

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 2027.

A BY-LAW TO AMEND THE BURNABY TOWN PLANNING BY-LAW 1948.

WHEREAS the Town Planning Commission has made a report to the Council recommending variations in the Zoning Areas set forth in the Burnaby Town Planning By-law 1948 and also recommending amendments thereto, and the Council has pursuant to Sections 10 and 11 of the Town Planning Act held a hearing thereon after giving notice of the time and place of such hearing in the manner and form provided by 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, AMENDMENT BY-LAW 1948".

DEFINITIONS

2. The following amendments shall have effect in the definitions contained in the Burnaby Town Planning By-law 1948:

The definition of "Public Garage" shall be deleted and instead thereof shall be substituted therefor:

"Public Garage" means a garage where automobiles are equipped for operation, repaired, stored, kept for hire or dismantled".

The definition of "Single Family Dwelling" shall be deleted and instead thereof shall be substituted:

"Single Family Dwelling" means a separate building designed for use exclusively as a dwelling for one family.

The definition of "Temporary Dwelling" or "Temporary Building" shall be deleted and instead thereof shall be substituted therefor:

"Temporary Building" or "Temporary Dwelling" means and includes:

(a) Any building (except private garage or other accessory building) not having its exterior walls supported on continuous concrete or masonry foundations or walls.

(b) A tent or trailer used as a dwelling.

The definition of "Yard" shall be deleted and instead thereof shall be substituted:

"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 side 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 18 inches.
- (d) Accessory buildings not exceeding 12 feet in height, occupying not more than 30% of the area of the rear yard.

There shall be added to the definitions contained in the Burnaby Town Planning By-law 1948:

"Workshop" means any building, whether mechanical power is used therein or not, where any work or operation is carried on by manual labour by way of trade or for the purpose of gain, or for the altering, repairing, ornamenting, finishing or adapting for sale of any article, and buildings shall be no less a workshop because it is used for teaching any trade or handicraft, provided that the foregoing definition shall not include a factory as defined by the "Factories Act".

DISTRICTS

3. Clause 3 of the Burnaby Town Planning By-law 1948 shall be deleted from and including the words "For the purpose of" in the first line thereof down to the words "as if embodied herein" in the fifteenth line thereof, and in lieu thereof the following shall be effective:

For the purposes 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. Small Holding Zone
- C. Commercial
- D. Local Commercial Zone
- E. Light Industrial
- F. Heavy Industrial

The area or areas of each of the said districts are set forth respectively in the first, second, third, fourth, fifth and sixth Schedules hereto wherein the same are defined or delimited by metes and bounds and are also specified in the Plans annexed hereto and

marked Schedules A, B, C and D respectively.

The said Schedules 1 to 6 and A to D both inclusive are declared to be an integral part of this By-law as if embodied herein.

4. There shall be added after Clause 10 of the Burnaby Town Planning By-law 1948 the following:

SMALL HOLDING ZONE

10-A Use of land or building is restricted to:

- (a) Any use permitted in Residential zones.
- (b) Farms and truck gardens.
- (c) Riding Schools.
- (d) Airports.
- (e) Golf Courses
- (f) Logging operations.

Set back and building lines and side yards to be the same as in residential areas.

5. There shall be added after Clause 10-A the following:

LOCAL COMMERCIAL ZONES

10-B All uses permitted in "Commercial Zones" except the following:

- (a) Public garage
- (b) Service or gas station
- (c) Storage warehouses
- (d) Any business as permitted by paragraphs (d) and (e) of Section 10 of the Burnaby Town Planning By-law 1948.

Set back and building lines and side yards to be the same as in residential areas.

GENERAL RESTRICTIVE CLAUSES.

Clause 5 of the Burnaby Town Planning By-law 1948 shall be deleted and in lieu thereof the following shall have effect:

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 dwelling erected on a single lot unless the area of the said lot contains 6000 square feet for each dwelling so erected, provided that in all cases where a dwelling is erected on a parcel of land of a greater area than 12000 square feet no additional dwelling shall be permitted until a plan of future subdivision of the said parcel has been approved by the Approving Officer of the Corporation.

6. In Clause 7 of the Burnaby Town Planning By-law 1948 after the word "Employee" in the first line thereof shall be added the words "or agent".

RESIDENTIAL DISTRICT

7. Clause 9 of the Burnaby Town Planning By-law 1948 shall be amended as follows:

There shall be added after the word "dwellings" in sub-clause

(a) the words "of not less than 480 square feet". The figures 8,000 in the third line of sub-clause (h) shall be deleted and the figures 7,800 substituted therefor.

Sub-clause (i) shall be deleted and the following substituted therefor:

- (i) Accessory buildings subordinated to any of the aforesaid uses, provided that a private garage or other accessory building not constructed as part of or attached to the main building shall be situated not less than 20 feet from the street in front, not less than 20 feet from any other street, and not less than 4 feet from any lane, or one foot from the rear lot line if there be no lane, provided that where a garage or other accessory building is erected adjacent to a dwelling side yard requirements must be observed.

Sub-clause (m) shall be deleted and the following substituted therefor:

- (m) The total surface area of buildings on any one 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. Side yards must be provided equal to 20% of the width of the lot provided that the minimum side yard on any one side shall be not less than 3 feet. 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 side streets) no building shall be erected or structurally altered so as to encroach beyond the average depth of the existing yards.

Sub-clause (n) shall be deleted and the following substituted therefor:

- (n) A dwelling on a flanking lot shall maintain the front yard requirements on both streets, provided that where the dimensions of the said flanking lot render it impracticable to construct a dwelling in conformity with this paragraph, the front yard requirements shall be observed on the shortest front of said lot and the front yard requirement of the longest side of said lot shall be equal to 10% of the shortest front or 6 feet, whichever is the greater.

Sub-clause (r) shall be deleted and the following substituted therefor:

- (r) No accessory building shall come within 20 feet of the street in front, or the general building line of the street, whichever is greater, nor within 20 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.

Sub-Clause (s) shall be deleted and the following substituted therefor:

- (s) No fence or hedge higher than 3 ft. 6 inches shall be permitted along the front line of the property and along the side lines to a depth equal to the building line established by this By-law, and all other close-boarded fences shall not exceed 6 feet in height.

Sub-Clause (t) shall be deleted and the following substituted therefor:

- (t) No advertising sign shall be affixed or displayed larger than 12 sq. ft., nor shall any such sign exceed one per lot or be erected contrary to the provisions for said and front yard requirements.

8. Clause 10 of the Burnaby Town Planning By-law 1948 shall be amended as follows:

Sub-Clause (b) shall be deleted and the following substituted therefor:

- (b) Stores, shops and depots for the display or sale by wholesale or retail of all classes of goods, wares and merchandise, headquarters, offices, accommodation for the conduct of any profession, business, trade, occupation or service, whether financial, commercial, administrative, social, political or otherwise. The provisions of entertainment, amusement, instruction or recreation; provided that no manufacture or processing and no warehouse or storage place shall be deemed to be permitted in this present sub-clause, nor shall anything be deemed permitted herein which may be not in conformity with any other provision of this clause.

Sub-Clause (d) shall be amended by crossing out the words "Cooperage works".

Sub-Clause (e) shall be amended by striking out the words "Auto wrecking storage yard" and the words "Contractors plant or storage yard" and substituting the words "Automobile or Trailer Sales Lot".

Sub-Clauses (g) and (h) shall be deleted and the following substituted therefor:

- (g) Residences in this district must comply with the same requirements as residences in the residential district as regards height and yard requirements, and the height of other buildings in this district shall not exceed 45 feet or three stories.

Sub-Clause (i) shall be deleted.

Sub-Clause (j) shall be re-lettered (h)

Sub-Clause (k) shall be struck out and the following shall be substituted as sub-clause (i).

(i) No side yard is required but where such side yard is provided same shall be not less than 12 feet.

9. Clause 11 of the Burnaby Town Planning By-law 1948 shall be amended as follows:

Sub-Clause (b) shall be amended by deleting the word "cooperage".

Sub-Clause (c) shall be amended by striking out the words "Auto wrecking storage yard" and by substituting therefor "Automobile or Trailer Sales Yard".

Sub-Clause (h) shall be deleted and the following substituted therefor:

(h) The building or set-back lines shall be the same as provided for in commercial zones.

The following shall be added as an additional sub-clause (i)

(i) All precautions are to be taken, according to the latest and most u-to-date scientific methods for abating, controlling or limiting the noise, odour, effluvia, smoke, vibration and nuisance arising from the industry conducted, so that the area may be free from neighbouring offence so far as possible.

10. Clause 12 shall be amended as follows:

By adding after the word "that" in the third line the words "except by approval of the Council".

11. Clause 13 shall be amended by adding after the word "Council" in the second line thereof the words "provided that no approval shall be given for the establishment or operation of any business not in conformity with the regulations pertaining to each district".

Clause 13 (A) sub-clause (4) of the Burnaby Town Planning By-law 1948 shall be amended by adding after the word "street" in the second line thereof the words "or lane".

12. Clause 14 of the Burnaby Town Planning By-law 1948 shall be amended by deleting the figures 45 in the third line thereof and substituting therefor the figures 75.

And the third sub-clause of the said Clause 14 shall be amended by striking out the words "the front" where they appear in the fifth line and substituting therefor the words "lane or street".

13. Clause 16, sub-clause (b) shall be amended by deleting the figures 30 where they appear in the seventh line thereof and sub-

stituting therefor the figures 90.

14. Clause 17, sub-clause (d) shall be amended by adding the words "or agent" after the word "Counsel" where it occurs in the seventh line.

PENALTIES

15. Clause 20 of the Burnaby Town Planning By-law 1948 shall be amended as follows:

The words commencing "Any person guilty" in the first line thereof down to and including the words "for each such offence" in the ninth line thereof shall be deleted and in lieu thereof the following shall have effect, namely: "Any person, firm or corporation guilty of any infraction of this By-law, (and for the purposes hereof every infraction shall be deemed to be a continuing, new and separate offence, for each day during which the same shall continue) shall upon conviction of such infraction or infractions before the Police Magistrate or any Justice of the Peace or any 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 dollars for each day or part of a day upon which any such infraction shall be committed and a further fine or penalty not exceeding One hundred dollars for each day or part of a day upon which any such infraction shall be continued together with the costs for each such offence.

16. The Schedules set forth to the Burnaby Town Planning By-law 1948 shall be amended as follows:

1. Schedule (1) Residential Zones shall be deleted and the following inserted in lieu thereof:

SCHEDULE 1 - RESIDENTIAL ZONES

ALL THAT the whole of the District of the Municipality of Burnaby, EXCEPT

- (a) ALL those districts defined and zoned for Small Holdings, Commercial, Local Commercial, Light Industrial and Heavy Industrial.
2. The following shall be added as the Area of the Small Holding Zone, namely:

SCHEDULE 2 - SMALL HOLDING ZONE

ALL that Area of the Municipality bounded on the North by the south boundary of the North Heavy Industrial Zone, on the east by North Road and 10th Avenue; on the South by 10th Avenue and First Avenue produced northerly to the south shore of Burnaby Lake; and the south boundary of Burnaby Lake and Still Creek; on the West by Kensington Avenue produced southerly to Still Creek, save and except those areas within this area which are zoned as Commercial or Local Commercial.

3. The Schedule No. 2 under the heading of Commercial Zones shall be re-numbered Schedule 3 and there shall be added thereto the following:

SCHEDULE 3 - COMMERCIAL ZONES

- (s) All that area bounded on the north by the lane between the Central Arterial Highway and Buchanan Street, on the south by a line drawn 200 feet south of and parallel to the Central Arterial Highway, on the east by Alpha Avenue, and on the west by Rosser Avenue.
- (t) All that area on the west side of Maple Avenue from B.C.E.R. right-of-way (Central Park Line) to Nelson Avenue to a depth of 132.5 feet;
- (u) All that area on the north side of Edmonds Street from Fulton Avenue to Sixth Street to a depth of 125 feet;
- (v) All that area on the south side of Edmonds Street from Douglas Road to 6th Street to a depth of 132 feet;
- (w) All that area on both sides of Sixth Street to a depth of 125 feet between 10th Avenue and Wedgewood Street;
- (x) All that area on the east side of Kingsway from 10th Avenue to 15th Avenue and on the west side of Kingsway from 13th Avenue to Stride Avenue;
- (y) All that area on the east side of Kingsway from Britton Street to 19th Avenue;
- (z) All that area on the east side of Cumberland Road between 12th Avenue and Armstrong Avenue to a depth of 119 feet;

- (aa) All that area comprised of Lot 1, Block 53, D.L. 30;
 - (bb) All that area comprised of Lot 19, Block 12, Lot 22 in Block 13, Lot 19 in Block 14 and Lot 19 in Block 15 of Block 1, D.L. 120.
 - (cc) All that area located on the south side of Kingsway from Olive Avenue to Patterson Avenue for the full depth of the following property, viz: Lots "A", "B" and 2 and Lots 27 and 34, all in Block 7, D.L. 151/3
 - (dd) All that area on the south side of Edmonds Street from the south boundary of Lot 3, Blocks 31/33, D.L. 95 N. to 16th Street including Lots 1 and 2, Blocks 31/33, D.L. 95 N. and Lots "C", 11,12 and 13, Blocks 34/38, D.L. 95 N.
 - (ee) All that area on the South side of Imperial Street between Gray Avenue and Waverley Avenue to a depth of 101 feet;
4. The following shall be added after Commercial Zones, namely:

SCHEDULE 4 - LOCAL COMMERCIAL ZONES

ALL that area of the Municipality defined as follows:

- (1) Lots 1 and 2, Block 31, D.L. 53
- (2) Lots 1,2,3, and 4, Block 24, D.L. 99
- (3) Lots 1,2,3 and 4, Block 18, D.L. 150
- (4) Lots land 2, Block 42 and Lot 3, Block 41, D.L. 35
- (5) Lots 6,7,8 and 9, Block 3, D.L. 117
- (6) North half of Block 81, D.L. 132
- (7) East half of Block 28, D.L. 135
- (8) East side of Bainbridge Avenue for 138 feet north of Central Arterial Highway and on east side of Bainbridge Avenue for a distance of 144 feet south of Central Arterial Highway to a depth of 120 feet
- (9) East half of Lot "A", Block 15, D.L. 43 to a depth of 132 feet.
- (10) West side of North Road from Hamilton Street to 158 feet north and 132 feet south
- (11) Lots 1 and 2, Block 45, D.L. 13.
- (12) Lots 1 to 6, Block 14, D.L. 27.
- (13) Lots 10,11 and 12, Block 23, D.L. 159
- (14) East side of Underhill Drive, from Lougheed Highway to 150 feet north
- (15) East side of Boundary Road from Laurel Street to Linwood Street
- (16) West side of North Road between Cameron Street and Government Road to a depth of 130 feet
- (17) Lots 3,4, S.D. "A", "B", "C", and Lots 26,27,28, all in Block 1, D.L. 74 S.½

5. Schedule 3 shall be re-numbered Schedule 5 - LIGHT INDUSTRIAL ZONES, and there shall be added thereto the following:

- (a) All that area bounded on the west by Madison Avenue, on the north by McGill Street, on the east by Willingdon Avenue, and on the south by Eton Street.
- (b) All that area bounded on the North by the B.C. Electric Railway Company right-of-way (Central Park Line); on the East by Imperial Street and Maple Avenue; on the South by a line drawn parallel to and distant 200 feet from the B.C. Electric Railway Company right-of-way (Central Park Line); and on the West by McKay Avenue.

6. Schedule 4 shall be re-numbered Schedule 6.

DONE AND PASSED in Open Council the Ninth (9th) day of August, A.D. 1948.

RECONSIDERED AND FINALLY PASSED this Sixteenth (16th) day of August, A.D. 1948.



G. Morrison

REEVE

Charles B. Brown

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 16th day of August, A.D. 1948.



Charles B. Brown

Clerk.

THE CORPORATION OF THE DISTRICT
OF BURNABY

1419 - 2027

"BURNABY TOWN PLANNING BY-LAW
1948, AMENDMENT BY-LAW 1948".

BY-LAW NO. 2027.

DATED AUGUST 16th 1948.