

**CITY OF BURNABY**

**BYLAW NO. 14184**

A BYLAW to amend the Zoning Bylaw provisions for secondary suites; cyber centres and amusement arcades; uses, structures and equipment permitted outside of an enclosed building; home occupations in the RM3s Multiple Family Residential District; usable open space; off-street parking for cafes, restaurants, and liquor licence establishments having more than 50 seats; shared use of off-street parking spaces for two or more uses; and off-street parking for manufacturing and industrial uses, and storage yards.

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 24, 2020.**
2. Burnaby Zoning Bylaw 1965, as amended, is further amended:
  - (a) at Section 3, under the definition of “ACCESSORY USE”, by repealing subsection (3) in its entirety.
  - (b) at Section 3, by deleting the definitions “AMUSEMENT ARCADE”, “CYBER CENTRE”, and “USABLE OPEN SPACE” in their entirety.
  - (c) at Section 3, under the definition of “BEDROOM”, by deleting the words “or usable open space requirements”.
  - (d) at Section 3, by adding the following definitions, in alphabetical order:

“**CYBER ENTERTAINMENT USE**” means a commercial establishment that has available for the use of its patrons for entertainment purposes six or more:

    - (a) games machines; and/or

- (b) computers or other electronic devices that provide access to:
  - (i) the internet or other electronic communication network;
  - (ii) videogames; and/or
  - (iii) virtual realities.”

“**SUITE READY**” means constructed to a standard, as determined by the Chief Building Inspector, which facilitates the future conversion of that portion of a building to a secondary suite in accordance with the British Columbia Building Code.”

- (e) at Section 3, under the definition of “DWELLING, SINGLE FAMILY”, by deleting the words “the Accessory Use provisions of Section 3” and replacing them with the words “Section 6.7.1”.
- (f) at Section 3, under the definition “PUBLIC ASSEMBLY AND ENTERTAINMENT USE”, by deleting the words “amusement arcades” and replacing them with the words “cyber entertainment uses”.
- (g) by adding the following as Section 6.7.1:

**“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;
  - (h) neither the keeping of boarders or lodgers, the operation of a boarding, lodging or rooming house, the operation 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.”
- (h) at Section 6.9, by repealing subsection (2) in its entirety.
- (i) at Section 6.9, by repealing subsection (6) in its entirety and replacing it with the following:
- “(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.”

- (j) at Section 6.10, subsection (1), by deleting the words “32 m<sup>2</sup> (345 sq. ft.)” and replacing them with the words “30.0 m<sup>2</sup> (322.93 sq. ft.)”.
- (k) at Section 6.15, subsection (2), by adding the words “and public works yards” after the words “storage yards”.
- (l) at Section 6.15, by repealing subsection (3) in its entirety and replacing it with the following:
  - “(3) Parking Areas, Loading Areas, Display Yards, and Similar Uses:”
- (m) at Section 6.15, by repealing subsection (3)(b)(ii) and replacing it with the following:
  - “(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.”
- (n) at Section 6.15, by adding the following as subsection (3)(b)(iii):
  - “(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.”
- (o) by adding the following as Section 6.27:

**“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 transshipment 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.”
- (p) at Section 7.3, subsection (2)(f), by deleting the words “and usable open space”.
- (q) by repealing Section 108.6 in its entirety.

- (r) by repealing Section 203.2 in its entirety and replacing it with the following:
  - “(1) Uses permitted in the RM3 District, excluding uses permitted in the R6 District, dormitory units or groups of dormitory units, and boarding, lodging and rooming houses.
  - (2) Home occupations.”
- (s) at Section 301.2, by repealing subsection (1) in its entirety and replacing it with the following:
  - “(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”
- (t) at Section 302.1, by adding the following as subsection (22):
  - “(22) Cyber entertainment uses.”
- (u) at Section 302.2, by repealing subsection (1) in its entirety and replacing it with the following:
  - “(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”
- (v) at Section 303.1, by adding the following as subsection (32):
  - “(32) Cyber entertainment uses.”
- (w) by repealing Sections 303.1B(2), 303.1D, 304.1A(2), and 304.1B in their entirety.
- (x) at Section 303.2, by repealing subsection (1) in its entirety and replacing it with the following:
  - “(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”
- (y) at Section 304.1, by adding the following as subsection (41):
  - “(41) Cyber entertainment uses.”

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

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(aa) at Section 308.2, by adding the following as subsection (23):

“(23) Cyber entertainment uses.”

(bb) at Section 308.3, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(cc) at Section 309.2, by adding the following as subsection (21):

“(21) Cyber entertainment uses.”

(dd) at Section 309.3, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(ee) at Section 401.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(ff) at Section 402.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(gg) at Section 404.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(hh) at Section 405.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(ii) at Section 407.2, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(jj) at Section 408.2, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(kk) at Section 451.2, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(ll) at Section 452.2, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”

(mm) at Section 509.2, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.”



(nn) at Section 800.4, by repealing subsections (19), (19a), and (19b) in their entirety and replacing them with the following:

“(19) Drive-in restaurants, cafes, restaurants, and similar establishments where food and/or beverage are sold for consumption on the premises, provided that such establishments are not located in a shopping centre. 1 for each 46 m<sup>2</sup> (495.16 sq.ft.) of gross floor area.”

(19a) Cafes, restaurants, and similar establishments where food and/or beverage are sold for consumption on the premises, provided that such establishments are located in a shopping centre. Equal number to that required for a retail store occupying equal floor space in a shopping centre.”

(oo) at Section 800.4, by repealing subsections (23) and (24) in their entirety and replacing them with the following:

“(23) Manufacturing and industrial buildings and uses, research facilities and laboratories, servicing and repair establishments and other similar uses. 1 for each 93 m<sup>2</sup> (1,001.04 sq. ft.) of gross floor area, plus 1 for each 46 m<sup>2</sup> (495.14 sq. ft.) of gross floor area used for indoor display, rental or retail sales purposes.”

(24) Warehousing, storage buildings, greenhouses and nurseries, wholesale establishments and other similar uses. 1 for each 186 m<sup>2</sup> (2,002.09 sq. ft.) of gross floor area, plus 1 for each 46 m<sup>2</sup> (495.14 sq. ft.) of gross floor area and/or of lot area used for display, rental or retail sales purposes.”

(pp) at Section 800.4, by repealing subsection (35) in its entirety and replacing it with the following:

“(35) Cyber entertainment uses. 1 for each 46 m<sup>2</sup> (495.16 sq. ft.) of gross floor area.”

(qq) at Section 800.4, by repealing subsections (39), (40), and (41) in their entirety and replacing them with the following:

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| “(39) Display yards.  | 1 for each 93 m <sup>2</sup> (1,001.04 sq. ft.) of lot area used for outdoor display, rental, or sales purposes.   |
| (40) Storage yards, junk yards and automobile wrecking yards. | 0.25 for each 100 m <sup>2</sup> (1,076.39 sq. ft.) of lot area up to 4,000 m <sup>2</sup> (43,055.64 sq. ft.), plus 0.1 for each additional 100 m <sup>2</sup> (1,076.39 sq. ft.) of lot area exceeding 4,000 m <sup>2</sup> (43,055.64 sq. ft.) used for outdoor storage purposes. |
| (41) Rehearsal and production studios.                        | 1 for each 93 m <sup>2</sup> (1,001.04 sq. ft.) of gross floor area, and/or of lot area used for production and staging, and 1 for each 186 m <sup>2</sup> (2,002.09 sq. ft.) of gross floor area and/or of lot area used for storage purposes.”                                     |

(rr) at Section 800.5, by adding the following as subsection (4):

“(4) Shared use of off-street parking spaces by two or more uses, except for dwelling units in residential districts, may be permitted, provided that the hours of operation for such uses do not overlap significantly, and that the shared off-street parking spaces are located not more than 122 m (400.26 ft.) from the uses to be served. The off-street parking for any use at any given time during its hours of operation shall be provided and used in accordance with this Schedule.”

(ss) at Section 900.4, subsection (2), by adding the words “place for entertainment purposes,” after the words “place of public assembly,”.

Read a first time this 6<sup>th</sup> day of July, 2020

Read a second time this 24<sup>th</sup> day of August, 2020

Read a third time this 14<sup>th</sup> day of September, 2020

Reconsidered and adopted by Council this 14th day of September, 2020

  
MAYOR

  
CLERK