

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 573

A BY-LAW for establishing areas and classifications for building restrictions and fixing building lines within the Municipality of Burnaby

WHEREAS under the Provisions of Section 9 of the Town Planning Act the Council of every Municipality may by by-law make regulations and divide the Municipality into districts of such number, shape and area as the Council considers best suited for any of the following purposes:-

(a) For designating certain districts within which it shall be lawful and certain other districts within which it shall be unlawful to erect, construct, alter, reconstruct, repair, or maintain certain buildings, or to carry on certain businesses, trades, or callings:

(b) For designating certain districts within which the height and bulk of buildings thereafter erected, constructed, altered, reconstructed, or repaired shall be limited, and for prescribing the limitations:

(c) For prescribing building-lines and the area of yards, courts, and other open spaces to be maintained in any district:

(d) For regulating, restricting, and prohibiting in any district the location of all or any classes of industries, businesses, trades, or callings, the location of apartment or tenement houses, terraces, club-houses, group residences, two-family dwellings, single-family dwellings, the location of the several classes of public and semi-public buildings, and the location of buildings or property designed for specified uses:

(e) For prescribing as to any district the class of use of buildings or land that shall be excluded or subjected to special regulations, and designating the uses for which buildings may not be erected, constructed, altered, reconstructed, or repaired, or land used, or designating the

class use of which only shall be permitted.

AND WHEREAS pursuant to sub-section 3 of said Section 9 of the Town Planning Act the Council in determining the regulations to be made under said section 9 shall have due regard to the following considerations:

(a) The promotion of public health, safety, convenience, and welfare:

(b) The prevention of the overcrowding of land and the preservation of the amenity of residential districts:

(c) The securing of adequate provisions for light, air, and reasonable access:

(d) The value of the land and the nature of its use and occupancy:

(e) The character of each district, the character of the buildings already erected, and the peculiar suitability of the district for particular uses:

(f) The conservation of property values and the direction of building development.

AND WHEREAS it is expedient and in the interests of the health, safety and convenience of the public to establish areas and classifications for building restrictions and to fix building lines within the following areas of the Municipality of Burnaby:

(1) Within the area contained in those portions of District Lots One hundred and eighty-six (186) One hundred and eighty-seven (187) One hundred and eighty eight (188) One hundred and twenty two (122) One hundred and twenty one (121) One hundred and sixteen (116) and One hundred and seventeen (117) Group One (1) in the Municipality of Burnaby, and bounded on the East by Delta Avenue, on the South by Parker Street West to Gilmore Avenue, thence along Gilmore Avenue South to Douglas Road, thence North-West along Douglas Road to Boundary Road, on the West by Boundary Road, on the North by East Street East to Carlton Avenue, along Carlton Avenue South to Yale Street, along

Yale Street East to Madison Avenue, along Madison Avenue south to McGill Street, along McGill Street East to Queens Avenue, along Queens Avenue South to Cambridge Street, along Cambridge Street East to Delta Avenue.

(2) Within the area contained in District Lot One hundred and twenty three (123) and portions of District Lots One hundred and twenty two (122) and One hundred and twenty four (124) Group One (1) in the Municipality of Burnaby, and bounded on the North by Parker Street, on the East by Delta Avenue, on the South by Douglas Road and on the West by Queens Avenue.

(3) Within the area contained in those portions of District Lots Twenty eight (28), Twenty nine (29), Thirty (30), Fifty-three (53), Eighty five (85), Eighty-six (86), Eighty seven (87), Ninety (90), Ninety-one (91), Ninety two (92), Ninety five (95), and Ninety six (96) Group One (1) in the Municipality of Burnaby, and bounded on the East by Cedar Street to Fourth Street, along Fourth Street to Wedgewood Street, along Wedgewood Street to Fourth Street, along Fourth Street to Tenth Avenue; on the South by Tenth Avenue to Twentieth Street, along Twentieth Street to Griffiths Avenue, along Griffiths Avenue to Rumble Street, along Rumble Street West to Gilley Avenue; on the West by Gilley Avenue to South shore of Deer Lake, along South shore of Deer Lake to Deer Lake Creek, along Deer Lake Creek to South Shore of Burnaby Lake, and on the North by South shore of Burnaby Lake.

(4) Within the area contained in District Lots Ninety-seven (97) Ninety eight (98), Ninety nine (99), One hundred and forty-nine (149), One hundred and fifty (150), One hundred and fifty-eight (158), One hundred and sixty (160), One hundred and seventy-one (171) and portions of District Lots One hundred and fifty-five A (155a), One hundred and fifty seven (157), One hundred and fifty nine (159), One hundred and sixty two (162), One hundred and seventy three (173) and one hundred and seventy five (175), lying North of Riverway, and more particularly described as follows:

Commencing at the intersection of Boundary Avenue and Imperial Street, thence easterly along Imperial Street to Kingsway, thence southeasterly along Kingsway to Gilley Avenue, thence south along Gilley Avenue to Rumble Street, thence easterly along Rumble Street to Griffiths Avenue, thence southerly along Griffiths Avenue to Twentieth Street, thence southeasterly along Twentieth Street to Tenth Avenue, thence along Tenth Avenue in a southwesterly direction to Riverway, thence in a westerly direction along Riverway to Boundary Avenue, thence Northerly along Boundary Avenue to the point of commencement.

(5) Within the area contained in District Lots Thirty-eight (38), Thirty nine (39), Sixty eight (68), Sixty nine (69), Seventy (70), Seventy one (71), Seventy two (72), Seventy three (73), Seventy four (74), Seventy five (75), Seventy six (76), Seventy seven (77), Seventy nine (79), Eighty (80), Eighty one (81), Eighty two (82), Eighty three (83), One hundred and eighteen (118), One hundred and nineteen (119), One hundred and twenty five (125), One hundred and Thirty (130), that portion of District Lot Thirty five (35) north of Moscrop Street, and that portion of District Lot One hundred and twenty four (124) south of Douglas Road, and more particularly described as follows: Commencing at the intersection of Moscrop Street and Boundary Road; thence North along Boundary Road to the Northwest corner of District Lot One hundred and eighteen (118), thence Easterly along the North boundaries of District Lots One hundred and eighteen (118), and One hundred and nineteen (119) to the Northeast corner of District Lot One hundred and nineteen (119); thence South along Queens Avenue to the intersection of Douglas Road; thence in an Easterly direction along Douglas Road to the Easterly boundary of District Lot One hundred and twenty four (124); thence Northerly along the Easterly boundary of District Lot one hundred and twenty four (124) to the North east corner of

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of District Lot One hundred and twenty four (124); thence Easterly along the North boundary of District Lots One hundred and twenty five (125) and One hundred and Thirty (130) to Kensington Avenue; thence Southerly on Kensington Avenue to the North Boundary of the Vancouver, Victoria and Eastern Railway and Navigation Company's right-of-way; thence in a southeasterly direction to the North boundary of District Lot Seventy-seven (77); thence Easterly along the North boundary of District Lot Seventy-seven (77) to Sperling Avenue; thence Southerly on Sperling Avenue to the North boundary of District Lot seventy-nine (79); thence Easterly along the North boundary of District Lot seventy-nine (79) to the shore of Burnaby Lake; thence in a southerly direction following the shore of Burnaby Lake to Deer Lake Creek; thence in a southwesterly direction along Deer Lake Creek to Deer Lake; thence in a westerly direction along the North shore of Deer Lake to the South boundary of District Lot Eighty three (83); thence Westerly along the south boundary of District Lot Eighty-three (83); to Royal Oak Avenue; thence Southerly on Royal Oak Avenue to Glen Street; thence Westerly on Glen Street to the South west corner of District Lot eighty-two (82); thence Northerly along the Westerly boundary of District Lot eighty two (82) to the North west corner of District Lot eighty two (82); thence Westerly along the south boundary of District Lot Seventy two (72) to Mayne Avenue; thence Northerly on Mayne Avenue to Moscrop Street; thence Westerly along Moscrop Street to Boundary Road, being the point of commencement.

(6). Within the area contained in District Lots Thirty two (32), Thirty three (33), Thirty four (34), Ninety three (93), Ninety four (94), One hundred and fifty-one (151) One hundred and fifty two (152), One hundred and fifty three (153) and portion of District Lot Thirty-five (35) and more particularly described as follows:

Commencing at the intersection of Boundary Road and Imperial Street; thence northerly along Boundary Road to Moscrop Street; thence Easterly along Moscrop Street to Mayne Avenue; thence southerly along Mayne Avenue to Gilpin Street; thence Easterly along Gilpin Street to Sussex Avenue; thence Southerly along Sussex Avenue to Glen Street; thence easterly along Glen Street to Royal Oak Avenue; thence southerly along Royal Oak Avenue to the Southwest corner of District Lot Eighty four (84); thence Easterly along the South boundary of District Lot Eighty four (84) to the South east corner of said District Lot Eighty four (84) thence southerly along Gilley Avenue to Windsor Street; thence westerly along the south boundaries of District Lots Ninety three (93), Ninety four (94), One hundred and fifty two (152) One hundred and Fifty three (153) and One hundred and fifty one (151) to the point of commencement.

NOW THEREFORE the Municipal Council of the Corporation of the District of Burnaby ENACTS as follows:-

1. In this By-law unless the context otherwise requires "Building" shall not include the steps to a building.

"Lot" shall mean any one of the portions or subdivisions into which a block of land has been divided.

"Corner Lot" shall mean a parcel of land at the intersection of two streets.

"Private Garage" shall mean one in which no business, service, or industry connected directly or indirectly with motor vehicles is carried on.

"Public Garage" shall mean any garage not included in the definition of "Private Garage".

2. For the purpose of this By-law that portion within the areas above-described shall be considered to be and is hereby divided and classified into areas as follows: /

(a) RESIDENTIAL AREAS are those portions of said Municipality not shown colored RED or YELLOW on the plans

numbered (a), (b), (c), (d), (e) and (f) respectively attached hereto and hereby incorporated herewith.

(b) COMMERCIAL AREAS which are those portions of said Municipality shown colored "RED" on said plans.

(c) INDUSTRIAL AREAS which are those portions of said Municipality shown colored "YELLOW" on said plans.

3. The said areas are hereby declared, established and defined as "RESIDENTIAL" "COMMERCIAL" and "INDUSTRIAL" respectively

4. No person shall erect or maintain a building within any of said Residential Areas for any purpose other than that of a private dwelling house, with or without stables, private garage, coach house, greenhouse and necessary outbuildings, or a building in which the occupant has an office as a Physician, Surgeon, Lawyer, Dentist, Artist or Musician, or a Church, School, Library, Public Museum, Philanthropic or eleemosynary institution (other than a correctional institution), railway passenger station, Nursery, Greenhouse, Barn or a club (other than a club where the chief activity is a service carried on as a business) or any other building the use of which is necessary customary or incident to the use of any of the foregoing buildings.

5. No person shall erect, maintain, or occupy a factory or warehouse or a building, partly one and partly the other, within any of the said residential or commercial areas.

6. No person shall erect a public garage, public stable, shop or store, or a building partly one and partly the other, or any apartment or tenement house within any of the said Residential areas.

7. No person shall erect a building on any parcel of land within any of said residential areas at a less distance than twenty (20) feet from the street or road upon which such parcel fronts.

8. In the case of corner lots within a residential area the

the building line, defined in Section seven (7) shall be adhered to on the side of the lot known as the front or smallest measurement of such lot in accordance with the original plan on file in the Land Registry Office on and prior to the coming in force of this By-law, provided that where any lot extends from one street to another street it shall be deemed to front on both streets.

9. No person shall keep or maintain in any lot within any of the said Residential areas more than one hundred (100) head of Poultry, or more than one (1) cow, or more than two (2) goats, and no person shall keep or maintain within any of the said Residential Areas any ducks, geese, he-goats or swine. Provided that the provisions of this section shall not apply to any parcel of land having an area of one (1) acre or more, and provided also that no building used for the purpose of keeping poultry on any parcel having an area of one (1) acre or more shall be erected at a less distance than fifty (50) feet from any street or road or from any dwelling house, other than a dwelling house belong to the owner of such parcel of land.

10. No person shall within the said Residential areas erect any private garage unless and until the location thereof has first been approved by the Municipal Engineer.

11. No dwelling house shall be erected or placed on any parcel of land within the said Residential Areas, the area of which is less than six thousand square feet unless it has been duly created by subdivision plan, and its area is not less than 2500 square feet.

12. Not more than one residence with its appurtenant buildings shall be erected upon any parcel of land, the area of which exceeds 6,000 square feet, unless there is remaining in such parcel an additional 6,000 square feet for each additional residence.

13. No person shall within the area defined by Section two (2) of this By-law carry on any noxious or dangerous manufacture.



14. No person shall within the area defined in Section Two (2) of this By-law erect or use any building with inadequate sanitary arrangements.

15. Where any building other than a dwelling house has been heretofore erected within a residential district, the erection or construction of such building or structure other than a dwelling house shall not alter such district, but such district and the building line shall be adhered to in all future buildings or structures.

16. No Cemetery, Burying ground, or Crematorium, shall be established or operated within any of the said Residential areas save and except the North east one-quarter of District Lot one hundred and fifty (150) and Block "D" of the said District Lot One hundred and fifty (150) according to plan numbered 3719, deposited in the Land Registry Office at New Westminster, Province of British Columbia, and more particularly described as follows: Commencing at a point at the Southwest corner of Imperial Street and Patterson Avenue; thence southerly and following the Westerly boundary of Patterson Avenue to a point at the Northwest corner of Victory Street and Patterson Avenue; thence Westerly and following the Northerly boundary of Victory Street to the Northwest corner of Rosebery Street and Victory Street; thence southerly and following the Westerly boundary of Rosebery Street to the Northwest corner of Rosebery Street and Watling Street; thence Westerly and following the Northerly boundary of Watling Street to the Northeast corner of Watling Street and Alberta Avenue; thence Northerly and following the Easterly boundary of Alberta Avenue to the Southeast corner of Alberta Avenue and Imperial Street; thence Easterly and following the southerly boundary of Imperial Street to the point of commencement.

17. No person shall erect within any of the said residential areas any close board fence more than five (5) feet in height above the level of the ground.

18. No Veterinary Hospital shall be erected, maintained or operated within any of the said residential areas.

19. No sign-board, bill-board or hoarding shall be erected or maintained within any of the said residential areas of a greater measurement than 36" by 24" and not more than one (1) such sign-board, bill-board, or hoarding shall be erected or placed on any one parcel in any of the said Residential areas and the top of such sign-board, bill-board or hoarding shall not be more than eight (8) feet above ground level.

20. No existing building of a kind, type or use not permitted to be erected by this By-law in the area in which the same is located shall be enlarged, extended, reconstructed or structurally altered unless thereby the building is altered to a kind, type, or use permitted by this By-law in the said area. if at any time any building now erected and not conforming to the requirements of this By-law as to the area in which it is situated shall be destroyed by fire, explosion, Act of God, or otherwise, to the extent of more than seventy five (75%) per cent. of its assessed value such building shall not be repaired, reconstructed, or rebuilt save only to be used for a purpose permitted by this By-law in said area. Provided that the provisions of this section shall not apply to buildings used for the purpose of keeping poultry situate on parcels of land having an area of one (1) acre or more.

21. The Council may at any time by vote of two-thirds of the whole Council waive compliance with any of the provisions of this By-law on good cause being shown and the Council may by similar vote on good cause being shown revoke any waiver so given in accordance with the provisions of this section.

22. Any Justice of the Peace, Police Magistrate, or other Court before whom a prosecution is had for an offence against this By-law may convict the offender on the oath or affirmation of any credible witness, and shall impose on the offender a penalty of an amount not exceeding one hundred

(£100.00) dollars and also the costs of the prosecution, and shall by his conviction after adjudging payment of such penalty and costs, order and adjudge that in default of such payment forthwith, the same be levied by distress and sale of the goods and chattels of the offender, and, if sufficient distress cannot be found, that the offender be imprisoned in the common gaol for any period not exceeding one month and with or without hard labour, unless such penalty and costs, and also costs of the committal and conveyance to gaol are sooner paid.

23. If the owner shall fail to pull down and remove any building which shall have been constructed or placed in contravention of any of the provisions of this By-law after having been given five days written notice thereto by the Municipal Engineer or Building Inspector, as the case may be, the said Engineer or Building Inspector is hereby authorised to pull down and remove said building at the expense of the owner of the real property upon which the same is situated, and all charges for such work shall in default of such payment, form a lien and charge upon the said real property, having preference over any claim, lien, privilege, or encumbrance of any party except the Crown, and shall be collectable with interest at the rate of eight (8%) per cent. per annum in the same manner and with like remedies as ordinary taxes on real property are collectable under the Municipal Act. This remedy shall be independent of and in addition to the remedy of prosecution as above provided.

24. The Municipal Engineer or his duly authorised representative is hereby authorised to enter at all reasonable hours upon any property which is subject to the restrictions and regulations contained in this By-law for the purpose of ascertaining whether said restrictions and regulations have been or are being kept and obeyed and of carrying the same into effect, and also for the purpose of carrying out the work authorised in the next preceding section.

25. The following By-laws are hereby repealed:

"BURNABY TOWN PLANNING BY-LAW NO.1. 1924" being By-law 422 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.2. 1924" being By-law No. 423 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.3. 1924" being By-law No. 442 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.3. 1924 AMENDMENT BY-LAW 1925" being By-law No. 470 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.3. 1924 AMENDMENT BY-LAW 1926" being By-law No. 511 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.4. 1924" being By-law No. 444 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.4. 1924 AMENDMENT BY-LAW 1926" being By-law No. 498 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.5.1925" being By-law No. 482 of the Corporation of the District of Burnaby.

"BURNABY TOWN PLANNING BY-LAW NO.6.1925" being By-law No. 477 of the Corporation of the District of Burnaby.

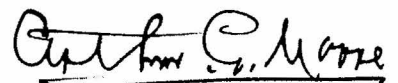
26. This By-law may be cited as "BURNABY TOWN PLANNING BY-LAW 1927."

DONE AND PASSED in open Council this Fourteenth (14th) day of February, A.D. 1927.

RECONSIDERED and FINALLY PASSED this Twenty fifth (25th) day of April, A.D. 1927.



REEVE



CLERK

