

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 8737

A BYLAW to amend Burnaby Zoning Bylaw 1965

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 26, 1987.

2. Section 3 of Burnaby Zoning Bylaw 1965 is amended

(a) by repealing the definition "balcony" and substituting therefor the following definition:

"'balcony' means a cantilevered deck that projects from a building and that, except for a guard rail is not enclosed."

(b) by repealing the definition "basement" and substituting therefor the following definition:

"'basement' means the portion of a building between two floor levels that is partly underground but has at least one-half its height, from its finished floor to the underside of the joists of the floor next above it, above average finished grade as determined by the Building Inspector; and a basement shall be considered to be a storey."

(c) by adding thereto, immediately after the definition "basement", the following definition:

"'bay window' means a projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor structure."

(d) by repealing the definition "cellar" and substituting therefor the following definition:

"'cellar' means the portion of a building between two floor levels that is partly or wholly underground but has more than one-half its height, from its finished floor to the underside of the joists of the floor next above it, below average finished grade as determined by the Building Inspector; and a cellar shall not be considered to be a storey."

(e) by repealing the definition "floor area ratio" and substituting therefor the following definition:

"'floor area ratio' means the figure obtained when the gross floor area of all buildings on a lot is divided by the area of the lot except that,

(1) for the purpose of computing floor area ratio in Districts RM, C and P, the following shall not be included as floor area:

(a) any portion of a storey used for parking unless such parking is a principal use, underground parking areas and parking areas that are both open and uncovered;

(b) any area of a building that is used exclusively for communal laundry facilities unless such laundry is a principal use;

- (c) any portion of a basement or cellar containing heating, laundry, recreational or storage facilities, but excluding areas used for habitable accommodation, and necessary access to habitable accommodation;
- (d) architectural features that are permitted as projections into required yards in section 6.12 of this Bylaw;
- (e) swimming pools and open sun decks;
- (f) any portion of a penthouse containing elevator or ventilating machinery;

and

(2) for the purpose of computing floor area ratio in Districts R1, R2, R3, R4, R5 and R9, the following shall not be included as floor area:

- (a) areas of undeveloped floors located above a storey or a half-storey, or adjacent to a half-storey, with a vertical clear height of less than 1.2 m (3.94 feet) and to which there is no permanent means of access other than a hatch;
- (b) floor areas at or below finished grade with a clear vertical height of less than 1.2 m (3.94 feet) to the underside of the joists of the floor next above;
- (c) floor areas used for off-street parking up to maximum of 42 m² (452.1 sq.ft.); and

(d) open balconies and sundecks up to a maximum area of eight percent of the permitted gross floor area."

(f) by repealing the definition "grade or grade level" and substituting therefor the following definition:

"'grade or grade level, finished' means the finished ground level adjacent to the exposed wall of a building, with no adjustment having been made to increase the existing ground level higher than the adjoining properties except for minor slope equalization as approved by the Building Inspector."

(g) by repealing the definition "height of building" and substituting therefor the following definition:

"'height', when used with respect to a building's height, means the vertical distance measured from the average elevation of the finished grade of the lot along the front of the building to the highest point of the structure, subject to the applicable exceptions in section 6.4. Where no front yard setback is required the height shall be measured from the curb level. The height of an accessory building that is depressed into the grade may be measured from the calculated average finished grade around all sides of the building other than a side that may be used for vehicular entrance."

(h) by repealing the definition "in-law suite" and substituting therefor the following definition:

"'in-law suite' means one or more habitable rooms used for living and sleeping purposes by the sons or daughters (including their spouses and dependent

children), parents or grandparents of the owner-occupier or tenant-occupier of the dwelling."

(i) by repealing the definition "coverage" and inserting immediately after the definition "lot area", the following definition:

"'lot coverage' means the combined area covered by all buildings and structures on the lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane but excluding

- (a) belt courses, cornices, eaves, gutters, sills or other similar ornamental features;
- (b) bay windows;
- (c) chimneys, fire escapes and steps;
- (d) canopies and sun shades;
- (e) terraces;
- (f) balconies;
- (g) uncovered swimming pools; and
- (h) parking areas that are:
 - (i) underground, or
 - (ii) open-sided and roofless."

(j) by repealing the definition "storey, half" and substituting therefor the following definition:

"'storey, half' means a storey under a gable, hip, gambrel or shed roof having a gross floor area not more than fifty percent of the gross floor area of the storey immediately below, and includes a roofed deck that is an extension of the topmost storey."

(k) by adding thereto, immediately after the definition "structure", the following definition:

"'sundeck' means a roofless deck that is not cantilevered, projects from a wall of a building, is accessible from the interior of the building and, except for a guard rail, is not enclosed."

(l) by adding thereto, immediately after the definition "taxi service centre" the following definition:

"'terrace' means a paved, planted or constructed area that is not more than 600 mm (1.97 feet) above the adjacent finished ground level."

(m) by adding thereto, immediately after the definition "truck terminal", the following definition:

"'underground parking' means an area where parking spaces are provided either entirely beneath a building or underground where the roof of the parking area is not more than 800 mm (2.62 feet) above the finished grade of the lot."

3. Section 6.4(1) of the said Bylaw is repealed and the following substituted therefor and subsection (2) of section 6.4 is renumbered to be subsection (3):

"6.4 Height of Buildings and Structures

- (1) Except in R Districts, the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery and penthouses, provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area of the building.

- (2) In all districts the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: aerials, electrical service masts, television and radio antennae, chimneys, flues, flagpoles, vents, transmission towers and water tanks, provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area of the building."

4. Section 6.6(1)(b) of the said Bylaw is repealed and the following substituted therefor:

"(b) Where a garage or carport or other accessory building or structure is attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of this Bylaw applicable to the principal building."

5. Section 6.6(2)(a) and (b) of the said Bylaw are repealed and the following substituted therefor:

"(a) An accessory building shall not have more than one storey and shall not exceed 3.7 m (12.13 feet) in height except that a hip or gable roof may be constructed to a height not exceeding 4.6 m (15.1 feet).

(b) The total floor area of all accessory buildings on a lot in an A or RM District shall not exceed 10 percent of the area of the lot and, in an R District, shall not exceed the lesser of

- (i) 10 percent of the area of the lot, or
- (ii) 56 m² (602.8 sq.ft.)."

6. Section 6.6(3)(c) of the said Bylaw is repealed and the following substituted therefor:

"(a) An accessory building shall not have more than one storey nor exceed 3.7 m (12.13 feet) in height."

7. Section 6.9 of the said Bylaw is repealed and the following substituted therefore:

"6.9 Living Accommodation in Cellars:

No dwelling unit, housekeeping unit or kitchen shall be permitted in a cellar."

8. The said Bylaw is further amended by adding thereto, immediately after section 6.9, the following section:

"6.9A Minimum Height for Cellars and Basements:

The height of a basement or cellar, measured between floor and ceiling surfaces, shall be not less than 2.3 m (7.5 feet)."

9. Section 6.11(1)(b) of the said Bylaw is repealed and the following substituted therefor:

"(b) Subject to the provisions of section 6.5 (Conversion of Buildings), the lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling that was erected on the lot before 1971 January 02 so as to create two dwelling units,

(i) where the dwelling is on a lot in an R4 District that has an area not less than 670 m^2 (7,212.06 square feet) and a width not less than 18.5 m (60.70 feet), or

(ii) where the dwelling is on a lot in an R5 District that has an area not less than 500 m^2 (5,382.13 square feet) and a width not less than 13.5 m (44.29 feet)."

10. Section 6.12(1) of the said Bylaw is amended

(a) by repealing paragraphs (a), (b), (c) and (d) thereof and substituting therefor the following:

"(a) Steps or stairs.

(b) Belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, but such projections shall not exceed 900 mm (2.95 feet), or 600 mm (1.97 feet) in the case of a side yard less than 1.5 m (4.92 feet) in width.

(c) Bay windows, that do not project more than 900 mm (2.95 feet), or 600 mm (1.97 feet) in the case of a side yard that is less than 1.5 m (4.92 feet) in width and the total length of all such windows shall not exceed 50 percent of the length of the exterior wall from which they project.

(d) Balconies, canopies, sunshades, open porches, verandas and sundecks, but such projections shall not exceed 1.2 m (3.94 feet), or 50 percent of the width of a required side yard."

(b) by repealing paragraph (g) and substituting therefor the following:

"(g) An uncovered swimming pool, but such pool shall not be constructed within required front yard nor nearer than 3.0 m (9.84 feet) to any property line. Such pool shall be located within a fenced yard or be surrounded by a fence, subject to the requirements of the National Building Code for guard rails or equivalent landscape features."

(c) by repealing paragraph (j) and substituting therefor the following:

"(j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, except that where such a structure

extends above the surface of the finished grade, its horizontal projection shall not exceed 3.0 m (9.84 feet) in a required front yard."

11. Section 101 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 101.2 thereof and substituting therefor the following:

"101.2 Height of Buildings:

The height of a building shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 101.4 thereof and substituting therefor the following:

"101.4 Development Density:

(1) Lot coverage shall not exceed 40 percent.

(2) The permitted density of development shall not exceed the lesser of

(a) a floor area ratio of 0.60, or

(b) 590 m² (6,350.9 sq.ft.) of gross floor area."

12. Section 102 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 102.2 thereof and substituting therefor the following:

"102.2 Height of Buildings:

The height of a building shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 102.4 thereof and substituting therefor the following:

"102.4 Development Density:

(1) Lot coverage shall not exceed 40 percent.

(2) The permitted density of development shall not exceed the lesser of

(a) a floor area ratio of 0.60, or

(b) 440 m² (4,736.3 sq.ft.) of gross floor area."

13. Section 103 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 103.2 thereof and substituting therefor the following:

"103.2 Height of Buildings:

The height of a building shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 103.4 thereof and substituting therefor the following:

"103.4 Development Density:

(1) Lot coverage shall not exceed 40 percent.

(2) The permitted density of development shall not exceed the lesser of

(a) a floor area ratio of 0.60, or

(b) 370 m² (3,982.8 sq.ft.) of gross floor area."

14. Section 104 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 104.2 thereof and substituting therefor the following:

"104.2 Height of Buildings:

The height of a single family dwelling shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 104.4 thereof and substituting therefor the following:

"104.4 Development Density:

(1) Lot coverage shall not exceed 40 percent.

(2) The permitted density of development shall not exceed the lesser of

(a) a floor area ratio of 0.60, or

(b) 440 m² (4,736.3 sq.ft.) of gross floor area."

15. Section 105 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 105.2(1) thereof and substituting therefor the following:

"(1) The height of a single family dwelling shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 105.4 and substituting therefor the following:

"105.4 Development Density:

(1) Lot coverage shall not exceed 40 percent.

(2) The permitted density of development shall not exceed the lesser of

(a) a floor area ratio of 0.60, or

(b) 370 m² (3,982.8 sq.ft.) of gross floor area."

16. Section 109 of Schedule Number 1 of the said Bylaw is amended

(a) by repealing Item 109.2 thereof and substituting therefor the following:

"109.2 Height of Buildings:

The height of a building shall not exceed 9.0 m (29.53 feet) or 2-1/2 storeys."

(b) by repealing Item 109.4 thereof and substituting therefor the following:

"109.4 Development Density:

- (1) Lot coverage shall not exceed 40 percent.
- (2) The permitted density of development shall not exceed the lesser of
 - (a) a floor area ratio of 0.60, or
 - (b) a gross floor area of
 - (i) 220 m² (2,368.1 sq.ft.) on a lot having an area less than 440 m² (4,736.3 sq.ft.), or
 - (ii) 265 m² (2,852.5 sq.ft.) on a lot having an area of 440 m² (4,736.3 sq.ft.) or more."

Read a first time this 23rd day of MARCH 1987

Read a second time this 19th day of MAY 1987

Read a third time this 19th day of MAY 1987

RECONSIDERED AND ADOPTED THIS 25th day of MAY 1987


MAYOR


CLERK