

CITY OF BURNABY

BYLAW NO. 11064

A BYLAW to amend Burnaby Zoning Bylaw 1965 to provide for mixed use commercial and multi-family developments in the Royal Oak area.

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT NO. 7, 2000.**
2. Section 5.1 of Burnaby Zoning Bylaw 1965 is amended by adding to the table of zoning districts under Schedule No. III the following:

<u>SCHEDULE NO.</u>	<u>DISTRICT TITLE</u>	<u>SHORT DESIGNATION</u>
III	COMMERCIAL Royal Oak Commercial	C C9 & C9a

3. The said Bylaw is amended by adding to Schedule III, immediately after Zoning District (C8), the following:

"309. Royal Oak Commercial District (C9)

This District provides for a wide range of commercial and retail establishments with medium density multiple family dwellings located above the business premises for locations within the Royal Oak plan area.

309.1 Locations:

- (1) C9 lots are intended as mixed-use designated developments fronting Kingsway, Imperial Street, Rumble Street and Royal Oak Avenue within Sub-Areas 1, 7, 9 and 10 designated in the Royal Oak Community Plan adopted by Council June 28, 1999.

- (2) C9a lots are intended as mixed-use designated developments within Sub-Area 8 designated in the Royal Oak Community Plan adopted by Council June 28, 1999.

309.2 Use Permitted

- (1) Banks
- (2) Business and Professional offices
- (3) Cafes and restaurants, which may have an area available for open outdoor seating, excluding drive-in restaurants.
- (4) Clubs and lodges, on second storey or above.
- (5) Commercial schools and self-improvement schools.
- (6) Personal service establishments including barber shops, beauty parlours, dry cleaning establishments (for the collection and delivery of articles but not for the treatment, cleaning or processing of such articles), dry cleaning shops (automatic self-service only), electrical appliance repair shops, florist shops, laundrettes, optical or watch repair shops, outdoor garden shops (for not more than six months in any year), photographic studios, shoe repair shops, tailor shops, dressmaking shops and similar establishments.
- (7) Public assembly and entertainment uses, on second storey or above, and subject to the restriction that the first storey entrance to a public assembly or entertainment use shall not exceed 3.0 m (9.84 feet) in width.
- (8) Retail stores that sell new or used goods.
- (9) Studios on second storey or above and subject to the restriction that the first storey entrance to a studio shall not exceed 3.0 m (9.84 feet) in width.
- (10) Dwelling units, on second storey or above, subject to the following conditions:

- (a) that the first storey frontage of the building to a minimum depth of 10.0 m (32.80 feet) shall be used for commercial purposes;
 - (b) each dwelling unit shall have a balcony;
 - (c) that a completely separate public entrance to the residential accommodation shall be provided from the first storey front elevation, except that on a corner lot access may be from the first storey side street elevation and that where a public pedestrian walkway exists, access may be from the first storey walkway elevation;
 - (d) that a storey containing dwelling units shall have no other uses on that storey except parking.
- (11) Home occupations other than the operation of a family day care centre.
 - (12) Accessory buildings and uses.
 - (13) Establishments having not more than 140 m² (1,506.99 sq.ft.) in gross floor area that provide photocopying and duplicating services.
 - (14) On C9a lots only, establishments having not more than 278.7 m² (3,000 sq.ft) in gross floor area where customers make beer, cider or wine for their personal consumption.
 - (15) On C9a lots only, neighbourhood public houses, subject to compliance with the Liquor Control and Licencing act and regulations passed pursuant thereto governing the issuance of general licences.

309.3 **Conditions of Use**

- (1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, produce and garden displays and outdoor restaurant seating.
- (2) All goods produced on the premises shall be sold at retail on the same premises.

- (3) Residential uses shall be permitted on the second, third and fourth storeys.
- (4) On C9a lots only, any residential use (including any combined residential and commercial use of the same premises) shall not exceed 25% of the gross floor area of all buildings on the lot.
- (5) All principal uses shall be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.
- (6) A lighted public pedestrian walkway on a registered statutory right of way that links the fronting street with the parallel lane and is at least 1.0 metres (3.28 feet) wide shall be provided unless a walkway or an intersecting street exists within 45.72 metres (150.0 feet) of the centre of the lot; and the provision of the walkway shall reduce the required non-residential parking spaces by one.
- (7) The depth of floor areas developed above a pedestrian walkway shall not exceed one-half the depth of the building but in no case shall the depth be restricted to less than 12.19 metres (40 feet).
- (8) Where a building contains more than four dwelling units, a compact, covered recycling area shall be provided.

309.4 **Height of Buildings**

- (1) The height of a building shall not exceed 16.0 metres (52.5 feet) nor four storeys.
- (2) Storeys above the second shall be set back so that the structure above the second storey, except for any balcony, is contained within a building envelope defined by a 45° inclined plane extending from the required front yard and passing through the second floor ceiling at the point nearest the front of the property.

309.5 Lot Area and Width

Each lot shall have an area of not less than 929 m² (10,000 sq.ft.) and width of not less than 30 metres (98.4 feet).

309.6 Floor Area Ratio

- (1) The floor area ratio shall in no case exceed 1.2 except, where underground parking is provided, an amount may be added to the floor area ratio equal to 1.0 multiplied by the ratio of parking spaces provided in the underground parking to the total parking spaces provided, but in no case shall the floor area ratio exceed 2.2.
- (2) The area of a pedestrian walkway and the area of any floors located over the walkway shall be excluded from the gross floor area for the purpose of computing floor area ratio and parking space requirements in this District.

309.7 Front Yard

A front yard shall be provided of not less than 2.0 metres (6.56 feet) in depth. Notwithstanding section 6.12 (1)(d), rain protection canopies may be provided up to 2.0 metres (6.56 feet) in depth within this required front yard but no parking shall be permitted above the surface of the finished grade in a front yard.

309.8 Rear Yard

A rear yard shall be provided of not less than 6.0 metres (19.69 feet) in depth.

309.9 Side Yard

No side yard shall be required except:

- (a) where a lot abuts a lot in a R, RM or P District, or is separated by a street or lane therefrom, a side yard shall be provided not less than 2.0 m (6.56 feet) in width;

- (b) in the case of a corner lot, a side yard adjoining the flanking street or lane shall be provided not less than 2.0 m (6.56 feet) in width.

309.10 Off-Street Parking

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw; and no parking shall be permitted in side or front yards.

309.11 Off-Street Loading

Off-street loading shall be provided and maintained in accordance with Schedule IX of this Bylaw."

Read a first time this	6 th	day of	MARCH	2000
Read a second time this	3 rd	day of	APRIL	2000
Read a third time this	10 th	day of	APRIL	2000
Reconsidered and adopted this	10 th	day of	APRIL	2000



MAYOR



CLERK