

1391 — 1991

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1991 C

A BY-LAW to regulate the location and use of buildings and land within the Municipality of Burnaby.

WHEREAS pursuant to the Town Planning Act the Council requested the Town Planning Commission to recommend the boundaries of districts and appropriate regulations and restrictions to be enforced therein for the guidance of the Council, and the Commission has made a Report thereon.

AND WHEREAS the Council has, pursuant to Section 10 of the Town Planning Act held a hearing thereon after giving notice of the time and place of such hearing in manner and form provided by the said Act.

AND WHEREAS the Council after taking into consideration the recommendations of the Burnaby Town Planning Commission and the representations made at the aforesaid hearing, has thought expedient to make regulations, and to divide the Municipality into certain districts as hereinafter provided, pursuant to the Town Planning Act.

AND WHEREAS the Council, having received application for the repeal of the Burnaby Town Planning By-law No. 573, referred such application to the Town Planning Commission for consideration and report, and met and held a meeting thereon, after giving notice of the time and place of such meeting, in manner and form provided in the said Act.

NOW THEREFORE the Municipal Council of The Corporation of the District of Burnaby, in open meeting assembled ENACTS as follows:-

- 1. This By-law may be cited for all purposes as "BURNABY TOWN PLANNING BY-LAW 1948"
- 1.a. The Burnaby Town Planning By-law No. 573 is hereby repealed.
- 2. Unless the context forbids, the following expressions shall have the meanings respectively assigned thereto as follows:

DEFINITIONS

ACCESSORY BUILDING, means a subordinate, attached or detached building or portion of the main building, use of which is incidental to that of the main building and is situated on the same lot; or a building the use of which is incidental to the use of the land. An accessory building when attached to the main building shall be considered a part thereof and shall comply with all front side and rear yard requirements.

APARTMENT, or APARTMENT HOUSE, means a building divided into three or more housekeeping units, used or destined for the use of three or more families living independently.

AUTOMOBILE includes all vehicles propelled otherwise than by muscular power, except the cars of electric and steam railways.

AUTO CAMP or **MOTOR COURT** means any lot, parcel of ground, or any area whereon any building or buildings, tent, hut or cabins, or any other structure or contrivance is erected or intended to be erected and used as a residence or habitation shelter or enclosure for automobile tourists for temporary or transient residence or occupation.

BASEMENT, means a storey, the floor of which is more than 12 inches but less than one half of the height from floor to ceiling of the storey below the average level of the adjoining street, sidewalk or ground; and shall include the lowest storey of a building when the height from floor to ceiling is less than eight feet. A basement is deemed a storey for the purpose of height regulations, if sub-divided and used for business or dwelling purposes.

BOARD OF APPEAL shall mean a board constituted under Section 16 of the Town Planning Act.

BUILDING means anything constructed or erected, the use of which involves permanent situation on the ground, or attachment to something having permanent situation on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building.

CELLAR means any storey of a building below the classification or grade of a basement.

CLOSED FENCE means a fence that has more than 50% of its area closed.

CORNER SITE means a site at the intersection or junction of two or more streets, or of a street and a lane, which is not less than twenty five feet in width.

CURB LEVEL means the level of the established curb in front of the building, measured at the centre of such front. When no curb has been established, the Municipal Engineer may establish any curb level or its equivalent, for the purpose of this by-law.

DISTRICT means any district constituted by section 3 of this by-law.

DUPLEX DWELLING means a dwelling occupied or intended so to be by two families, the living quarters whereof are placed in juxtaposition vertically.

FAMILY means one or more persons occupying and living in a housekeeping unit as distinct from a boarding house, lodging house, or hotel as herein defined. Family includes servants employed upon the premises.

FLANKING LOT means a corner site at the rear of which (whether a lane intervenes or not) is a site fronting on a street which flanks such corner site.

FRONT LINE OF THE BUILDING means the extended line of the wall of the building, (or of the projecting portion of the building, except steps, sills, belt courses, cornices, eaves and fire escapes) which faces the front line of the site.

FRONT LINE OF THE SITE OR FRONT SITE LINE means the boundary line of the site or lot and the street on which the lot faces. The front line of a corner site shall be the boundary line of the narrow side of the lot and the street on which the narrow side faces.

FRONT YARD means a yard extending across the full width of the site from the front line of the site to the front line of the building.

GARAGE means a building, or part thereof, used or intended to be used for the shelter storage or repair of automobile.

HALF-STOREY means a storey under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such storey.

HEIGHT OF BUILDING means the vertical distance measured in a straight line from the curb level to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof, and to the mean height level between the eaves and ridges of a gable hip or gambrel roof. When a building is situated on ground above or below curb level, such height shall be measured from the average elevation of the finished grade of the site along the front of the building.

HOME OCCUPATIONS means any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than a neat name plate not more than two square feet in area and so that no display indicating from the exterior that the building is being used otherwise than as a private dwelling house, is made; no commodity is to be sold or displayed for sale except such as is actually made on the premises; no person is to be employed or to work therein other than a member of the immediate family who actually resides on the premises; and no mechanical equipment is used save such as is ordinarily employed in purely private domestic or household use.

HOTEL means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are more than six sleeping rooms and with no provision for cooking in any room so occupied.

HOUSE-KEEPING UNIT means two or more rooms, used or destined to be used together, as living-quarters for not more than one family, and containing at least one living-room, one kitchen or kitchenette, and one bathroom; and equipped with not less than the following plumbing fixtures:

- (a) One water closet
- (b) One basin
- (c) One bathtub or shower
- (d) One sink

INTERIOR SITE means a site other than a corner site.

LANE means a public way which affords only a secondary means of access to a site or lot at the side or rear.

NON-CONFORMING USE means the use of a building or land that does not conform to the use regulations of the district in which it is situated.

PARKING SPACE means a permanently surfaced area enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one standard sized automobile, and if the space is unenclosed comprising an area of not less than one hundred and twenty five feet square, together with a permanently surfaced driveway connecting the parking space with a street or lane and permitting satisfactory ingress and egress of a vehicle.

PLAN or PLANS means a plan or the plans described in section 3 of this by-law.

PRIVATE GARAGE means a garage with capacity for housing not more than three automobiles, in which no space for trucks is rented; provided however that a private garage may exceed three automobile capacity if the area of the site contains not less than sixteen hundred square feet for each automobile.

PRIVATE STABLE means a stable with capacity for not more than two horses; and **PUBLIC STABLE** means a stable other than a private stable.

PUBLIC GARAGE means a garage where automobiles are equipped for operation, repaired, kept for hire or dismantled.

REAR LINE OF THE BUILDING means the extended line of the wall of the building (or any projecting portion of the building, except steps, sills, belt courses, cornices, eaves and fire escapes) which faces the rear line of the site or lot.

REAR YARD means a yard extending across the full width of the site or lot from the rear line of the site or lot to the rear line of the building; provided however that in computing the required depth of a rear yard which is bounded at the rear by a lane or alley, one half of the width of the lane or alley may be assumed to be part of the yard.

SEMI-DETACHED DWELLING means a dwelling occupied or intended to be occupied by two families, the living quarters of which are placed laterally under one roof.

SERVICE STATION means any building or land used or destined for use, for servicing automobiles with gasoline, oil, tires, and other parts or supplies.

SIDE YARD means a yard extending from the front yard to the rear yard and measured between the side line of the site or lot and the sideline of the building or any projection thereof.

SINGLE FAMILY DWELLING means a separate building designed for use exclusively as a dwelling for one family or housekeeping unit, and having a main floor area of not less than six hundred square feet exclusive of veranda.

SITE OR LOT means an area of land having a principal frontage upon a public street or place, occupied or intended to be occupied, by one building and its accessory buildings, and including such open spaces as are required under this By-law.

SITE OR LOT LINES means the lines bounding a site or lot.

STORAGE GARAGE means a garage, not being a private garage as herein defined, used exclusively for the storage of automobiles and in which no repair facilities are maintained or provided.

STOREY means habitable space between two floors, or between any floor and the roof next above; provided that a basement shall not be counted as a storey in applying the height of buildings limitations, unless it is designed for or used as industrial, commercial or residential purposes.

STRUCTURE, means the same as building.

TEMPORARY DWELLING or TEMPORARY BUILDING means and includes:

- (a) Any building having a main floor space of less than six hundred square feet, exclusive of veranda; provided that in the case of buildings designed and used exclusively for business purposes the term "temporary building" shall mean and include any building having a main floor space of less than five hundred and fifty square feet, exclusive of veranda.
- (b) Any building having a chimney not being a brick chimney from the ground up;
- (c) Any building the outside whereof is not covered with finished material in a proper and workmanlike manner.
- (d) Any building (except a private garage or other accessory building) not having its exterior walls supported on continuous concrete or masonry foundations or walls.
- (e) A tent or trailer used as a dwelling.

TRAILER or TOURIST CAMP - see "Auto-Camp".

THROUGH SITE means a site having a frontage to two parallel or approximately parallel streets.

TWO FAMILY DWELLING means any building divided into two house-keeping units which is occupied as the home or residence of two families living independently of one another and shall mean only a semi-detached dwelling.

YARD means a part of the lot or site which is unoccupied and unobstructed by buildings from the ground upward, except the following:

- (a) The ordinary projection of sills, belt courses, cornices, and eaves, provided however that none of these shall project into a minimum yard space more than 24 inches.
- (b) Fire escapes
- (c) The ordinary projections of chimneys, in side and rear yards only; provided however that no chimney shall project into a minimum side yard more than eighteen inches.
- (d) Accessory Buildings not exceeding 12 feet in height occupying not more than 30 percent of the area of a rear yard.

ZONE is the equivalent of district as used in this by-law.

DISTRICTS

3. For the purpose of this by-law, the territorial area of the Corporation of the District of Burnaby is hereby divided and classified into Districts with the following respective classifications, namely:

- A. Residential
- B. Commercial
- C. Light Industrial.
- D. Heavy Industrial
- E. Unzoned.

The area or areas of each of the said districts (other than the Unzoned District) are set forth respectively in the 1st, 2nd, 3rd and 4th Schedules hereto wherein the same are delimited by metes and bounds, and are also specified in the plans annexed hereto and marked as schedules A.B.C. and D. respectively. The said schedules 1 to 4 inclusive and A. to D. both inclusive are declared to be an integral part of this by-law as if embodied herein.

In the event of any street or lane ceasing to be a public highway, each half thereof calculated from the centre line, shall thereafter partake of the respective classification of the land adjoining each half.

The Unzoned district shall not be subject to the regulations and provisions of this by-law unless and until the Council shall take the necessary procedure to regulate such district.

GENERAL RESTRICTIVE CLAUSES

4. No building, contrivance, object or thing shall be erected, set up, converted, enlarged, reconstructed or structurally adapted or altered and no land shall be occupied or used, which does not conform to and comply with the regulations and provisions established by this by-law in relation to the district in which such building, contrivance, object or thing or the said land is situated.
5. Except in the Heavy Industrial District, every building shall be situated on a lot or lots; and in no case shall there be more than one building on any one lot.
6. No representation, warranty or guarantee is hereby given or made as to the suitability of any land or building for the purpose or use assigned by the district in which such land or building is situated, or as to the soil, strata, sub-strata or amenities of such land.
7. No official or employee of the Corporation shall have authority or power to bind or commit the Council or the Corporation, to any purchaser or intending purchaser in regard to the particular zoning district in which any land is zoned.
8. Notwithstanding the division of the area of the Municipality into the said districts and the uses prescribed for and the restrictions imposed by this by-law, the land and buildings in all the said districts shall nevertheless remain subject to the authority and powers of the Council in the exercise of its statutory duties and to the by-laws of the Municipality.

RESIDENTIAL DISTRICT

9. Use of land or buildings is restricted to:
 - (a) Single family dwellings.
 - (b) Churches, Public Schools, Libraries, Municipal Hall, Golf courses except miniature courses and driving tees operated for commercial purposes.
 - (c) Municipally owned or operated parks and play grounds.
 - (d) Home occupations including maintenance by physicians, surgeons, dentists, lawyers, artists and musicians of their offices in their own homes.
 - (e) A private club, fraternity house or lodge, provided that no service or activity customarily carried on as a business shall be permitted.

- (f) A hospital or sanitorium but not for reception or treatment of isolation cases, or for animals,
- (g) Vegetable, floral and fruit farming and truck gardening; also nursery or greenhouse for non-commercial purposes.
- (h) Two family dwellings; provided always that whether semi-detached or in duplex form, the area of the lot shall be at least 8,000 square feet and the minimum street frontage shall be 60 feet and the entire building shall be constructed upon solid foundation walls and not on posts or land blocks.
- (i) Accessory buildings subordinate to any of the aforesaid uses; provided that a private garage or other accessory buildings not constructed as part of or attached to the main building shall be situated not less than 60 feet from the street in front, not less than 35 feet from any other street, not less than 14 feet from the main building and not less than 4 feet from any lane or 6 feet from the rear lot line if there be no lane.
- (j) Private stables, buildings, or runs for the shelter or accommodation of horses, provided such stable buildings or runs are located not less than 100 feet from the street in front or not less than 10 feet from any lane or less than 50 feet from any dwelling, or less than 30 feet from a side street in the case of a corner lot and otherwise conform to the provisions of this by-law.
- (k) Uses customarily incident to any of the foregoing uses, including the keeping of not more than two boarders or lodgers; provided that no display or advertisement in respect to any use permitted by this clause shall be made other than a neat sign affixed to the building and not exceeding two square feet in area bearing only the name and occupation of the owner of the sign.
- (l) The height of a building (other than a two-family dwelling) shall not exceed two and a half storeys or 35 feet. Provided however that the height may be 45 feet if there be 15 feet of yard on each side of the residence.
- (m) The total surface area of buildings on any lot must not be over 40% of the lot area. Each residence must be surrounded by a yard. The minimum depth of each front yard and each rear yard shall be 20 feet. The minimum width of yard on each side of a residence shall be 10% of the lot width for lots up to 60 feet wide and on lots wider than 60 feet at least 8 feet of yard is required on each side. Where the lots fronting on one side of any street between two intersecting streets are occupied by buildings to the extent of 50% or more of the total frontage (not including lots flanking on such streets) no building shall be erected or structurally altered so as to project beyond the average depth of the existing yards. Provided further that no front yard shall be required to be greater than the said average depth and not less than 20 feet.
- (n) A dwelling on a flanking lot shall maintain the front yard requirements on both streets; provided however that the buildable width of a lot on record at the time of the passing of this by-law shall not be reduced to less than 50 feet.
- (o) Dwellings shall be so designed or located on the site that provision is made for garage space which will conform with this by-law.

When a lot is not of a uniform width the average width shall be taken as the width for the purpose of determining the width of the side yard required.

- (p) An open space is required of not less than 60% of the area of the site or the lot.
- (q) A public or semi-public building such as a school, hospital or sanitarium may be to a height of 75 feet provided that for each foot over the zone height limit the minimum width of yard on each side is increased one foot.
- (r) No accessory building shall come within 60 feet of the street in front nor within 5 feet of any other street; provided that if a private garage is so placed in excavation that its height above the ground does not exceed 4 feet, it may occupy front yard space without restriction as to distance from the street.
- (s) Close board fences are limited to six feet in height.
- (t) No advertising sign shall be affixed or displayed larger than 12 square feet, nor shall any such sign exceed one per lot.

COMMERCIAL DISTRICT

10. Use of land or buildings is restricted to:

- (a) Any use or activity permitted in a Residential District.
- (b) Retail stores, restaurant, cafe, barbeque, skating or curling rink, dance hall, theatre, public garage, service or gas station, wholesale milk distributing station.
- (c) Ice plant or ice storage warehouse of not more than 5 ton capacity.
- (d) Storage warehouses having floor space less than 12,000 square feet, or any of the following businesses provided the same is carried on in an establishment having less than 6,000 square feet floor space, i.e.

Bakery	Laundry
Bottling Works	Printing Works
Cooperage Works	Sausage Factory
Dyeing and Cleaning Works	Food Locker
Workshop	

- (e) The following businesses that require storage yards, provided the area of any one yard so used does not exceed 6,000 square feet and that the yard is properly fenced:
 - (a) Building material storage yard.
 - (b) Auto wrecking storage yard.
 - (c) Carting, express, haulage, or storage yard.
 - (d) Coal coke or wood yard.
 - (e) Contractor's plant or storage yard.
 - (f) Lumber yard.
- (f) No building or use is permitted that is or is likely to become or grow to the prejudice of the neighbourhood or to become noisy, noxious or offensive by reason of emission of smoke, effluvia, dust, odour, gas, vibration or noise.
- (g) Residences in this district must comply with the same requirements as residences in the Residential district as regards height and yard requirements.

- (h) The height of other buildings in this district shall not exceed 45 feet or 3 storeys.
- (i) No front yard is required. Building lines or set back lines may be established by the Municipal Engineer, but the same shall be uniform and impartial in regard to any particular locality.
- (j) A rear yard of a minimum depth of 10 feet is required.
- (k) No side yard is required save where the property adjoins a residential district without street or lane separation. In such case the commercial building must be at least 3 feet from the residential lot line.

LIGHT INDUSTRIAL DISTRICT

11. Use of land or buildings is restricted to:

- (a) Any use or activity permitted in a Residential District or Commercial District.
- (b) The following are permitted in this District without the restrictions as to floor space area imposed upon them in a Commercial district:
 - (1) Bakery
 - (2) Bottling works
 - (3) Cooperage
 - (4) Dyeing & Cleaning works
 - (5) Laundry
 - (6) Printing works
 - (7) Sausage Factory
 - (8) Workshop
 - (9) Food Locker
- (c) There are no space restrictions in this District affecting:
 - (1) Building material storage yard
 - (2) Auto wrecking storage yard
 - (3) Carting, express, hauling or storage yard
 - (4) Coal, coke or wood yard.
 - (5) Contractor's plant or storage yard
 - (6) Lumber yard.
- (d) The floor space area of a warehouse is not limited.
- (e) A jam factory, furniture factory, automobile or body factory or machine shop and generally, any business of a light industrial character, subject to the approval of the Council first had and obtained.

Automobile
- (f) No building or use is permitted that is or is likely to be or grow to the prejudice of the neighbourhood or to become noisy, noxious or offensive by reason of emission of smoke, effluvia, dust odour, gas vibration or noise.
- (g) Height restrictions and open space requirements are the same as obtain in the Commercial District.
- (h) The building or set-back lines are as follows:
 - (1) 150 feet from the South side of Kingsway where the Light Industrial district has frontage between the Commercial Districts. The front yards resulting from this set back building line is to be laid out in lawn and shrubs.

- (2) 40 feet from both sides of Hastings Street. The generous allowance of land to be Light Industrial Districts together with the set back lines will encourage horticultural plots and improvement of neighbourhood appearance.

HEAVY INDUSTRIAL DISTRICT

12. Buildings and use of land are not limited in regard to height restrictions, open space requirements or type, nature or kind of Industrial activity carried on. Provided that:

- (a) Dwellings will not be permitted: save and except that a living unit or units for a reasonable and necessary number of caretakers, watchmen and resident employees, housed in or upon or in the precincts of any heavy industrial plant and bona fide employed therein, shall be deemed to be authorized in this district together with such plant.
- (b) All precautions are to be taken, according to the latest and most up-to-date scientific methods for abating controlling or limiting noise, odour, effluvia, smoke, vibration and nuisance arising from the industry conducted, so that the same may be free from neighbourhood offence as far as possible.

SPECIAL CONDITIONS

13. In any of the said districts it shall be unlawful, without first obtaining the written approval of the Council, to:

- (a) Keep or house horses, cows, goats, sheep or swine for domestic purposes.
- (b) To keep or house animals for breeding or commercial purposes.
- (c) To keep or house more than 20 live poultry for domestic, wholesale or retail purposes.
- (d) To keep or maintain a stock yard.
- (e) To keep or operate an abattoir or slaughter house.
- (f) to undertake distillation of bones or fat rendering.
- (g) To manufacture or store fertilizer.
- (h) The wholesale canning, packing, cleaning or smoking of fish.
- (i) The reduction of dumping of garbage, refuse, offal or animal remains.
- (j) The tanning or storage of raw hides or skins.
- (k) The manufacture or storage of explosives.
- (l) The operation of compressed gas works.
- (m) The manufacture of illuminating or heating gas.
- (n) The refining or wholesale storage of petroleum products or explosive derivatives.
- (o) The wholesale manufacture of acids.
- (p) The manufacture of glue.

- (q) The manufacture of gelatine.
- (r) The manufacture of size.
- (s) The manufacture of making of cement, lime, gypsum or plaster of paris.
- (t) The smelting of tin, copper, zinc, iron or other ores.
- (u) The storage or baling of scrap paper, bottles, iron, rags, bones or junk.
- (v) The operation of auto wrecking plants.
- (w) The operation of funeral or undertaking establishments, morgues, or mortuaries.
- (x) The operation of crematoria.
- (y) The operation of auto camps or bungalow courts
- (z) The operation of skating rinks or curling rinks.
- (aa) Apartment houses
- (bb) Private clubs, fraternity houses, lodges, excepting those whose principal activity is ordinarily carried on as a business.
- (cc) Banatoria and hospitals.
- (dd) Dance halls and Auditoriums.
- (ee) Theatres, Picture Houses and Music Halls.
- (ff) Mushroom growing.
- (gg) Keeping of ducks, geese, bees and pigeons.

SHADE TREES ON BOULEVARDS

13.A.(1) The Council may authorize the planting of trees or shrubs on boulevards, provided that they shall consist of the following specimens:

Flowering dogwood	Cut Leaf Birch
Flowering plum	White Birch
Hawthorne	Sugar Maple
Laburnum	Norway Maple
Red Oak	Linden
American Elm	Spanish Chestnut
Tulip Tree	

- (2) The planting strip is to have a minimum width of 8 feet
- (3) The distance between trees shall be from 35 to 45 feet according to variety as may be determined by the Council.
- (4) No tree shall be planted within 25 feet of the boundary of any intersecting street.

ADDITIONAL HEIGHT USE AND AREA REGULATIONS

14. (1) HEIGHT OF BUILDINGS.

- (a) A public or semi-public building, church, hospital, sanitorium or public school may be erected in any district where permitted, to a height not exceeding 45 feet if yards are provided on all sides of the building, each yard having a width of one foot for each foot such building exceeds the height regulations of the district in which it is situated, such yards to be in addition to any yards hereinbefore required.
- (b) The height of building limits herein shall not apply to chimneys, towers, pent houses, scenery lofts, monuments, cupolas, domes, spires, and necessary mechanical appurtenances.

(2) FRONT YARDS

A building on a through site shall have a front yard on each street in accordance with the front yard requirements of the district in which the site is.

(3) SIDE YARDS FOR DWELLING HOUSES ABOVE STORES

No side yard shall be required in the case of dwellings erected above Stores or other business premises to a depth of not exceeding two rooms from front to rear; provided where such depth exceeds two rooms, open space shall be provided for all rooms not facing the front equivalent to side and rear yards in the Residential District; provided further that if a building exceeds two storeys in height such additional storeys must have a side yard of 6 feet minimum width.

(4) ENCROACHMENTS IN YARDS

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, terraces, and boundary line fences in accordance with the by-law governing same and except for the ordinary projections of skylights, sills, belt courses, cornices, eaves and ornamental fixtures projecting not to exceed 12 inches.

- (5) Where land is used for the erection or placing of a structure other than a building or fence (e.g. a sign board) the structure shall comply with the height, yard, open space and building line requirements herein as if it were a building.

GENERAL REGULATIONS.

- 15.(1) Except in the Residential Districts, the erection, construction and location of "temporary dwellings" is prohibited and it shall be unlawful to alter, add to or reconstruct any such temporary dwelling or building that encroaches upon the required front, side or rear yards prescribed by this By-law, unless such alterations additions or reconstruction will render the building in its entirety consonant with the requirements of all By-laws and regulations of the Council.

(2) No flanking sub-divisions shall be allowed in Residential Districts where in the opinion of the appropriate officer of the Council they would seriously interfere with or increase the cost of public utilities or would be detrimental to the neighbourhood.

(3) VISION CLEARANCE AT CORNERS.

Where land is used for the erection or placing of a fence over six feet in height above the average ground level, or of any other structure not being a building, such fence or other structure shall comply with the height and yard requirements as if such fence or other structure were a building; provided further, that on any corner site on which a front yard is required by this by-law, no wall fence or other structure shall be erected to a greater height than 3 feet along each street for a distance from the corner equal to the depth of the required front yard and no hedge shrub or other growth shall be maintained within such required front yard space so as to obstruct vision clearance to traffic.

NON-CONFORMING USES

16. (a) No existing building of any 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 such 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 located shall be destroyed by fire, explosion or Act of God or otherwise to the extent of 75% of its value above the foundations at the time of its damage or partial destruction, such building shall not be renewed or reconstructed except in conformity with this By-law.
- (b) Lawful use of a building existing at the passing of this by-law although not conforming hereto, may nevertheless be continued and extended throughout the building; but no structural alterations except those required by Statute or by-law of the Council or those allowed by the Board of Appeal under the Act shall be made therein. Provided further that if the lawful use of such non-conforming building is discontinued for the space of 30 days continuously, then any future use of such building shall be in conformity with the provisions of this By-law.
- (c) Where no structural alterations are made in a building of a non-conforming type, such use may be changed to a use of a similar or higher classification, according to the provisions of this by-law.
- (d) A change of tenants or occupants of any premises or building shall not be deemed to affect the use of the premises or building within the meaning of this by-law.

PROCEDURE IN APPEALS TO THE BOARD

17. (a) Any person desirous of appealing to the Board of Appeal pursuant to section 16 of the Act shall within 10 days of the decision, judgment or order complained of deposit a notice of appeal in writing with the Secretary of the Board of Appeal. The said notice shall state in a simple, concise manner, the legal and postal description of the property in question and the grounds of complaint. If such appeal is against refusal to permit building or use in any District the party appealing shall state in simple terms, the reason or reasons why he considers that the building or use in question should be permitted in any particular area. In his said notice of appeal, the party appealing shall state therein an address to which all notices and correspondence in relation to such appeal may be mailed to him.
- (b) The Secretary of the Board of Appeal shall upon receipt of such notice, communicate the same to the Chairman of the Board of Appeal and such Chairman shall fix a date, place and hour for the hearing of such appeal and the Secretary of the said Board of Appeal shall give written notice of such appointment to the following persons not less than five clear days prior to the date fixed for hearing, namely:
- (i) to the appellant at his said address
 - (ii) to the Clerk of the Municipality of Burnaby
 - (iii) to the Secretary of the Burnaby Town Planning Commission.
- Provided that with the written consent of the Clerk to the said Municipality and the appellant the said appeal may be heard upon shorter notice than the said five days.
- (c) The mailing by registered mail to the address of the appellant as given in the said notice as aforesaid of all proceedings, notices, decision, matter or things in relation to such appeal, shall be deemed good valid and effectual service thereof upon the appellant for all purposes whatsoever.
- (d) The proceedings before such Board of Appeal shall be of an informal character, and evidence need not necessarily be given under oath or be of a nature strictly receivable in a Law Court. The Board of Appeal may view the premises in question

in the appeal. Any person whose property is or might be affected by reason of any matter in issue in any such appeal may be heard thereon, whether in person or by Counsel, including the Secretary or other officer of the Burnaby Town Planning Commission and the Clerk or Solicitor of the Burnaby Council. The Board of Appeal shall give its decision in writing. No appellant shall raise the same question or controversy before the Board of Appeal a second time, unless the Board for good cause shown, shall think fit to entertain such second appeal.

ENFORCEMENT

18. (a) In addition to all other/ ^{by-law} provisions and regulations of the Council in relation to the grant of building permits and the like, every application for a building permit in any district shall be accompanied by a ground plan in duplicate showing the site lines, the actual dimensions of the lot or lots and of the proposed building or buildings and the relation of such building or buildings to the lot or property lines, together with such other information in detail as may be necessary to comply with the provisions of this By-law applicable thereto. When requested by the Building Inspector or other competent officer of the Council so to do, an applicant for a building permit in any district shall have prepared at his own expense and deposit with such Inspector or other competent officer a plan of survey certified by a British Columbia Land Surveyor showing such of the foregoing information as such Building Inspector or other competent officer may deem necessary. An applicant for such building permit shall also declare in writing the exact nature of the use to which any such building or intended building is intended or destined to be put.
- (b) Before issuing any such building permit the Building Inspector or other competent officer shall, in addition to all other duties or routine incumbent upon him under any other by-laws

or regulations of the Council, also satisfy himself that the proposed construction or use will not be in violation of any of the provisions of this by-law and if there be any such violation of the provisions of this by-law the grant of any permit shall be refused.

- (c) Where or when any building or party of a building or other erection has been constructed or placed in contravention of this by-law, then in addition to all other powers and duties incumbent upon him under any other by-laws or regulations of the Council, the Building Inspector or other competent officer of the Council shall, with the approval of the Council, enter and pull down or remove the building or part of a building or erection so constructed or placed in contravention of this by-law at the expense of the owners as provided in the general Building by-law of the Council.

VIOLATION OF BY-LAW

19. Every person who violates or fails to observe any of the provisions of this by-law or who causes, suffers or permits any act or thing to be done or neglected in contravention or violation of any of the provisions thereof, or who constructs or commences to construct, erect, reconstruct or alter or who causes to be constructed, erected, reconstructed or altered any building or other structure, or who uses or occupies any land or premises in any district in a manner prohibited by or contrary to any of the provisions of this by-law shall be deemed guilty of an infraction of this by-law and shall be liable to the penalties hereby imposed.

PENALTIES.

20. Any person guilty of an infraction of this by-law, shall upon conviction thereof before the Police Magistrate or any Justice of the Peace or other Magistrate or Magistrates having jurisdiction within the District of or for the District of Burnaby, on the oath or affirmation of any credible witness forfeit and

pay at the discretion of the said Police Magistrate, Justice of the Peace or other Magistrate or Magistrates convicting, a fine or penalty not exceeding the sum of One Hundred (\$100.00) dollars and the costs for each such offence; in default of payment thereof forthwith it shall be lawful for such Magistrate or Magistrates so convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs or costs only by distress and sale of the offender's goods and chattels; and in case of sufficient distress not being found to satisfy the said fine or penalty and costs, it shall and may be lawful for such Magistrate or Magistrates so convicting as aforesaid, to commit the offender to the common gaol or any lock-up house within the district of Burnaby for any period not exceeding two calendar months (with or without hard labour) unless the said fine or penalty and costs be sooner paid.

DONE AND PASSED this Thirtieth (30th) day of March, A.D. 1948
RECONSIDERED AND FINALLY PASSED this Fifth (5th) day of April,

A.D. 1948.



REEVE



CLERK

I, Charles B. Brown, Clerk of the Corporation of the District of Burnaby do hereby certify the foregoing to be a true copy of a By-law passed by the Council of the Corporation of the District of Burnaby on the Fifth day of April, A.D. 1948.



Clerk.

SCHEDULE 1 - RESIDENTIAL ZONES

ALL THAT the whole area of the District of the Municipality of Burnaby except:

- (a) all those districts herein defined and zoned for Commercial, Light Industrial and Heavy Industrial purposes.
- (b) the unzoned district.

SCHEDULE 2 - COMMERCIAL ZONES

- (a) All that area bounded on the north by lane between Hastings and Albert Streets, on the south by Hastings Street, on the east by Gamma Avenue, and on the west by Boundary Road. Also that area bounded on the north by Hastings Street and on the south by the lane between Hastings and Pender Streets, on the east by Gamma Avenue, and on the west by Boundary Road.
- (b) All that area on the north side of Hastings Street to a depth of 132 feet between Howard and Holdom Avenues and on the south side by Hastings Street to a depth of 132 feet between Howard and Holdom Avenues. Also all that area on the north side of Hastings Street to a depth of 132 feet between Warwick and Fell Avenues, and on the south side of Hastings Street to a depth of 132 feet between Holdom and Fell Avenues.
- (c) All that area on the north side of Hastings Street to a depth of 120 feet between Euclid and Clare Avenues, on the south side of Hastings Street to a depth of 120 feet between Clare and Grove Avenues.
- (d) All that area bounded on the north by the lane between the Central Arterial Highway and Buchanan Street, on the south by the Central Arterial Highway, on the east by Alpha Avenue, on the west by Rosser Avenue.
- (e) All that area ~~xxx~~ on the east side of Douglas Road to a depth of 138 feet between Regent Street on the south and Still Creek on the north.
- (f) All that area on the south side of Kingsway for a depth of 125 feet between Gilley Avenue and Curragh Avenue between Princess Street and Royal Oak Avenue and between Silver Avenue and Willingdon Avenue. Also all that area on the north side of Kingsway to a depth of 125 feet between Edmonds Street and Boundary Road.

- (g) All that area on the west side of Sussex Avenue between Imperial and Hurst Streets, including Blocks 6 & 7, N. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ of D.L. 149
- (h) All that area bounded on the east by Nelson Avenue on the west by Maple Avenue, on the south by the B.C.E.R. Also an area on the east side of Maple Avenue to a depth of 166 feet bounded on the north by the B.C.E.R. and on the south by the north boundary of Lot 3, Block 6, D.L. 99. Also an area on the south side of Imperial Street to a depth of 140 feet between Waverley and Maple Avenues.
- (i) All that area on the northwest side of Edmonds Street to a depth of 125 feet between Kingsway and Fulton Avenues. Also all that area bounded on the south by Kingsway, on the northwest by Edmonds Street, on the east by Britton Street. Also all that area on the south side of Edmonds Street from Kingsway to west boundary line of Lot 3, Blocks 31, 32, 33, D.L. 95 including Lots 3, 4, 5, 6, 7 and 8, Blocks 31, 32 and 33, D.L. 95.
- (j) All that area on the northeast side of Douglas Road to a depth of 125 feet between Wedgewood Street and 19th Avenue. Also north side of Edmonds Street from Douglas Road to the West boundary of Lot 11, including all of Block 22, D.L. 30.
- (k) All that area on the southwest side of Sixth Street to a depth of 125 feet between 12th and 16th Avenues.
- (l) All that area on the north side of Douglas Road to a depth of 125 feet between Anderson and Sperling Avenues. Also that area on the south side of Douglas Road to a depth of 125 feet between Anderson and Sperling Avenues.
- (m) All that area described as Lots 1 and 2 of Subdivision "A" of Block 1, D.L. 74. Also that area on the east side of Royal Oak Avenue to a depth of 125 feet between Laurel and Schou Streets.
- (n) All that area on the east side of Boundary Road to a depth of 122 feet between Clydesdale Street and Schou Street. Also north side of Schou Street to a depth of 122 feet between Ingleton Avenue and Boundary Road and the south side of Schou Street to a depth of 122 feet between Curle Avenue and Boundary Road.
- (o) All that area on the west side of Smith Avenue to a depth of 120 feet between Forest Street and Pine Street and on the east side of

Smith Avenue to a depth of 120 feet between Forest Street and Pine Street.

(p) All that area on the south side of Rumble Street to a depth of 122 feet between McGregor and Roslyn Avenues. Also all that area on the west side of Royal Oak Avenue to a depth of 125 feet between Irmin and Clinton Streets and on the east side of Royal Oak Avenue to a depth of 125 feet between Irmin and Clinton Streets.

(q) All that area on the northeast side of Kingsway to a depth of 150 feet between Tenth and Thirteenth Avenues and also all that area on the southwest side of Kingsway to a depth of 150 feet between Tenth and Thirteenth Avenues.

(r) A triangular shaped area formed by the junction of Walker Avenue and Sperling Avenue, bounded by these two avenues and extending south from the intersection about 500 feet along Sperling Avenue to the south boundary of Lot No. 6 and about 600 feet south from the intersection along Walker Avenue to the south boundary of Lot No. 7.

SCHEDULE 3 - LIGHT INDUSTRIAL ZONES

South Area

All that area bounded on the north by Kingsway, on the south by the B.C.E.R. Central Park Line at the intersection of Edmonds Street near McGregor Station, west to Gilley Avenue, then by Irmin Street to Dufferin, then by Watling Street to Royal Oak, then by the B.C.E.R. to Olive Avenue; on the west by Olive Avenue; on the east by Edmonds Street.

North Area

All that area bounded on the north by Pandora Street; on the south by Curtis Street between Cliff Avenue and Kensington Avenue and by Keefer Street between Kensington Avenue and Fell Avenue; on the east by Hastings-Barnet Road and Cliff Avenue; on the west by Kensington Avenue between Curtis Street and Keefer Street and by Fell Avenue between Keefer Street and Pandora Street.

SCHEDULE 4 - HEAVY INDUSTRIAL ZONES

NORTH HEAVY INDUSTRIAL ZONE

Part 1

On the north by Burrard Inlet from Boundary Road to the Block line in Confederation Park, about 400 feet east of Willingdon Avenue.

On the east, the above mentioned Block line from Burrard Inlet to McGill Street.

On the south, McGill Street from the above mentioned Block line to Madison Avenue; Madison Avenue to Yale Street; Yale to Carlton Avenue; Carlton to Edinburgh Street; Edinburgh to Gilmore Avenue; Gilmore to Montrose Street; Montrose to Boundary Road.

On the west, Boundary Road from Montrose Street to Burrard Inlet.

Part 2.

On the north, Burrard Inlet from the East boundary of Confederation Park to the West boundary of Block A., D.L. 218 (Stratford Avenue)

On the east, Stratford Avenue from Burrard Inlet to Scenic Highway.

On the south, Scenic Highway from Stratford Avenue to Confederation Park.

On the west, by the East boundary of Confederation Park between Scenic Highway and Burrard Inlet.

Part 3.

On the north, Burrard Inlet from the east boundary of Park area, Block A, D.L. 218 to North Road (Port Moody)

On the east, North Road between Burrard Inlet and Hastings-Barnet Road.

On the south, Hastings-Barnet Road from North Road to Pandora Street; Pandora to Kensington Avenue.

On the west, Kensington Avenue from Pandora to Burrard Inlet.

CENTRAL HEAVY INDUSTRIAL ZONE.

On the west by Boundary Road from Cypress Street to Douglas Road.

On the North by a line parallel to and 200 feet south of Douglas Road between Boundary Road and where Douglas intersects Central Arterial Highway, thence 200 feet south of Central Arterial Highway to Ardingly Avenue.

On the east by Ardingly Avenue.

On the south by Laurel Street from Ardingly to the point where Laurel intersects the B.C.E.R. (Burnaby Lake Line); thence by the B.C.E.R. right-of-way to Cypress Street; Cypress Street from there to Boundary Road.

SOUTH HEAVY INDUSTRIAL ZONE

On the west by Boundary Road from the North Arm of the Fraser River to a point 200 feet south of Marine Drive.

On the north by a line parallel to and 200 feet south of Marine Drive from Boundary Road to where this line intersects Fenwick Avenue.

On the east, by Fenwick Avenue from the point mentioned to the North Arm of the Fraser River.

On the south by the North Arm of the Fraser River from Fenwick Avenue to Boundary Road.

1691-1691

THE CORPORATION OF THE DISTRICT
OF BURNABY

"BURNABY TOWN PLANNING BY-LAW
1948".



BY-LAW NO. 1991

DATED APRIL 5th 1948.