

## SECTION 6 SUPPLEMENTARY REGULATIONS

### 6.1 Number of Principal Buildings on a Lot:

- (1) No residential use building shall be located on the same lot as any other residential use building, except as otherwise provided for in this Bylaw.
- (2) No residential use building shall be located on the same lot as any non-residential building or use, except as otherwise provided for in this Bylaw.
- (3) Subsections (1) and (2) shall not apply to a residential use building in the P11e District. (B/L No. 11348-02-04-15)

### 6.2 Location and Siting of Buildings and Uses: (B/L No. 14065-19-11-18)

- (1) No principal building shall be located in any required front, side or rear yard.
- (2) No accessory building or structure, with the exception of fences and retaining walls, shall be located in any required front, or side yard, except as provided for in Sections 6.6 and 6.12 of this Bylaw. (B/L No. 14170-20-07-06)
- (3) Where a parcel of land is of greater area than 1,110 m<sup>2</sup> (11,948.33 sq.ft.) the Approving Officer may require that the siting of a proposed building shall be such as to facilitate the future subdivision of the parcel or adjacent parcels of land.
- (4) No outdoor play area shall be located in any required front or side yard in the C1, C2, C3, C4, C8 and C9 Districts. (B/L No. 14065-19-11-18)

### 6.3 Distances between Buildings on the same Lot:

Where the exterior walls of the same building or of any two buildings in a group face and overlap, the clear distance between such overlapping walls shall not be less than the following:

- (1) When windows to habitable rooms occur in the overlapping section of either or both of the opposing walls:
  - (a) In RM, C8 and C9 Districts, twice the overlap in either the horizontal or vertical direction. Such distance shall be not less than 7.5 m (24.61 ft.), but need not exceed 15.0 m (49.21 ft.) for buildings 3 storeys or less in height, nor 15.0 m (49.21 ft.) plus 900 mm (2.95 ft.) per storey for buildings greater than 3 storeys in height. (B/L No. 12452-08-06-16)
  - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
- (2) When no windows in habitable rooms occur in the overlapping section of either or both of the opposing walls:
  - (a) In RM, C8 and C9 Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 3.5 m (11.48 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
  - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building. (B/L No. 12452-08-06-16)

**6.3.1** Notwithstanding Section 6.3, no detached garage or carport shall be located closer than 4.5 m (14.8 ft.) from the principal building in the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 10124-94-12-05)

**6.4 Height of Buildings and Structures:**

- (1) In the RM6 District, the height of a principal building shall be measured from the lower of the front or rear average elevations to the highest point of the structure, subject to the applicable exceptions in subsection (3). (B/L No. 10124-94-12-05)
- (2) Except in the C2, R1, R2, R3, R4, R5, R9, R10, R11, R12, RM6 and P11 Districts, the height of a principal building shall be measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4); and where no front yard setback is required the height shall be measured from the curb. (B/L No. 13838-18-03-12)
- (3) In all districts the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: aerials, electrical service masts, television and radio antennae, chimneys, flues, flagpoles, vents, transmission towers and water tanks; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.
- (4) Except in the R Districts, the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery and penthouses; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.
- (5) In the RM Districts, the maximum permitted height of an apartment building that conforms to all the regulations of this Bylaw may be increased to allow the location of a penthouse for dwelling purposes on the roof of such building if:
  - (a) the height of the penthouse does not exceed 3.5 m (11.48 ft.);
  - (b) the penthouse occupies no more than 12 1/2 percent of the roof area; and,
  - (c) the outer walls of the penthouse are located no nearer than 3.0 m (9.84 ft.) at any point to the outer edge of the roof of the building on which it is situated.  
(B/L 9663-91-12-16)
- (6) The height of a detached accessory building shall be measured from the calculated average natural grade of all sides of the building to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4), except that the height of a detached garage or carport may be measured from the finished grade at the point used for vehicular access. (B/L No. 13838-18-03-12)

**6.5 Conversion of Buildings:**

Buildings may be converted, altered or remodelled for another use, provided that:

- (1) The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
- (2) The converted building shall conform to all the provisions and regulations prescribed for the zoning district in which it is located.

## **6.6 Accessory Buildings, Structures, and Uses:**

### **(1) General:**

- (a) No accessory building or structure, excluding fences and retaining walls, shall be erected on any lot unless the principal building, structure or use to which the accessory building or structure, excluding fences and retaining walls, is an incidental use has been erected or, in the case of a non- structural use, has been established, or will be erected or established simultaneously with such accessory building. (B/L No. 14170-20-07-06)
- (a.1) Repealed. (B/L No. 13838-18-03-12)
- (b) Where a garage or carport or other accessory building or structure, excluding fences and retaining walls, is attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of this Bylaw applicable to the principal building. (B/L No. 14170-20-07-06)
- (c) An accessory building shall be located at not less than 1.2 m (3.94 ft.) from any lane, except in the case of a lane intersection where the provisions of Section 6.13 shall apply.
- (d) An accessory building or structure shall not be used as a dwelling, except as otherwise provided for in this Bylaw.
- (e) A structure listed in Section 6.12(1)(f) that projects into a required front, or side yard shall comply with the height requirements prescribed for fences within the zoning district in which it is located. (B/L No. 14170-20-07-06)

### **(2) Residential Districts (A, R, and RM):**

- (a) An accessory building shall not have more than one storey and shall not exceed 3.7 m (12.13 ft.) in height except that a hip or gable roof may be constructed to a height not exceeding 4.6 m (15.1 ft.).
- (b) The gross floor area of all accessory buildings on a lot
  - (i) in an A or RM District shall not exceed 10 percent of the area of the lot,
  - (ii) in an R District that is developed with a semi-detached dwelling shall not exceed 74.4 m<sup>2</sup> (800 sq.ft.), and,
  - (iii) in an R District that does not have a semi-detached dwelling shall not exceed 56 m<sup>2</sup> (602.8 sq.ft.). (B/L No. 10397-96-07-22)
- (c) Not more than two-thirds of the width of the rear yard of any lot in A or R District shall be occupied by accessory buildings.
- (d) Subject to Clause (f), an accessory building between the rear building line and the rear lot line of an interior lot shall be not less than 1.2 m (3.94 ft.) from the side property lines, except where such accessory building is situated within the rear 9.0 m (29.53 ft.) of the lot, and not less than 21.5 m (70.54 ft.) from the street on which the principal building fronts. In this case a setback from the side lot line need not be provided. (B/L No. 5042-66-11-28)
- (e) In an A or R District, if for topographical reasons a private garage or carport cannot be constructed at the side or rear of the principal building, such garage or carport may be constructed in an excavation in a front yard, provided that no part of such structure shall extend more than 1.2 m (3.94 ft.) above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m (3.94 ft.) from the front property line.
- (f) An accessory building in an RM District shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A or R District.

- (g) The regulations governing accessory buildings specified in clauses (a) to (f) inclusive, shall apply also to accessory buildings on corner lots, excepting that:
  - (i) An accessory building in an A, R or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district in which it is located without the application of front yard averaging. (B/L No. 13036-12-02-13)
  - (ii) In accessory building in an A or R District shall be located not closer than 1.2 m (3.94 ft.) from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in A or R District.
- (h) In an R and RM District, an accessory structure not being a building, excluding a fence or a retaining wall, located outside of a required front yard, or side yard, shall not exceed 4.6 m (15.1 ft.) in height. (B/L No. 14170-20-07-06)
- (3) Non-Residential Districts (C, M and P):
  - (a) On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot, nor closer than the required setback from the flanking street of the principal building on an adjoining lot, whether or not a lane intervenes.
  - (b) An accessory building shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A, R or RM District.
  - (c) An accessory building shall not have more than one storey nor exceed 3.7 m (12.13 ft.) in height. (B/L No. 8737-87-05-25)
  - (d) Notwithstanding Section 6.6(1)(b), a street canopy attached to a building in a C or M District that: (B/L No. 13036-12-02-13)
    - (i) has a front yard setback of less than 2.0 m (6.56 ft.), and,
    - (ii) is lawfully non-conforming with respect to the front yard setback

may project over the front lot line with the approval of the Director Engineering if it is constructed with a building permit and projects no more than 1.5 m (4.92 ft.) into the road allowance and has a minimum height clearance of 2.7 m (8.86 ft.) from ground level to the lowest point of the canopy.  
(B/L No. 12099-06-06-19)

## **6.7 Temporary Buildings:**

- (1) Temporary buildings may only be erected or placed on land for the following purposes and for the following time periods:
  - (a) for construction office and construction equipment or material storage purposes on a lot undergoing development for a period not to exceed the duration of such construction;
  - (b) for the temporary relocation of an existing commercial, industrial or institutional use on a lot where the existing building on the lot has been vacated to carry out structural alterations or improvements, for a period not to exceed 30 days after the date upon which the Chief Building Inspector has issued occupancy approval for the building;

- (c) for a residential sales centre on lands having newly constructed and unoccupied multi-family residential developments or being developed for multi-family residential use for a period not to exceed 30 days after the date upon which the initial sales of all of the units in the development have been completed;
  - (d) for purposes directly related to the production of a television show or advertisement or motion picture, or similar production, for a period not to exceed the lesser of:
    - (i) the duration of the production; or
    - (ii) two years from the date of the erection or placement of the temporary building; and,
  - (e) for additional classroom space on lands being used as a public school for a period not to exceed 10 years.
- (2) All temporary buildings shall be subject to the following requirements and conditions:
- (a) no temporary building, other than those to which the British Columbia Building Code does not apply, shall be erected or placed on land without a written permit from the Chief Building Inspector;
  - (b) the Chief Building Inspector may not issue a permit for a temporary building for which a permit is required unless he or she is satisfied that the temporary building would not constitute or cause a public hazard or public nuisance and would not obstruct any public right-of-way; and,
  - (c) a temporary building shall be removed immediately when it has ceased to be a permitted temporary building under Section 6.7(1).
- (3) The Director Planning and Building may grant minor variances to the siting and off-street parking requirements of this Bylaw for a temporary building.
- (4) A temporary building shall not be used as a dwelling.
- (B/L No. 12664-09-09-14)

**6.7A** Repealed. (B/L No. 12664-09-09-14)

**6.7.1 Secondary Suites:**

- (1) A secondary suite may be permitted as an accessory use to a single family dwelling in an R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, RM6, A1, A2, and A3 District, subject to the following conditions:
- (a) only one secondary suite shall be permitted in a single family dwelling;
  - (b) a secondary suite shall not be permitted in a single family dwelling that contains an in-law suite;
  - (c) a secondary suite may be located anywhere within a single family dwelling;
  - (d) a secondary suite shall meet the requirements for a secondary suite under the British Columbia Building Code;
  - (e) a secondary suite shall have a minimum floor area of 30.0 m<sup>2</sup> (322.93 sq.ft.);
  - (f) the floor area of a secondary suite shall not exceed forty percent (40%) of the gross floor area of the principal building;
  - (g) a secondary suite and the principal building shall at all times remain a single parcel under a single title and shall not be subdivided into separate parcels by way of strata plan, air space plan or otherwise;
- (B/L No. 14184-20-09-14)

- (h) neither a boarding use, the operation of a boarding, lodging or rooming house, the operating of a child care facility or home-based child care facility, the operation of a group home, private hospital or supportive housing facility, nor the operation of a home occupation that includes on-site client services shall be permitted in a single family dwelling that contains a secondary suite, including within the secondary suite.  
(B/L No. 14271-22-06-20)

**6.8 Home Occupation:**

- (1) A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the Zoning District in which it is located, may be erected.
- (2) The premises shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit nor shall it create or cause any fire hazard, electrical interference, excessive pedestrian or vehicular traffic in the common areas or parking areas of a multi-family building or traffic congestion on the street. (B/L No. 10398-96-08-26)
- (3) Repealed. (B/L No. 13036-12-02-13)
- (4) There shall be no external storage of materials, containers or finished product.
- (5) No stock in trade shall be kept or handled and no commodity sold upon the premises.
- (6) Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.
- (7) No person who is not a resident in the dwelling shall be employed in such occupation, except that one non-resident employee is permitted for a home-based child care facility.  
(B/L No. 13639-16-12-12)

**6.8A Home-Based Child Care Facility:**

- (1) In RM and P11 Districts a home-based child care facility shall be permitted only
  - (a) in a ground floor dwelling unit, and,
  - (b) if the owner or manager of the building or, in the case of a strata unit, the strata council supports the establishment of the operation and satisfies the Director Planning and Building as to that support.
- (2) Repealed. (B/L No. 13639-16-12-12)
- (3) In R Districts a home-based child care facility shall be permitted in only one dwelling unit of a two family dwelling and only if the owner of the other dwelling unit supports the establishment of the home-based child care facility and satisfies the Director Planning and Building as to that support.  
(B/L No. 13639-16-12-12)

- (4) In a dwelling that contains a home-based child care facility, the following uses shall not be permitted:
- (a) a boarding use; (B/L No. 14271-22-06-20)
  - (b) a boarding, lodging and rooming house;
  - (c) a group home;
  - (d) a private hospital;
  - (e) a supportive housing facility; and,
  - (f) any home occupation that includes on-site client services.
- (B/L No. 14065-19-11-18)

**6.9 Cellars and Basements:**

- (1) Repealed (B/L No. 13258-14-01-27)
- (2) Repealed (B/L No. 14184-20-09-14)
- (3) In the R Districts, where a part of the principal building used for vehicular access is depressed into the grade, that part of the building shall be excluded when determining whether the building has a basement or a cellar.
- (4) In the R Districts, for the purpose of providing pedestrian access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the lowered surface is not on the same side of the building as a depressed vehicular access and does not
  - (a) exceed an area of 14.0 m<sup>2</sup> (150.7 sq. ft.),
  - (b) extend more than 3.0 m (9.8 ft.) from the building,
  - (c) exceed a width of 4.5 m (14.8 ft.) along the wall, and
  - (d) extend more than 0.75 m (2.5 ft.) into the required side yards.
- (5) In the R Districts, for the purpose of providing light to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the window wells do not
  - (a) extend more than 0.9 m (3.0 ft.) from the building,
  - (b) extend more than 0.75 m (2.5 ft.) into the required side yards, and
  - (c) exceed in length 25 percent of the length of the wall. (B/L No. 9663-91-12-16)
- (6) In the R1, R2, R3, R4, R5, and R9 Districts, on a lot developed with a single family dwelling, a cellar exceeding a floor area of 30.0 m<sup>2</sup> (322.93 sq.ft.) shall be suite ready, except where there is an existing secondary suite constructed in the single family dwelling, or where a secondary suite is proposed to be constructed anywhere within the single family dwelling. (B/L No. 14184-20-09-14)

**6.10 Minimum Floor Area for Dwelling Units:**

- (1) No single family, two family or row house dwelling shall contain less than 56 m<sup>2</sup> (602.80 sq.ft.) of floor area for each dwelling unit except that a single family dwelling in an R1 District shall contain at least 93 m<sup>2</sup> (1,001.08 sq.ft.) of floor area. Notwithstanding the foregoing, a secondary suite shall contain at least 30.0 m<sup>2</sup> (322.93 sq.ft.) of floor area. (B/L No. 14184-20-09-14)
- (2) In the case of apartment buildings or townhouse dwellings, in a District other than the P11e District, the following minimum suite floor areas shall apply: (B/L No. 11348-02-04-15)
  - (a) Studio unit 37 m<sup>2</sup> (398.28 sq.ft.)
  - (b) 1 bedroom suite 56 m<sup>2</sup> (602.80 sq.ft.)
  - (c) 2 bedroom suite 70 m<sup>2</sup> (753.50 sq.ft.)
  - (d) 3 bedroom suite 84 m<sup>2</sup> (904.20 sq.ft.)

- (2.1) Notwithstanding subsection (2) of this section, the minimum floor area of a dwelling unit in the P11e District, or a rental unit in the RM, C, and P11 Districts, and all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, shall be as follows:
- (a) Studio unit 30 m<sup>2</sup> (322.93 sq.ft.)
  - (b) 1 bedroom suite 50 m<sup>2</sup> (538.21 sq.ft.)
  - (c) 1 bedroom + den suite 56 m<sup>2</sup> (602.80 sq.ft.)
  - (d) 2 bedroom suite 65 m<sup>2</sup> (699.68 sq.ft.)
  - (e) 2 bedroom + den suite 70 m<sup>2</sup> (753.50 sq.ft.)
  - (f) 3 bedroom suite 80 m<sup>2</sup> (861.14 sq.ft.)
- (B/L No. 14206-20-10-26)
- (3) A mobile home in an R7 District shall contain at least 46 m<sup>2</sup> (495.16 sq. ft.) of floor area.  
(B/L No. 6176-72-12-04)

**6.11 Lot Area and Width:**

- (1) Existing Lots:
- (a) The minimum lot area and lot width requirements of this Bylaw shall not apply to any lot in an A, R, C1, C2, C3, C4, M1, M2, M3, M4, M5, or P5 District which has an area or width less than that required by this Bylaw, if such a lot was described on the official records on file in the Land Registry Office on or before 1978 January 01. Other than for permitted industrial uses in the M4 District, this section shall not apply to permit any use that requires a lot area in excess of the minimum lot area for that District. (B/L No. 11154-00-11-06)
  - (b) Subject to the provisions of Section 6.5 (Conversion of Buildings), the lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling that was erected on the lot before 1971 January 02 so as to create two dwelling units,
    - (i) Where the dwelling is on a lot in an R4 District that has an area not less than 670 m<sup>2</sup> (7,212.06 sq.ft.) and a width not less than 18.5 m (60.70 ft.), or
    - (ii) Where the dwelling is on a lot in an R5 District that has an area not less than 500 m<sup>2</sup> (5,382.13 sq.ft.) and a width not less than 13.5 m (44.29 ft.). (B/L No. 8737-87-05-25)
- (2) Lots of Irregular Shape  
In R Districts, on "pie-shaped" or other irregularly shaped asymmetrical lots, lot frontages may be reduced below the minimum prescribed widths, provided that the average lot width throughout a depth of 30 m (98.43 ft.) measured along a perpendicular line from the centre of the property on the frontage street complies with the required minimum lot width.

**6.12 Yards:**

- (1) Projections into Required Yards:  
The following features and structures may project into a required front, side or rear yard:  
(B/L No. 14170-20-07-06)
- (a) Steps or stairs.
  - (b) Belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, but such projections shall not exceed 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard less than 1.5 m (4.92 ft.) in width.



- (c) Bay windows, that do not project more than 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard that is less than 1.5 m (4.92 ft.) in width and the total length of all such windows shall not exceed 50 percent of the length of the exterior wall from which they project.
- (d) Balconies, covered decks, uncovered decks, canopies, and sunshades, provided that such projections, including supporting structures, shall not exceed 1.2 m (3.94 ft.), or fifty (50%) of the width of a required side yard.  
(B/L No. 14183-20-09-14)
- (e) An uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District subject to the fence height limitations as specified in Section 6.14.2 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted. (B/L No. 14170-20-07-06)
- (f) Arbors and trellises, fish ponds, ornaments, flag poles, or similar landscape features.
- (g) An uncovered swimming pool, but such pool shall not be constructed within required front yard nor nearer than 3.0 m (9.84 ft.) to any property line.  
(B/L No. 11154-00-11-06)
- (h) A covered or roofed swimming pool, subject to the provisions of clause (g) and to the regulations governing accessory buildings contained in Section 6.6 of this Bylaw.
- (i) Gasoline service pumps or pump islands in a required front yard or a required side yard, subject to the provisions of Clause (2) of Section 306.2 of this Bylaw.
- (j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, except that where such a structure extends above the surface of the finished grade, its horizontal projection shall not exceed 3.0 m (9.84 ft.) in a required front yard. (B/L No. 8737-87-05-25)
- (k) Utility, fire and servicing equipment.

For lots in C1, C2, C4 and C7 Districts, street canopies that do not exceed 2.0 m (6.56 ft.) in depth may project into the required front yard.

(B/L No. 12099-06-06-19)

(2) Exceptions to Front Yard Requirements:

In A or R Districts when at least 50 percent of the frontage of lots in a single zoning district in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards that are less than the minimum front yard requirement for the district, then all new buildings in the same zoning district in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 ft.) in depth. (B/L No. 9189-89-07-10)

(2.1) Front Yard Averaging:

For lots in R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts, where front yard averaging of the two adjacent lots on each side of the lot is applicable, the following conditions shall apply in determining the average front yard depth: (B/L No. 10124-94-12-05)

- (a) where an adjacent lot is vacant, the front yard shall be deemed to have a depth of a required front yard;

- (b) if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average depth;
- (c) where the lot is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent lots;  
(B/L No. 9663-91-12-16)
- (d) where an adjacent lot is a panhandle lot, the panhandle lot shall be excluded and the two other nearest lots on each side of the lot shall be included in computing the average depth; (B/L No. 13829-18-02-26)
- (e) where an adjacent lot is not in a R District, the adjacent lot and any lot beyond such adjacent lot (whether or not such lot is in a R District) shall not be used in computing the average depth. (B/L No. 13829-18-02-26)

(3) Exceptions to Side Yard Requirements:

Where a lot with a width less than the required minimum existed on or before the effective date of this Bylaw, exceptions to the applicable side yard requirements of this Bylaw may be made in the following cases:

- (a) In A, R or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:
  - (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 ft.).
  - (ii) the lot is used for a single family dwelling.
- (b) Repealed. (B/L No. 11154-00-11-06)
- (c) In M Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, except that where a principal building is constructed to the side lot line, the width of the other side yard may be reduced to a minimum of 20 percent of the lot width. (B/L No. 6146-72-09-05)
- (d) In M Districts, on a corner lot, the required side yard adjoining the flanking street may be reduced to a minimum of 15 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.
- (e) In M Districts, where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, the required side yard may be reduced to minimum of 20 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.
- (f) In M Districts, where a lot is flanked by a lane, the required side yard adjoining the flanking lane may be reduced to a minimum of 10 percent of the lot width.

- (4) In all zoning districts, where a portion of a lot is acquired for the purpose of creating or widening a public street, and where such a lot was improved prior to the time of such acquisition with one or more permitted principal buildings, the yard abutting that street may be reduced in depth for those existing buildings by an amount equal to the depth of land obtained for such purposes, provided however that any additions or extensions to such existing buildings shall observe the yard requirements established for the zoning district in which the lot is located, and provided further that such reduction does not exceed the original setback of the existing building. (B/L No. 7144-78-01-03)

**6.13 Vision Clearance at Intersections:**

- (1) In any zoning district, in the area bounded by the intersecting lot lines at a street corner or a lane corner and a line joining points along the lot lines,
  - (a) in the case of a street corner, 9.0 m (29.53 ft.) from their point of intersection, and,
  - (b) in the case of a lane corner, 6.0 m (19.69 ft.) from their point of intersection, no structure other than a permitted street canopy in a C2, C3 or C4 District or a permitted principal building shall be erected to a greater height than 1.07 m (3.51 ft.) and no hedge, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance. (B/L No. 14170-20-07-06)
- (2) In this section "lane corner" means the intersection of a lane with another lane or with a street. (B/L No. 8872-87-12-14)

**6.14 Deleted (B/L 14170-20-07-06)**

**6.14.1 Retaining Walls:**

- (1) In all zoning districts, retaining walls shall not exceed 1.2 m (3.94 ft.) in height, as measured at any point along the retaining wall.
  - (2) The height of a retaining wall shall be measured vertically from the lower of natural or finished grade at the base of the wall, to the surface of the ground or water which it supports.
  - (3) The shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height.
  - (4) The horizontal distance between the adjacent retaining walls shall be relatively level, suitably landscaped, and properly maintained.
  - (5) Subsections (1), (3), and (4) of Section 6.14.1 shall not apply to retaining walls that are required:
    - (a) as a condition of subdivision approval; or
    - (b) to exclusively provide access or light to a basement or cellar.
  - (6) Any portion of a retaining wall that projects above the surface of the ground or water which it supports shall be considered a fence, and be subject to Section 6.14.2 of this Bylaw.
- (B/L No. 14170-20-07-06)

**6.14.2 Fences:**

- (1) Subject to the vision clearance provisions of Section 6.13, the following height limitations shall apply to fences:
  - (a) In all zoning districts, except for required screening and outdoor play area enclosures, fences not exceeding 1.07 m (3.51 ft.) in height may be located within a required front yard.
  - (b) In all zoning districts, except A, C4 and M Districts, fences not exceeding 1.8 m (5.91 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
  - (c) In A, C4 and M Districts, fences not exceeding 2.4 m (7.87 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
  - (d) Notwithstanding paragraph (c) of Section 6.14.2(1), in M Districts, any fence located outside of the required yards shall not exceed the maximum height prescribed for principal buildings within the zoning district in which it is located.
  - (e) Notwithstanding paragraphs (a), (b), and (c) of Section 6.14.2(1), arbors, archways, gates and similar structures which serve as an entrance to a property shall not exceed 2.6 m (8.53 ft.) in height, and 1.8 m (5.91 ft.) in width.

- (2) The height of a fence shall be determined by measurement from average grade within 900 mm (2.95 ft.) of both sides of such fence to the highest point of the fence. Where a fence is erected above a retaining wall along a property line, any portion of ground located beyond the retaining wall shall not be included in the calculation of average grade.
  - (3) Notwithstanding subsection (1), and subject to the vision clearance provisions of Section 6.13, open mesh and chain link type fences erected on cemeteries, public parks, schools, and in the M or P Districts shall not exceed a height of 3.5 m (11.48 ft). The addition of barbed wire, razor wire, or similar materials with sharp projections to such fences shall be permitted in the M Districts, and for correctional institutions permitted in the P7 District.
  - (4) Subsection (1) shall not apply to fences that delineate the area used as sports fields, golf courses, golf driving ranges, tennis courts, and other similar uses. Such fences shall be subject to the vision clearance provisions of Section 6.13.
  - (5) Barbed wire, razor wire, or similar materials with sharp projections shall not be used in the construction of a fence, except for correctional institutions permitted in the P7 District, or in the M Districts.
  - (6) Where a fence is located above a retaining wall, the fence shall be construction with materials different from that used in the construction of the retaining wall, and in a manner that is visually dissimilar to the retaining wall.
- (B/L No. 14170-20-07-06)

#### **6.15 Screening and Landscaping:**

- (1) Lots and Required Yards:
  - (a) In R, RM, C5 and P Districts, any part of a lot not used for building, parking or loading facilities or outdoor recreation or, in the case of a lot in the P4 or P12 District, not used for any permitted use, shall be fully and suitably landscaped and properly maintained. (B/L No. 13408-15-01-19)
  - (b) In C1, C4 and M Districts, all those portions of a required front yard not used for permitted parking or display areas shall be fully and suitably landscaped and properly maintained.(B/L No. 5811-70-11-30)
  - (c) In all zoning districts where the side line of a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, all those portions of a required side yard not used for permitted parking or outdoor play area shall be fully and suitably landscaped and properly maintained. (B/L No. 14065-19-11-18)
  - (d) Where the rear line of a lot in an M District abuts a lot in an A, R or RM District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained. (B/L No. 5945-71-09-20)
  - (e) Repealed. (B/L No. 13802-17-11-06)
- (2) Storage Yards and Public Works Yards: (B/L No. 14184-20-09-14)
  - (a) No storage yard or area shall be permitted in a required front yard nor any required yard which abuts a lot in an R or RM District, or is separated by a street or lane therefrom. (B/L No. 6117-72-12-18)
  - (b) Screening consisting of a solid 2.4 m (7.87 ft.) fence, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or, a compact evergreen hedge not less than 1.8 m (5.91 ft.) in height, which shall be maintained in good condition at all times, shall be provided as follows: (B/L No. 6117-72-12-18)

- (i) In A, C4 and M Districts, any part of a lot used or intended to be used as an outside storage area shall be enclosed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening in A, C4, M1 or M4 Districts. In the case of M2, M3 or M6 Districts, material may be piled to a maximum height of 3.5 m (11.48 ft.). (B/L No. 6146-72-09-05)
  - (ii) Required front screening shall be so situated as to conform with the applicable front yard setback provisions. (B/L No. 6117-72-12-18)
  - (iii) Where a side or rear yard is required to be landscaped, the required screening shall be located on the line established by the yard setback provisions. (B/L No. 6117-72-12-18)
- (3) Parking Areas, Loading Areas, Display Yards and Similar Uses (B/L No. 14184-20-09-14):
- (a) Any parking area, loading area or display yard shall be separated from an adjoining street, or from a directly abutting lot in an A, R or RM District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m (5.91 ft.) in width.
  - (b) Screening of 1.8 m (5.91 ft.) in height shall be provided and properly maintained:
    - (i) where any parking or loading area abuts a lot in an A, R, or RM District, or is separated therefrom by a street or lane, except however, that where a parking area abuts a lane, the screening along the lane shall be not less than 800 mm (2.62 ft.) nor more than 1 m (3.28 ft.) in height for a distance of not less than 6.0 m (19.69 ft.) from all points of ingress and egress to and from such parking area; (B/L No. 5525-69-06-16)
    - (ii) where any display yard, industrial fueling installation, or public utility installation abuts a lot in an A, R, or RM District, or is separated therefrom by a lane. (B/L No. 14184-20-09-14)
    - (iii) where any storage tank or equipment, listed in Sections 6.27(22) and 6.27(23) of this Bylaw, is located outside of an enclosed building, in the RM, C, M, B, and P Districts. (B/L No. 14184-20-09-14)

**6.16 Building Line Setbacks:**

No principal or accessory building or structure shall be sited closer than:

- (1) 12.877 8 m (42.25 ft.) to the centre line of Kingsway between Tenth Avenue and Edmonds Street.
- (2) 17.602 2 m (57.75 ft.) to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue.
- (3) 22.860 0 m (75.0 ft.) to the centre line of the Lougheed Highway between Boundary Road and North Road.
- (4) 16.154 4 m (53.0 ft.) to the centre line of Hastings Street on the south side only, between Esmond Avenue and Sperling Avenue.
- (5) 30.175 2 m (99.0 ft.) to the centre line of Boundary Road, on the east side only, between Imperial Street and the BC Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.
- (6) 20.421 6 m (67.0 ft.) to the centre line of Boundary Road, on the east side only, between Price Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street. (B/L No. 7137-78-01-03)
- (7) Nothing in this section prohibits the erection of a permitted street canopy. (B/L No. 8872-87-12-14)

**6.17 Parking or Storage of Commercial Vehicles, Recreation Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts:**

No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District, except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4,500 kg GVW (9,920.631 lbs. GVW) ownership of which is registered in the name of the resident of the dwelling;
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises, but only while that construction, repair, servicing or maintenance is being carried out;
- (c) one boat or vessel not exceeding a length of 6.0 m (19.69 ft.) owned by the resident of the dwelling and ownership of which is supported by satisfactory documentary proof;
- (d) one recreation vehicle or trailer not exceeding a length of 6.0 m (19.69 ft.) ownership of which is registered in the name of the resident of the dwelling;
- (e) not more than two uninsured but operable and complete vehicles, ownership of which is registered in the name of the resident of the dwelling.

(B/L No. 12869-10-12-13)

**6.17.1 Parking or Storage of Commercial Vehicles, Trucks, Recreation Vehicles, or Boats in R1 to R5 and R9 to R12 Districts: (B/L No. 12869-10-12-13)**

- (1) Section 6.17, except paragraphs (c) and (d), applies to parking and storage in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 12869-10-12-13)
- (2) Notwithstanding subsection (1) and subject to the vision clearance provisions of Section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m (39.37 ft.), may be parked in the open in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts subject to the following restrictions: (B/L No. 10124-94-12-05)
  - (a) on a corner lot or on a lot with one street frontage, no parking is permitted between the front lot line and the dwelling, nor within the required side yards, nor closer than 1.2 m (3.94 ft.) to the side lot lines in the rear yard;
  - (b) on a through lot, no parking is permitted in the required front yards or required side yards, nor in the area between the required front yard and the face of the dwelling that is oriented to the street from which the dwelling is addressed;
  - (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 m (19.69 ft.) in length may be parked on the front driveway or to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.
- (3) The parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
  - (a) on a corner lot or through lot to obscure the view from the closest abutting street,
  - (b) where the front driveway is used, to obscure the view from any abutting property, and,
  - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.

(B/L No. 9556-91-04-08)

### **6.18 Fraser River Flood Plain:**

All lands within the area of the Fraser River Flood Plain as described in Schedule AA - Flood Plain Map of the Official Regional Plan of the Lower Mainland Regional Planning Board, now the Official Regional Plan of the Greater Vancouver Regional District shall be subject to the following regulations:

No building shall be constructed or mobile unit located with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters:

- (a) (i) lower than the nearest point on an even gradient line along the natural boundary of the Fraser River from 3.392 m (11.13 ft.) Geodetic Survey of Canada datum at Boundary Road to 4.002 m (13.13 ft.) Geodetic Survey of Canada at Fenwick Street
- (ii) provided that, where the development is provided with a comprehensive flood proofing treatment for internal site drainage and/or upland drainage to the approval of the Director Engineering, the requirements under subsection (a) (i) may be reduced 0.6 m for industrial uses.
- (b) within 60 m (200 ft.) of the natural boundary of the Fraser River.
- (c) Repealed. (B/L No. 12098-06-06-19)

### **6.19 Development Under The Strata Titles Act:**

Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this Bylaw.

(B/L No. 7477-80-03-10)

### **6.20 Calculation of Gross Floor Area:**

- (1) For the purpose of calculating gross floor area, the following shall be excluded:
  - (a) in wood-frame exterior wall assemblies, any portion of exterior wall thickness in excess of 0.165 m (6.5 in.), provided that the excess wall thickness is used for the provision of insulating materials;
  - (b) in all exterior wall assemblies other than those referred to in paragraph 6.20(1)(a), any portion of exterior wall thickness that is exclusively used for the provision of insulating materials;
  - (c) any non-structural exterior claddings;
  - (d) exterior access areas such as corridors, landings, staircases, stairways, and similar areas, provided that they are not fully enclosed;
  - (e) crawl spaces;
  - (f) areas of undeveloped floors located above a storey or a half-storey, or adjacent to a half-storey, with a maximum vertical clear height of 1.2 m (3.9 ft.), and no permanent means of access other than a hatch;
  - (g) exterior architectural features including belt courses, cornices, eaves, gutters, sills, pilasters and similar features;
  - (h) chimneys;
  - (i) bay windows;
  - (j) balconies and terraces which are not covered and uncovered decks, provided that they are not fully enclosed; and,
  - (k) arbors, trellises and similar landscape features.

- (2) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area in the R and A Districts, with the exception of category A supportive housing facilities, the following shall be excluded:
- (a) garages or carports up to a maximum area of 42.0 m<sup>2</sup> (452.1 sq.ft.), except:
    - (i) in the R1, R2, R3, R4, R5 and R9 Districts on a lot developed with a single family dwelling, where such garage or carport is located in a cellar; and,
    - (ii) in the R10 and R11 Districts, where such garage or carport is attached to a principal building on a lot with lane access. In cases where the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions, up to a maximum area of 42.0 m<sup>2</sup> (452.1 sq.ft.) of the garage or carport attached to the principal building shall be excluded from gross floor area.
  - (b) balconies and terraces which are covered, and covered decks, whether attached to a building or detached, up to a maximum area of 14% of the permitted above grade floor area, provided that except for the required open guards with a maximum height of 1.07 m (3.5 ft.), not more than 60% of their perimeters are enclosed; and,
  - (c) any portion of a deck or terrace that is covered, and has a vertical clear height of less than 1.8 m (5.91 ft.), measured from ground level to the underside of the roof, structure or floor joist covering the deck or terrace, provided that not more than 60% of its perimeter is enclosed.
- (3) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area for category A supportive housing facilities permitted in the R Districts, and in districts other than the R and A Districts, the following shall be excluded:
- (a) areas that exclusively provide access to areas excluded from gross floor area, in accordance with Sections 6.20(1) and 6.20(3);
  - (b) areas of an elevator shaft on a floor to which the elevator does not provide general access, except in special circumstances;
  - (c) balconies and terraces which are covered, and covered decks, provided that they are not fully enclosed;
  - (d) areas exclusively used to provide accessory communal recycling and garbage storage, electrical, mechanical, heating, and ventilating, or similar service facilities accessory to a principal use;
  - (e) amenity spaces;
  - (f) areas exclusively used for communal laundry facilities that are accessory to a principal use;
  - (g) any portion of a basement or cellar used exclusively for storage, or laundry facilities that are accessory to a principal use;
  - (h) any portion of a basement or cellar used for non-commercial recreational and social purposes that are accessory to a principal use;
  - (i) areas used for parking of vehicles and bicycles that are accessory to a principal use;
  - (j) end-of-trip cyclist facilities that are accessory to a principal use;
  - (k) areas used exclusively for storage of scooters in supportive housing facilities;
  - (l) private hospital and supportive housing facility amenity spaces not exceeding 13.6% of the maximum permitted gross floor area; and,
  - (m) 1.86 m<sup>2</sup> (20 sq.ft.) of floor area for every studio and one bedroom adaptable housing unit, plus 0.93 m<sup>2</sup> (10 sq.ft.) for every additional adaptable bedroom in excess of the first adaptable bedroom with an adaptable housing unit.

(B/L No. 14183-20-09-14)



### **6.20.1 Calculation of Gross Floor Area in a Building with Over-height Ceilings:**

For single family and two family dwellings, gross floor area for any portion of a building, with the exception of staircases, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.) shall be calculated in accordance with the following:

- (a) cumulative floor area of such over-height portion(s) of the building, multiplied by the number of floors of the adjacent section within the building. For the purpose of this section of the Bylaw, where the number of floors of the adjacent section on any side of the over-height portion(s) are not equal the greater number of floors shall apply,
- (b) less 9.3 m<sup>2</sup> (100.1 sq.ft.) for each dwelling unit with a ceiling which exceeds the height specified in this section.

(B/L No. 14183-20-09-14)

### **6.21 Antennae:**

- (1) An antenna is permitted on any lot in any zoning district except the R Districts if it has been given preliminary plan approval and meets the following qualifications, namely:

(B/L 13689-17-01-30)

- (a) it is attached to a building,
- (b) it is at least 5.0 m (16.4 ft.) above the ground. (B/L No. 12170-06-11-20)
- (c) it covers or occupies a maximum of 0.93 m<sup>2</sup> (10 sq.ft.) on the building face and the total area on any building face occupied by antennae does not exceed 3.72 m<sup>2</sup> (40 sq.ft.), and,
- (d) it does not extend more than 1 m (3.2 ft.) above the highest point of the building face.

(B/L No. 10396-96-07-22)

- (2) An antenna is permitted in any street or lane in any zoning district, subject to compliance with the Burnaby Street and Traffic Bylaw and all other applicable legislation.

(B/L No. 13689-17-01-30)

### **6.22 Density Bonus:**

- (1) In the RM1, RM2, RM3, RM4, RM5, RM3s, RM4s, and RM5s Districts, for the conservation or provision of amenities, or the provision of affordable or special needs housing, the maximum floor area ratio may be increased in accordance with the floor area ratio requirements set out in Schedule II of this bylaw applicable to such zoning districts, provided that:

- (a) the lot is located in a town centre area, is approved for density bonus in the community plan for Brentwood Town Centre, Lougheed Town Centre, Edmonds Town Centre, or Metrotown, and is rezoned to the CD (Comprehensive Development) District;
- (b) the amenities, or affordable or special needs housing are included as part of the comprehensive development plan for the CD (Comprehensive Development) District, or cash-in-lieu contributions are provided; and,
- (c) the total value of the amenities, affordable or special needs housing, or cash-in-lieu contributions, is equivalent to the value of the additional residential floor area attributable to the increase in floor area ratio for the provision of such amenities, affordable or special needs housing, and 50% of the additional floor area ratio described in sections 204.6(3) or 205.6(3) of this bylaw.

(B/L No. 14204-20-09-28)

- (2) For the purpose of subsection (1), the following amenities are eligible for consideration in an application for a density bonus:
- (a) major public open space or plaza;
  - (b) public facilities, including a library, community or recreation centre, arts facility, youth centre;
  - (c) space for community or non-profit groups that serve the community;
  - (d) public art;
  - (e) extraordinary public realm improvements including landscaping treatment and special street furniture;
  - (f) improvements to park land or other public facilities;
  - (g) extraordinary environmental enhancements, or
  - (h) child care facilities.
- (3) For the purpose of subsection (1), the following are eligible for consideration as affordable and special needs housing in an application for a density bonus:
- (a) units developed under senior government non-profit housing programs;
  - (b) price controlled limited-equity market units;
  - (c) units controlled or managed or owned by non-profit housing groups providing affordable housing;
  - (d) guaranteed rental units;
  - (e) housing for people with special needs such as those with physical or mental disabilities or victims of violence.
- (4) For the purpose of computing floor area ratio for a development that includes the conservation or provision of an amenity under subsection (1), the floor space of the building that is occupied by an amenity shall not be included as part of the gross floor area.
- (5) The owner of a development that includes the provision of affordable or special needs housing may be required to enter into a housing agreement under Section 905 of the Local Government Act. (B/L No. 11204-01-02-12)
- (B/L No. 10596-97-07-21)

### **6.23 Streamside Protection and Enhancement Areas:**

- (1) In this section unless the context otherwise requires:

‘active floodplain’ means an area of land within a boundary that is indicated by the visible high water mark or water level of a stream that is reached during annual flood events as evidenced by riparian area conditions described in the definition of ‘riparian area’;

‘existing vegetation’ means native and non-native vegetation;

‘fish’ means all life stages of

- (a) salmonids,
- (b) game fish, and,
- (c) regionally significant fish;

‘fish bearing stream’ means a stream in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

‘non fish bearing stream’ means a stream that

- (a) is not inhabited by fish, and,
- (b) provides water, food and nutrients to a downstream fish bearing stream or other water body;

‘non-permanent stream’ means a stream that typically contains surface waters or flows for periods less than 6 months in duration;

‘permanent stream’ means a stream that typically contains continuous surface waters or flows for a period more than 6 months in duration;

‘potential vegetation’ is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

‘ravine’ means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;

‘riparian area’ means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

‘stream’ includes a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a stream and provides fish habitat;

‘streamside protection and enhancement area’ means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined according to subsections (2) and (3);

‘top of the bank’ means:

- (a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and
- (b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from edge;

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

- (2) (a) Streamside protection and enhancement areas are those areas determined with reference to the following existing or potential vegetation conditions by measuring perpendicularly away from the top of the bank or top of the ravine bank on either side of a stream:
- (i) intact and continuous areas of existing or potential vegetation equal to or greater than 50 metres wide;
  - (ii) limited but continuous areas of existing or potential vegetation equal to 30 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 30 and 50 metres wide;
  - (iii) narrow but continuous areas of existing or potential vegetation equal to 15 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 15 and 30 metres wide;
  - (iv) very narrow but continuous areas of existing or potential vegetation up to 5 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 5 and 15 metres wide interspersed with permanent structures.
- (b) With reference to vegetation conditions in subsection (a), streamside protection and enhancement areas must be:
- (i) if subsection (a)(i) or (ii) applies, at least 30 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams or for non fish bearing streams that are permanent;
  - (ii) if subsection (a)(i), (ii) or (iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are non-permanent;
  - (iii) if subsection (a)(iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are permanent;
  - (iv) if subsection (a)(iii) or (iv) applies, the greater of the widths determined under subsection (a) (iii) or (iv) or at least 15 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams.
  - (v) if subsection (a)(iv) applies, at least 5 and up to 15 metres wide measured perpendicularly away from the top of the bank for all non fish bearing streams.
- (c) If a stream is in a ravine that is less than 60 metres wide in total width from top of the ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, protection is to be consistent with subsection (b)(i) through (v), where appropriate, from the top of the ravine bank.
- (d) If a stream is in a ravine that is more than 60 metres in total width from top of ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, a protection and enhancement area must be at least 10 metres wide measured perpendicularly away from the top of the ravine bank.

- (3) The Director Planning and Building may, after review by the Environmental Review Committee and receipt of the application fee as specified in the Burnaby Planning and Building Fees Bylaw, vary the boundaries of a streamside protection and enhancement area in circumstances where the establishment of the streamside protection and enhancement area pursuant to the criteria set out in subsection (2) is unfeasible. The following factors may be considered:
- (a) physical conditions;
  - (b) existing parcel sizes;
  - (c) existing roads, trails, works or services;
  - (d) proposed roads, trails, works and services needed to provide access or services to otherwise developable land or to connect to existing roads, trails, works or services.

(B/L No. 13936-18-09-24)

- (4) No development shall occur on any land within a streamside protection and enhancement area.
- (5) This section shall not apply in respect of a building or structure described in Section 911(8) of the Local Government Act, if a building permit is issued only for the purpose of enabling reconstruction or repair of a permanent structure on its existing foundation.

(B/L No. 11884-05-04-11)

#### **6.24 Impervious Surfaces:**

- (1) This section applies only to Lots in R (Residential) Districts for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.
- (2) Not more than 70 per cent of the total area of a lot to which this section applies shall be covered by impervious materials.
- (3) In this section “impervious materials” include
- (a) buildings and structures;
  - (b) asphalt;
  - (c) concrete;
  - (d) grouted pavers;
  - (e) subject to subsection (f), ungrouted pavers having a surface area on their largest face of more than 0.21 m<sup>2</sup> (2.25 sq.ft.);
- but does not include
- (f) ungrouted pavers having a surface area on their largest face of not more than 0.372 m<sup>2</sup> (4 sq.ft.) arranged in a line of single pavers to form a pedestrian walkway with a permeable gap between the pavers;
  - (g) water surfaces of structures designed to retain water, including swimming pools, reflecting pools, and ornamental ponds.

(B/L No. 11977-05-10-17)

#### **6.25 Temporary Shelters:**

- (1) Temporary shelters shall be:
- (a) located entirely within a building; and,
  - (b) except within the P District, located on land owned, leased or controlled by the City and operated by the City or by a government body or non-profit service provider.

(B/L No. 14003-19-07-29)

**6.26 Temporary COVID-19 Pandemic Reopening Measures:**

- (1) Notwithstanding any other provision of this bylaw, until 2022 June 01 or another date determined by the Director Planning and Building in response to the COVID-19 pandemic, the following buildings, structures, or uses may project into required yards, are excluded from the calculation of lot coverage and gross floor area, and may be located outside of a completely enclosed building: (B//L No. 14377-21-10-25)
- (a) temporary covered and/or enclosed outdoor seating areas at cafes, restaurants, drive-in restaurants, and similar establishments for the sale and consumption of food and/or beverage on the premises;
  - (b) temporary covered and/or enclosed outdoor display and retail sale areas accessory to commercial and industrial establishments; and,
  - (c) temporary accessory buildings or structures, or service trailers accessory to institutional, recreational, assembly, and educational establishments;
- provided that such building, structure, or use is:
- (d) approved in writing by the Director Planning and Building; and,
  - (e) only used to physically expand the service area provided for the principal use being made of the lot, and does not increase patron capacity.
- (2) In this section unless the context otherwise requires, “service trailer” means any structure or vehicle that is either self-propelled or towed by a motor vehicle, and that is used or designed to be used to temporarily expand service areas accessory to institutional, recreational, assembly, and educational establishments.
- (B/L No. 14319-21-04-26)

**6.27 Uses, Structures, and Equipment Permitted Outside of an Enclosed Building:**

In C, M, B, and P9 Districts, where the following uses, structures, or equipment are permitted, they may be located outside of a completely enclosed building:

- (1) Parking and loading facilities.
- (2) Gasoline service stations.
- (3) Industrial or marina fueling installations.
- (4) Outdoor produce shops.
- (5) Outdoor garden shops.
- (6) Outdoor play areas.
- (7) Agricultural uses, excluding commercial nurseries and greenhouses.
- (8) Display yards.
- (9) Storage yards.
- (10) Public works yards.
- (11) Public utility installations.
- (12) Public transportation depots.
- (13) Car washing establishments.
- (14) Film production trucks and trailers used in conjunction with production studios for radio, television, motion picture, theatre, dance and similar productions.
- (15) Food trucks as accessory food service for the use of the employees of an establishment, provided that they are operated by, or on behalf of, the owner or manager of the establishment.
- (16) Outdoor seating at cafes, restaurants or other facilities where food or drink is served.
- (17) Mobile retail carts, including but not limited to, mobile food carts.
- (18) Lunch bars.

- (19) Hoist and launching ramps.
- (20) Facilities and installations related to the trans-shipment of goods and materials.
- (21) Outdoor storage of boats associated with water-oriented uses.
- (22) Storage tanks, including the storage of petroleum products.
- (23) HVAC, air intake and exhaust units, emergency generators, and other electrical or mechanical equipment, provided that they are not a principal component of the primary activities conducted under the principal or the accessory uses on a lot.

(B/L No. 14184-20-09-14)

**6.28 Temporary Use Permits:**

In C, M, B, P and A Districts, all of their sub-districts, and the CD Comprehensive Development Districts, or portion thereof, based on the above noted Districts, a temporary use may be permitted, by Council resolution, subject to the following conditions:

- (1) It shall not be permitted in a purpose-built rental housing;
- (2) In the C8, C9, and P11 District, all of their sub-districts, and the CD Comprehensive Development Districts, or portion thereof, based on the above noted Districts, it shall not be permitted in a multiple family dwelling, or a multi-family flex unit;
- (3) It shall not include liquor licence establishments, liquor stores, licensee retail stores, government cannabis stores, and cannabis production facilities;
- (4) It shall not be permitted on a property that is designated Agricultural Land Reserve;
- (5) It shall be limited to the uses permitted in the M Districts, excluding business and professional offices, cafes or restaurants, indoor athletic recreational uses, indoor go-cart tracks, and indoor pistol and rifle ranges, on a property that is designated Industrial or Petro Chemical;
- (6) It should be compatible with the surrounding land uses with regard to intensity of use, operation, and visual and design considerations;
- (7) It shall not impose significant impacts on the natural environment and surrounding areas, including noise, traffic, safety and security, and other considerations;
- (8) It should be consistent with the Official Community Plan, other applicable community plans, and other relevant Council policies;
- (9) It shall not negatively impact the future use and development of the property and surrounding areas as proposed in the Official Community Plan, or other applicable community plans;
- (10) It should be permitted for a maximum of three (3) years, with one time renewal of an additional maximum three (3) years, subject to Council approval;
- (11) It may be permitted subject to conditions related to the use of land, removal of the use, building, and structure, or restoration of land, following the termination of the temporary use;
- (12) It may be permitted subject to the provision of undertakings to demolish or remove the building or other structure, and to restore the land to the specified conditions, following the termination of the temporary use;
- (13) It may be permitted subject to the provision of security to ensure the satisfaction of terms and conditions of permit.

(B/L No. 14390-22-03-07)

**6.29**

**Short-term Rentals:**

(1)

Short-term rental may be permitted as an accessory use to a single family dwelling, two-family dwelling, row housing dwelling, town house dwelling, and multiple family dwelling in R, RM, C8, C9, P11 and A Districts, all of their sub-district, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, subject to the following conditions;

- (a) short-term rental shall only be permitted in the principal residence of a registered owner of the dwelling unit;
- (b) short-term rental shall not be permitted in:
  - (i) a rental unit;
  - (ii) a single family dwelling containing a secondary suite, including within the secondary suite;
  - (iii) a multi-family flex unit, including within the flex-unit;
  - (vi) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes;
  - (v) a dwelling unit that contains an in-law suite, a boarding use, a boarding, lodging or rooming house, a child care facility, a home-based child care facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services; and,
  - (iv) an accessory building or structure.

(B/L No. 14271-22-06-20)