

CITY OF BURNABY

BYLAW NO. 14065

A BYLAW to amend the Zoning
Bylaw provisions to child care facilities

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 31, 2019.**
2. Burnaby Zoning Bylaw 1965, as amended, is further amended:
 - (a) at Section 3, by adding the following definition, in alphabetical order:
“**OUTDOOR PLAY AREA**” means an outdoor open area designated for physical activity of children in a child care facility or a home-based child care facility, in accordance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* as amended or replaced from time to time.”
 - (b) at Section 6.2, by repealing the heading and replacing it with the following:
“**6.2 Location and Siting of Buildings and Uses:**”
 - (c) at Section 6.2, by adding the following as subsection (4):
“(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.”
 - (d) at Section 6.8A, by adding the following as subsection (4):
“(4) In a dwelling that contains a home-based child care facility, the following uses shall not be permitted:
 - (a) keeping of boarders or lodgers;
 - (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.”
- (e) at Section 6.14(5), by repealing subsection (a) in its entirety and replacing it with the following:
- “(a) In all zoning districts, except for screening required under this Bylaw and fences enclosing an outdoor play area, fences not greater than 1.07m (3.51ft.) in height may be located anywhere on a lot.”
- (f) at Section 6.15(1), by repealing subsection (c) in its entirety and replacing it with the following:
- “(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.”
- (g) at Section 301.2, by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for
- (a) parking and loading facilities,
 - (b) gasoline service stations,
 - (c) outdoor produce shops,
 - (d) outdoor garden shops,
 - (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served, and
 - (f) outdoor play areas.”

(h) at Section 302.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Every business or undertaking shall be conducted within a completely enclosed building except for

- (a) parking and loading facilities,
- (b) gasoline service stations,
- (c) outdoor produce shops,
- (d) outdoor garden shops,
- (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
- (f) mobile retail carts, and
- (g) outdoor play areas.”

(i) at Section 303.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Every business or undertaking shall be conducted within a completely enclosed building except for

- (a) parking and loading facilities,
- (b) gasoline service stations,
- (c) outdoor produce shops,
- (d) outdoor garden shops,
- (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
- (f) mobile retail carts, including but not limited to, mobile food carts, and
- (g) outdoor play areas.”

(j) at Section 304.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Every business, repair or servicing uses shall be conducted within a completely enclosed building except for

- (a) permitted outdoor display,
 - (b) rental, sales or storage yards,
 - (c) parking and loading facilities,
 - (d) gasoline service stations,
 - (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
 - (f) mobile retail carts, and
 - (g) outdoor play areas.”
- (k) at Section 308.3, by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, produce and garden displays, outdoor restaurant seating, outdoor play areas, and mobile retail carts.”
- (l) at Section 309.3, by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, produce and garden displays, outdoor play areas, and outdoor restaurant seating.”
- (m) at Section 501.4, by repealing it in its entirety and replacing it with the following:
- “501.4 Lot Area and Width:**
Each lot shall have an area of not less than 890 m² (9,579.9 sq.ft.) and a width of not less than 24.5 m (80.38 ft).”
- (n) at Section 502.1, by adding the following as subsection (19):
- “(19) Child care facilities.”

- (o) at Section 503.1, by adding the following as subsection (12):
“(12) Child care facilities.”

- (p) at Section 503.2, by adding the following as subsection (3):
“(3) A child care facility shall be operated by the City, or on behalf of the City, where it is located on lands that are owned, leased or controlled by the City.”

- (q) at Section 505.4, by repealing subsection (1)(b) and marking it “Repealed”.

- (r) at Section 506.1, by adding the following as subsection (9):
“(9) Child care facilities.”

Read a first time this 7th day of October, 2019

Read a second time this 4th day of November, 2019

Read a third time this 18th day of November, 2019

Reconsidered and adopted by Council this 18th day of November, 2019



MAYOR



CLERK