and continues to permit "office" in the Industrial Business Park (IB1, IB2) zone. However, medical and dental offices are now included in the new defined use entitled "health service, minor". As a result, *Bylaw 8500* inadvertently doesn't permit medical and dental offices in the IB1 zone. This oversight is being corrected by this amendment.

Analysis

When the *Richmond Zoning Bylaw 8500* was adopted in November 2009, City staff indicated in their report that:

"Staff envision there may be a need to bring forward further amendments to the proposed new Zoning Bylaw over the next year or two. This occurs in most municipalities which adopt a new zoning bylaw. The reason for this is that such a large, legal document may miss some items or inadvertently have unintended implications."

The housekeeping amendments being proposed in *Bylaw 8582* are some of the "errors or omissions" that have come to staff's attention. None of these amendments are intended to have any negative repercussions to Richmond businesses or in-stream development applications, building permits or business licences.

Staff will be bringing forward separate reports to deal with the three (3) zoning related referrals Planning Committee has made when considering or discussing *Richmond Zoning Bylaw 8500* (i.e., report on the pros and cons of commercial drive-through windows; examine limiting the size of homes in agricultural areas; investigate the implications of the 50.0 m setback to non farm structures, including septic fields, in the agricultural zone).

Financial Impact

None.

Conclusion

As expected, various housekeeping amendments are required to *Richmond Zoning Bylaw 8500*. All of these are of a minor nature, correct certain "errors and omissions" and are intended to facilitate businesses and development in Richmond. It is recommended that *Bylaw 8582* be introduced and given first reading, and proceed to Public Hearing.



Holger Burke, MCIP
Development Coordinator
(604-276-4164)
HB:rg



**Richmond Zoning Bylaw 8500
Amendment Bylaw 8582
(Housekeeping Amendments)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. *Richmond Zoning Bylaw 8500*, as amended, is further amended:
 - a) at section 3.4 by adding the following definition, in alphabetical order:

Commercial vehicle parking and storage means the outdoor parking or storage of **commercial vehicles** and **recreational vehicles**.
 - b) at section 3.4 by deleting the definition of “**entertainment, spectator**” and substituting the following:

Entertainment, spectator means an enclosed **building** designed specifically for the presentation of live artistic performances or the showing of motion pictures, which includes but is not limited to auditoria, cinemas, theatres and concert halls, but does not include **adult retail establishments**.
 - c) at section 3.4 by deleting the definition of “**fleet service**” and substituting the following:

Fleet service means a facility using a fleet of **vehicles** for the delivery of people, goods or services, where such **vehicles** are not available for sale or long-term lease, and which may include taxi services, bus lines, mobile catering, towing and messenger and courier services, and a place where new, unlicensed **vehicles** are stored or where **vehicles** are impounded for breach of the law, and to which **vehicles** may be taken, towed and stored temporarily until reclaimed, but does not include moving or cartage firms involving **vehicles** with a gross **vehicle** weight of more than 10,885.0 kg or a **wrecking yard**.
 - d) at section 3.4 by deleting the definition of “**recreation, indoor**” and substituting the following:

Recreation, indoor means facilities within an enclosed **building** for sports, active recreation and performing and cultural arts where patrons are predominantly participants or which are principally intended for local community purposes, which may include arenas, athletic clubs, health and fitness clubs, dance studios, gymnasiums, swimming pools, bowling alleys, racquet clubs, community halls, non-profit social service and outdoor recreation clubs, paintball, pool or billiard rooms, centres operated by a local community association and ancillary outdoor facilities, such as basketball or tennis courts and swimming pools, but does not include gaming facilities, rifle and pistol ranges, **indoor shooting ranges**, or **banquet halls**.

- e) by deleting section 4.12.3 in its entirety and substituting the following:
- 4.12.3 **Cantilevered roofs, eaves and gutters may project into the required yard for a distance of up to 1.2 m,**
- a) unless a greater projection is required for weather protection purposes; and
- b) except where the required yard is 1.2 m, in which case the projection is limited to 0.9 m.
- f) at section 5 by adding the following after section 5.17:
- 5.18 **Commercial Vehicle Parking and Storage**
- 5.18.1 **Commercial vehicle parking and storage shall not be located closer than 20.0 m to a residential zone or a site specific zone that permits residential uses.**
- g) by deleting section 7.5.6 in its entirety and substituting the following:
- 7.5.6 **Where residents of a single dwelling unit:**
- a) reside in a **building** used for:
- i) **housing, apartment;**
- ii) mixed residential/commercial purposes; or
- iii) **housing, town in site specific zones ZT45, ZT48 to ZT53, ZT55 to ZT65, and ZT67; and**
- b) intend to use two standard **parking spaces,**
the spaces may be provided in a **tandem arrangement,** with one standard **parking space** located behind the other, and both standard **parking spaces** may be set perpendicular to the **adjacent manoeuvring aisle.**
- h) at section 8.2.4 by adding the following after section 8.2.4.5:
- 8.2.4.6 **For the purposes of this zone only; up to 10% of the floor area total calculated for the lot in question is not included in the calculation of maximum floor area ratio, provided the floor area:**
- a) is used exclusively for covered areas of the **principal building** and the covered areas are always open on two or more sides,
- b) is never enclosed; and
- c) is not located more than 0.6 m above the lowest horizontal floor.
- i) at section 9.3.2 by:
- (i) deleting "**vehicle sale/rental**"; and
- (ii) adding "**vehicle rental, convenience**", in alphabetical order.

- j) at section 10.3. by adding the following after section 10.3.6:
 10.3.7 **Body rub studio, body painting studio, adult retail and massage service shall not be located closer than 100.0 m to a residential zone or institutional zone and 500.0 m to the site specific zone that permits a casino.**
- k) at sections 12.1.2, 12.4.2 and 12.5.2 by:
 i) deleting "parking, non accessory"; and
 ii) adding "commercial vehicle parking and storage", in alphabetical order.
- l) at sections 12.2.2 and 12.3.2 by adding "commercial vehicle parking and storage", in alphabetical order.
- m) at section 12.3.2 by adding "health service, minor", in alphabetical order.

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8582".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER