

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 9663

A BYLAW to amend the regulations respecting  
single family dwellings

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. 51, 1991.
2. Section 3 of Burnaby Zoning Bylaw 1965 is amended:
  - (a) by repealing the definition "basement" and substituting  
therefor the following:

"'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 natural grade as  
determined by the Building Inspector; and a  
basement shall be considered to be a storey;"

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

"'cellar' means the portion of a building between  
two floor levels that is partly or wholly  
underground and 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  
natural grade as determined by the Building  
Inspector; and a cellar shall not be considered to  
be a storey;"

- (c) by repealing the definition "crawl space" and  
substituting therefor the following:

"'crawl space' means the space at or below natural  
grade between the underside of the joists of the  
floor next above and the floor slab on the ground

surface below, having a vertical clear height less than 1.2 m (3.9 feet);"

(d) by adding thereto, immediately after the definition "curb level", the following:

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

(e) by adding thereto, immediately after the definition "dwelling unit", the following:

"'elevation, front average' means the average elevation of the natural grade along the exterior of the building facing the front lot line;

'elevation, rear average' means the average elevation of the natural grade along the exterior of the building facing the rear lot line or, for a through lot, the other front lot line;"

(f) by repealing the definitions "floor area, gross" and "floor area ratio" and substituting therefor the following:

"'floor area, gross' means the total area of all the floors measured to the extreme outer limits of the building in accordance with the regulations set out in section 6.20;

"'floor area ratio' means the figure obtained when the gross floor area of all buildings on a lot less the exclusions permitted in accordance with section 6.20 is divided by the area of the lot;"

(g) by repealing the definition "grade or grade level, finished" and substituting therefor the following:

"'grade or grade level, natural' means, for the purpose of measuring the height of a building or determining a basement or cellar, the ground level adjacent to the exposed wall of a building, with no adjustment having been made to the existing undisturbed ground level except for a minor slope equalization as approved by the Building Inspector;"

(h) by repealing the definition "height" and substituting therefor the following:

"'height' means the vertical dimension of a building or structure measured in accordance with section 6.4;"

(i) by repealing the definition "lot depth" and substituting therefor the following:

"'lot depth' means the shortest distance between the centre of the front lot line and the centre of the rear lot line or, in the case of a pie shaped lot or irregular lot with more than four sides, the shortest distance between the centre of the front lot line and the point at which the two side lot lines or the furthest point at which two rear lot lines intersect, or in the case of a through lot, the line joining the centre points of the two front lot lines;"

(j) by repealing the definition "lot line, rear" and substituting therefor the following:

"'lot line, rear' means the lot line opposite to, or in the case of an irregularly shaped lot, the lot lines more or less facing the front lot line;"

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

"'roof, flat' means a roof on a building that has one or more roof surfaces that have a pitch of less than 4 in 12 and cover an area greater than 20 percent of the area of all roof surfaces as measured in plan view;

'roof, sloping' means a roof on a building that has one or more roof surfaces that have a pitch of 4 in 12 or greater and cover an area at least equal to 80 percent of the area of all roof surfaces as measured in plan view;"

3. Section 4.2 of the said Bylaw is repealed.

4. The said Bylaw is amended by adding thereto, immediately after section 6.3 the following section:

"6.3.1 Notwithstanding section 6.3, no detached garage or carport shall be located closer than 4.5 m (14.8 feet) from the principal building in the R1, R2, R3, R4, R5, R9 and R10 Districts."

5. Section 6.4 of the said Bylaw is repealed and the following substituted therefor:

"6.4 Height of Buildings and Structures:

(1) In the R1, R2, R3, R4, R5, R9 and R10 Districts, the height of a principal building shall be measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in subsection (3).

(2) Except in the R1, R2, R3, R4, R5, R9 and R10 Districts, the height of a building shall be measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4); and where no front yard setback is required the height shall be measured from the curb.

(3) 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; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.

(4) Except in the 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; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.

(5) In the RM Districts, the maximum permitted height of an apartment building that conforms to all the regulations of this Bylaw may be increased to allow the location of a penthouse for dwelling purposes on the roof of such building if

- (a) the height of the penthouse does not exceed 3.5 m (11.48 feet);
- (b) the penthouse occupies no more than 12 1/2 percent of the roof area; and
- (c) the outer walls of the penthouse are located no nearer than 3.0 m (9.84 feet) at any point to the outer edge of the roof of the building on which it is situated."

6. Subsection (2) of section 6.6 is amended by adding thereto, immediately after paragraph (a), the following paragraph:

"(a.1) The height of a garage or carport that is depressed into the grade may be measured from the calculated average natural grade around all sides of the building other than a side that could be used for vehicular entrance."

7. Paragraph (b) of subsection (2) of section 6.6 is repealed and the following substituted therefor:

"(b) The gross floor area of all accessory buildings on a lot

(i) in an A or RM District shall not exceed 10 percent of the area of the lot, and

(ii) in an R District shall not exceed 56 m<sup>2</sup> (602.8 sq.ft.)."

8. Sections 6.9 and 6.9A of the said Bylaw are repealed and the following substituted therefor:

"6.9 Cellars and Basements:

(1) No dwelling unit, housekeeping unit or kitchen shall be permitted in a cellar.

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

(3) In the R Districts, where a part of the principal

building used for vehicular access is depressed into the grade, that part of the building shall be excluded when determining whether the building has a basement or a cellar.

(4) In the R Districts, for the purpose of providing pedestrian access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the lowered surface is not on the same side of the building as a depressed vehicular access and does not

- (a) exceed an area of 14.0 m<sup>2</sup> (150.7 sq.ft.),
- (b) extend more than 3.0 m (9.8 feet) from the building,
- (c) exceed a width of 4.5 m (14.8 feet) along the wall, and
- (d) extend more than 0.75 m (2.5 feet) into the required side yards.

(5) In the R Districts, for the purpose of providing light to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the window wells do not

- (a) extend more than 0.9 m (3.0 feet) from the building,
- (b) extend more than 0.75 m (2.5 feet) into the required side yards, and
- (c) exceed in length 25 percent of the length of the wall."

9. Section 6.12 is amended by adding thereto, immediately after subsection (2), the following subsection:

"(2.1) Front Yard Averaging:

For lots in R1, R2, R3, R4, R5, R9 and R10 Districts, where front yard averaging of the two adjacent lots on each side of the lot is applicable, the following conditions shall apply in determining the average front yard depth:

- (i) where an adjacent lot is vacant, the front yard shall be deemed to have a depth of a required front yard;
- (ii) if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average depth;
- (iii) where the lot is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent lots."

10. The said Bylaw is further amended by adding thereto, immediately after section 6.19, the following section:

"6.20 Computation of Gross Floor Area and Floor Area Ratio:

- (1) In all districts, the following shall be included as gross floor area:
  - (a) all suites or dwelling units;
  - (b) all areas giving access such as corridors, hallways, landings, foyers, staircases and stairwells;
  - (c) balconies, sundecks, mezzanines, porches and verandas, all of which are enclosed;
  - (d) elevator shafts.
- (2) In all districts, except the R1, R2, R3, R4, R5, R9 and R10 Districts, accessory buildings except those used for parking shall be included as gross floor area.
- (3) In the R1, R2, R3, R4, R5, R9 and R10 Districts, accessory buildings shall be included as gross floor area but  $42 \text{ m}^2$  (452.1 sq.ft.) of the floor area of a garage or carport will be excluded.
- (4) In the R1, R2, R3, R4, R5, R9 and R10 Districts, in any space where the height from a floor to the top of the wall plate exceeds 3.7 m (12.1 feet), the aggregate floor area that is in excess of a  $9.3 \text{ m}^2$  (100.1 sq.ft.) shall be included twice in the calculation of gross floor area and twice in the calculation of above grade floor area.
- (5) For the purpose of computing floor area ratio in the RM, C

and P Districts, 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 sundecks;
  - (f) any portion of a penthouse containing elevator or ventilating machinery;
  - (g) any portion of a basement or cellar containing a child care facility.
- (6) For the purpose of computing floor area ratio in the R1, R2, R3, R4, R5, R9 and R10 Districts, 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 (3.9 feet) and to which there is no permanent means of access other than a hatch;
  - (b) crawl spaces;
  - (c) garages and carports, up to a maximum area of 42 m<sup>2</sup> (452.1 sq.ft.);
  - (d) balconies, sundecks and covered decks, up to a maximum area of 8 percent of the permitted gross floor area;



(e) covered porches, up to a maximum area of 3.7 m<sup>2</sup> (39.8 sq.ft.), provided that

(i) they are not enclosed;

(ii) they face a street or rear property line and are located at the first storey;

(iii) they do not project more than 1.2 m (3.9 feet) into the required front yard; and

(iv) they do not exceed a height of 3.7 m (12.1 feet) measured from the porch floor to the top of the supporting structure."

11. Schedule No. I of the said Bylaw is amended by repealing the regulations for Districts R1, R2, R3, R4 and R5 and substituting therefor the following:

**\*101. RESIDENTIAL DISTRICT (R1)**

This District provides for low density suburban-type residential areas in which a relatively open type of development will be encouraged.

**101.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Home occupations
- (3) Accessory buildings and uses
- (4) In zones having an R1b designation, a day care centre licensed under the Community Care Facility Act for not more than 10 children in the dwelling where care is provided by persons resident in the dwelling and not more than one non-resident person. The maximum of 10 children includes any preschool children of the resident and any children cared for as a home occupation under this Bylaw
- (5) Group homes.

**101.2 Lot Area and Width:**

- (1) R1 District. Each lot shall have an area of not less than 890 m<sup>2</sup> (9580.2 sq.ft.) and a width of not less than 24.5 m (80.4 feet).
- (2) R1a District. Each lot shall have an area of not less than

1350 m<sup>2</sup> (14,531.8 sq.ft.) and a width of not less than 37 m (121.4 feet).

**101.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent.

**101.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
  - (a) the lesser of a floor area ratio of 0.60 or 590 m<sup>2</sup> (6350.9 sq.ft.), or
  - (b) in an R1a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed 56 m<sup>2</sup> (602.8 sq.ft.)
- (3) A maximum of 42 m<sup>2</sup> (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**101.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
  - (a) 0.20 of the lot area + 130 m<sup>2</sup> (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of
  - (a) 0.20 of the lot area + 130 m<sup>2</sup> (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (3) Where a garage or carport is attached to the principal building, the floor area in excess of 42 m<sup>2</sup> (452.1 sq.ft.) shall be included as above grade floor area under subsections (1) and (2).

**101.6 Height of Principal Building:**

- (1) The height of a principal building shall not exceed
  - (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
  - (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

**101.7 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet)

**101.8 Front Yard:**

A front yard shall be provided of not less than 9.0 m (29.5 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

**101.9 Side Yards:**

- (1) Side yards shall be provided with a minimum width of 2.4 m (7.9 feet) for the least side yard and 5.5 m (18.0 feet) for the sum of both side yards.

- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 4.5 m (14.8 feet) in width.

**101.10 Rear Yard:**

A rear yard shall be provided of not less than 9.0 m (29.5) feet in depth.

**101.11 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**102. RESIDENTIAL DISTRICT (R2)**

This District provides for medium density urban-type residential areas.

**102.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Home occupations
- (3) Accessory buildings and uses
- (4) In zones having an R2b designation, a day care centre licensed under the Community Care Facility Act for not more than 10 children in the dwelling where care is provided by persons resident in the dwelling and not more than one non-resident person. The maximum of 10 children includes any preschool children of the resident and any children cared for as a home occupation under this Bylaw
- (5) Group homes on lots with area not less than 800 m<sup>2</sup> (8611.41 sq.ft.).

**102.2 Lot Area and Width:**

- (1) R2 District. Each lot shall have an area of not less than 670 m<sup>2</sup> (7212.1 sq.ft.) and a width of not less than 18.5 m (60.7 feet).
- (2) R2a District. Each lot shall have an area of not less than 1000 m<sup>2</sup> (10,764.2 sq.ft.) and a width of not less than 27.5 m (90.2 feet).

**102.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent.

**102.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
  - (a) the lesser of a floor area ratio of 0.60 or  $440 \text{ m}^2$  (4736.3 sq.ft.), or
  - (b) in an R2a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed  $56 \text{ m}^2$  (602.8 sq.ft.)
- (3) A maximum of  $42 \text{ m}^2$  (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**102.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (3) Where a garage or carport is attached to the principal building, the floor area in excess of  $42 \text{ m}^2$  (452.1 sq.ft.) shall be included as above grade floor area under subsections (1) and (2).

**102.6 Height of Principal Building:**

- (1) The height of a principal building shall not exceed

- (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
- (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

**102.7 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet).

**102.8 Front Yard:**

A front yard shall be provided of not less than 7.5 m (24.6 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

**102.9 Side Yards:**

- (1) Side yards shall be provided with a minimum width of 1.5 m (4.9 feet) for the least side yard and 3.5 m (11.5 feet) for the sum of both side yards.
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 3.5 m (11.5 feet) in width.

**102.10 Rear Yard:**

A rear yard shall be provided of not less than 9.0 m (29.5) feet in depth.

**102.11 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**103. RESIDENTIAL DISTRICT (R3)**

**103.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Home occupations
- (3) Accessory buildings and uses
- (4) In zones having an R3b designation, a day care centre licensed under the Community Care Facility Act for not more than 10 children in the dwelling where care is provided by persons resident in the dwelling and not more than one non-resident person. The maximum of 10 children includes any preschool children of the resident and any children cared for as a home occupation under this Bylaw
- (5) Group homes on lots with area not less than 800 m<sup>2</sup> (8611.41 sq.ft.).

**103.2 Lot Area and Width:**

- (1) R3 District. Each lot shall have an area of not less than 560 m<sup>2</sup> (6028.0 sq.ft.) and a width of not less than 15.0 m (49.2 feet).
- (2) R3a District. Each lot shall have an area of not less than 840 m<sup>2</sup> (9041.9 sq.ft.) and a width of not less than 22.5 m (73.8 feet).

**103.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent.

**103.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
  - (a) the lesser of a floor area ratio of 0.60 or 370 m<sup>2</sup> (3982.8 sq.ft.), or

- (b) in an R3a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed  $56 \text{ m}^2$  (602.8 sq.ft.)
- (3) A maximum of  $42 \text{ m}^2$  (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**103.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
- (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
- (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of
- (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
- (b) 0.40 of the lot area.
- (3) Where a garage or carport is attached to the principal building, the floor area in excess of  $42 \text{ m}^2$  (452.1 sq.ft.) shall be included as above grade floor area under subsections (1) and (2).

**103.6 Height of Principal Building:**

- (1) The height of a principal building shall not exceed
- (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
- (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.



- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

**103.7 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet)

**103.8 Front Yard:**

A front yard shall be provided of not less than 6.0 m (19.7 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

**103.9 Side Yards:**

- (1) Side yards shall be provided on each side of the building of not less than 1.5 m (4.9 feet) in width.
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 3.0 m (9.8 feet) in width.

**103.10 Rear Yard:**

A rear yard shall be provided of not less than 7.5 m (24.6) feet in depth.

**103.11 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

## 104. RESIDENTIAL DISTRICT (R4)

### 104.1 Uses Permitted:

- (1) Single family dwellings
- (2) Semi detached or duplex dwellings with a maximum gross floor area of 116 m<sup>2</sup> (1247.3 sq.ft.) above grade per dwelling unit.
- (3) Group homes on lots with area not less than 800 m<sup>2</sup> (8611.4 sq.ft.)
- (4) Home occupations
- (5) Accessory buildings and uses
- (6) In zones having an R4b designation, a day care centre licensed under the Community Care Facility Act for not more than 10 children in the dwelling where care is provided by persons resident in the dwelling and not more than one non-resident person. The maximum of 10 children includes any preschool children of the resident and any children cared for as a home occupation under this Bylaw.

### 104.2 Lot Area and Width:

- (1) R4 Single Family Dwelling. Each lot shall have an area of not less than 670 m<sup>2</sup> (7212.1 sq.ft.) and a width of not less than 18.5 m (60.7 feet).
- (2) R4 Single Family Dwelling - Small. Notwithstanding section 104.2(1), where 30 percent or more of the existing lots with the zoning designations R4, R5 and R9 in the block front have a width of 13.72 m (45.0 feet) or less, each lot shall have an area of not less than 399.47 m<sup>2</sup> (4300.0 sq.ft.) and a width of not less than 10.97 (36.0 feet).
- (3) R4a Single Family Dwelling. Each lot shall have an area of not less than 1000 m<sup>2</sup> (10,764.2 sq.ft.) and a width of not less than 27.5 m (90.2 feet).
- (4) R4 Two-family Dwelling. Each lot shall have an area of not less than 800 m<sup>2</sup> (8611.4 sq.ft.) and a width of not less than 22 m (72.2 feet).

### 104.3 Lot Coverage:

- (1) Lot coverage shall not exceed 40 percent for lots having a garage or carport attached to the principal building.

- (2) Lot coverage shall not exceed 45 percent for lots having a garage or carport detached from the principal building.
- (3) Notwithstanding subsection (2), lot coverage shall not exceed 40 percent for lots in an R4a District.

**104.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
  - (a) the lesser of a floor area ratio of 0.60 or  $440 \text{ m}^2$  (4736.3 sq.ft.), or
  - (b) in an R4a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed  $56 \text{ m}^2$  (602.8 sq.ft.)
- (3) A maximum of  $42 \text{ m}^2$  (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**104.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (3) Notwithstanding subsections (1) and (2), for duplex and semi-detached dwellings the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed  $116 \text{ m}^2$  (1247.3 sq.ft.) per dwelling unit.

- (4) Where a garage or carport is attached to the principal building, the floor area in excess of 42 m<sup>2</sup> (452.1 sq.ft.) shall be included as above grade floor area under subsections (1), (2) and (3).

**104.6 Height of Principal Building. Single Family Dwelling:**

- (1) The height of a principal building shall not exceed
- (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
  - (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

**104.7 Height of Principal Building. Two-family Dwellings:**

- (1) Duplex Dwelling:

A duplex dwelling shall not exceed 2 storeys and, subject to the applicable exceptions in section 6.4, the height shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof measured from the lower of the front average elevation or rear average elevation

- (a) to the highest point of the structure, or
- (b) if the duplex dwelling existed at the coming into force of this provision, to the highest point of the addition.

(2) Semi-detached Dwelling:

The height of a semi-detached dwelling shall not exceed 1 storey and 5.5 m (18.0 feet) measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

**104.8 Depth of Principal Building.**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet)

**104.9 Front Yard:**

A front yard shall be provided of not less than 7.5 m (24.6 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

**104.10 Side Yards:**

- (1) Side yards shall be provided with a minimum width of 1.5 m (4.9 feet) for the least side yard and 3.5 m (11.5 feet) for the sum of both side yards.
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 3.5 m (11.5 feet) in width.
- (3) A small lot described in section 104.2(2) shall be provided with a side yard on each side of the building that is not less than 1.22 m (4.0 feet) in width, and in the case of a corner lot, the side yard adjoining the flanking street shall be not less than 1.83 m (6.0 feet) in width.

**104.11 Rear Yard:**

A rear yard shall be provided of not less than 9.0 m (29.5 feet) in depth.

**104.12 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**105. RESIDENTIAL DISTRICT (R5)**

This District provides for the use and development of two-family dwellings on larger lots in medium density residential areas.

**105.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Semi-detached or duplex dwellings with a maximum gross floor area of 116 m<sup>2</sup> (1247.3 sq.ft.) above grade per dwelling unit
- (3) Group homes on lots with area not less than 670 m<sup>2</sup> (7212.1 sq.ft.)
- (4) Boarding, lodging or rooming houses for not more than 5 boarders, when situated in a single family dwelling on a lot with an area of not less than 670 m<sup>2</sup> (7212.1 sq.ft.).
- (5) Home occupations
- (6) Accessory buildings and uses
- (7) In zones having an R5b designation, a day care centre licensed under the Community Care Facility Act for not more than 10 children in the dwelling where care is provided by persons resident in the dwelling and not more than one non-resident person. The maximum of 10 children includes any preschool children of the resident and any children cared for as a home occupation under this Bylaw.

**105.2 Lot Area and Width:**

- (1) R5 Single Family Dwelling. Each lot shall have an area of not less than 560 m<sup>2</sup> (6028 sq.ft.) and a width of not less than 15.0 m (49.2 feet).
- (2) R5 Single Family Dwelling - Small. Notwithstanding section 105.3(2), where 30 percent or more of the existing lots with the zoning designations R4, R5 and R9 in the block front have a width of 13.7 m (45.0 feet) or less, each lot shall have an area of not less than 335 m<sup>2</sup> (3606.0 sq.ft.) and a width of not less than 9.14 m (30.0 sq.ft.).
- (3) R5a Single Family Dwelling. Each lot shall have an area of not less than 840 m<sup>2</sup> (9041.9 sq.ft.) and a width of not less than 22.5 m (73.8 feet).

- (4) R5 Two-family Dwelling. Each lot shall have an area of not less than  $670 \text{ m}^2$  (7212.1 sq.ft.) and a width of not less than 18.5 m (60.7 feet).

**105.3 Lot Coverage:**

- (1) Lot coverage shall not exceed 40 percent for lots having a garage or carport attached to the principal building.
- (2) Lot coverage shall not exceed 45 percent for lots having a garage or carport detached from the principal building.
- (3) Notwithstanding subsections (1) and (2), lot coverage shall not exceed 40 percent for lots in an R5a zoning district.

**105.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
- (a) the lesser of a floor area ratio of 0.60 or  $370 \text{ m}^2$  (3982.8 sq.ft.), or
- (b) in an R5a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed  $56 \text{ m}^2$  (602.8 sq.ft.).
- (3) A maximum of  $42 \text{ m}^2$  (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**105.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
- (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
- (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of

- (a) 0.20 of the lot area + 130 m<sup>2</sup> (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (3) Notwithstanding subsections (1) and (2), for duplex and semi-detached dwellings, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed 116 m<sup>2</sup> (1247.3 sq.ft.) per dwelling unit.
- (4) Where a garage or carport is attached to the principal building, the floor area in excess of 42 m<sup>2</sup> (452.1 sq.ft.) shall be included as above grade floor area under subsections (1), (2) and (3).

**105.6 Height of Principal Building. Single Family Dwelling:**

- (1) The height of a principal building shall not exceed
- (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
  - (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

**105.7 Height of Principal Building. Duplex and Semi-detached Dwellings:**

- (1) Duplex Dwelling:

A duplex dwelling shall not exceed 2 storeys and, subject to the applicable exceptions in section 6.4, the height shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof



measured from the lower of the front average elevation or rear average elevation

- (a) to the highest point of the structure, or
- (b) if the duplex dwelling existed at the coming into force of this provision, to the highest point of the addition.

(2) **Semi-detached Dwelling:**

The height of a semi-detached dwelling shall not exceed one storey and 5.5 m (18.0 feet) measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

**105.8 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet).

**105.9 Front Yard:**

A front yard shall be provided of not less than 6.0 m (19.7 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

**105.10 Side Yards:**

- (1) Side yards shall be provided with a minimum width of 1.5 m (4.9 feet).
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 3.0 m (9.84 feet) in width.
- (3) A small lot described in Section 105.2(2) shall be provided with a side yard on each side of the building that is not less than 1.22 m (4.0 feet) in width, and in the case of a corner lot, the side yard adjoining the flanking street shall be not less than 1.83 m (6.0 feet) in width.

**105.11 Rear Yard:**

A rear yard shall be provided of not less than 7.5 m (24.6) feet in depth.

**105.12 Off-Street Parking:**

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

12. Schedule No. I of the said Bylaw is further amended by repealing the regulations for Districts R9 and R10 and substituting therefor the following:

**"109. RESIDENTIAL DISTRICT (R9)**

This District provides for single family residential development on small lots in areas of 0.81 or more hectares (2 or more acres) that are undergoing comprehensive development or redevelopment.

**109.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Home occupations
- (3) Accessory buildings and uses.

**109.2 Lot Area and Width:**

- (1) R9 District. Each lot shall have an area of not less than 372 m<sup>2</sup> (4000 sq.ft.) and a width of not less than 12.2 m (40 feet).
- (2) R9a District. Each lot shall have an area of not less than 505 m<sup>2</sup> (5435.9 sq.ft.) and a width of not less than 14 m (45.9 feet).

**109.3 Lot Coverage:**

- (1) Lot coverage shall not exceed 40 percent for lots having a garage or carport attached to the principal building.
- (2) Lot coverage shall not exceed 45 percent for lots having a garage or carport detached from the principal building.

**109.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed

- (a) the lesser of a floor area ratio of 0.60 or  $265 \text{ m}^2$  (2852.5 sq.ft.), or
  - (b) in an R9a District, a floor area ratio of 0.60.
- (2) The gross floor area of all accessory buildings on a lot shall not exceed  $56 \text{ m}^2$  (602.8 sq.ft.).
  - (3) A maximum of  $42 \text{ m}^2$  (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area under subsection (1).

**109.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (2) For a principal building other than one that exists at the coming into force of this provision, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the greater of
  - (a) 0.20 of the lot area +  $130 \text{ m}^2$  (1399.4 sq.ft.), or
  - (b) 0.40 of the lot area.
- (3) Where a garage or carport is attached to the principal building, the floor area in excess of  $42 \text{ m}^2$  (452.1 sq.ft.) shall be included as above grade floor area under subsections (1) and (2).

**109.6 Height of Principal Building:**

- (1) The height of a principal building shall not exceed
  - (a) 2 1/2 storeys and 9.0 m (29.5 feet) for a building with a sloping roof, or
  - (b) 2 1/2 storeys and 7.4 m (24.3 feet) for a building with a flat roof

as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, subject to the applicable exceptions in section 6.4.

- (2) Notwithstanding subsection (1), for a principal building that exists at the coming into force of this provision, the height of any addition, measured from the lower of the front average elevation or the rear average elevation to the highest point of the addition, shall not exceed 9.0 m (29.5 feet) if the building has a sloping roof or 7.4 m (24.3 feet) if the building has a flat roof, subject to the applicable exceptions in section 6.4.

#### **109.7 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 50 percent of the lot depth, or
- (b) 18.3 m (60.0 feet).

#### **109.8 Front Yard:**

A front yard shall be provided of not less than 6.0 m (19.7 feet) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5 m (4.9 feet), then the front yard shall be not less than that average, subject to section 6.12(2.1).

#### **109.9 Side Yards:**

- (1) Side yards shall be provided on each side of the building of not less than 1.2 m (3.9 feet) in width, except that where the width of the lot is reduced below 12.2 m (40 feet), the required side yard on each side of the building may be reduced to a minimum of 10 percent of the lot width, provided that the minimum side yard on any one side shall be not less than 0.9 m (3.0 feet).
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 2.4 m (7.9 feet) in width, except that where the width of the lot is reduced below 12.2 (40 feet), the required side yard adjoining the flanking street may be reduced to a minimum width of 1.8 m (5.9 feet) if for every unit of length reduction in required

side yard, the required front yard is increased by such unit of length.

**109.10 Rear Yard:**

A rear yard shall be provided of not less than 7.5 m (24.6 feet) in depth.

**109.11 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**110. RESIDENTIAL DISTRICT (R10)**

This District provides for low-scale development in mature single family areas with a consistent low-scale character.

**110.1 Uses Permitted:**

- (1) Single family dwellings
- (2) Home occupations
- (3) Accessory buildings and uses
- (5) Group homes on lots with area not less than 800 m<sup>2</sup> (8611.4 sq.ft.).

**110.2 Lot Area and Width:**

Each lot shall have an area of not less than 560 m<sup>2</sup> (6028 sq.ft.) and a width of not less than 15 m (49.2 feet).

**110.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent.

**110.4 Development Density. Gross Floor Area:**

- (1) The density of development shall not exceed
  - (a) a floor area ratio of 0.60, or
  - (b) 370 m<sup>2</sup> (3982.8 sq.ft.).
- (2) The gross floor area of all accessory buildings on a lot shall not exceed 56 m<sup>2</sup> (602.8 sq.ft.).

- (3) Notwithstanding the definition "floor area ratio" in section 3, where a detached carport or garage is located within 9 m (29.5 feet) of the rear lot line, a maximum of 42 m<sup>2</sup> (452.1 sq.ft.) of a garage or carport shall not be included as gross floor area, but all other floor areas used for off-street parking shall be included.

**110.5 Development Density. Above Grade Floor Area:**

- (1) For a principal building that exists at the coming into force of this provision, the gross floor area for all floors located above a cellar, basement, crawl space or ground surface shall not exceed the lesser of
- (a) 0.20 of the lot area + 112 m<sup>2</sup> (1205.6 sq.ft.), or
  - (b) 242.0 m<sup>2</sup> (2605 sq.ft.).
- (2) For a principal building that is constructed after July 22, 1991, the gross floor area for all floors, excluding the floor of a cellar, shall not exceed the lesser of
- (a) 0.20 of the lot area + 112 m<sup>2</sup> (1205.6 sq.ft.), or
  - (b) 242.0 m<sup>2</sup> (2605 sq.ft.).
- (3) The floor area of a garage or carport attached to a principal building shall be included as above grade floor area under subsections (1) and (2).
- (4) The second floor located above any cellar, crawl space or ground surface shall have
- (a) a floor area not greater than 50 percent of the floor area immediately below it, and
  - (b) side yard setbacks for that second floor not less than 1.5 m (4.9 feet) on each side and not less than the sum of 7 m (23.00 feet) for both side yards;
- but this section shall not be applied so as to require an overall width of less than 9.8 m (32.2 feet) for that second floor.

**110.6 Height of Principal Building:**

- (1) For the purpose of this section,

- (a) "lower average elevation" means the lesser of the front average elevation or the rear average elevation;
  - (b) "higher average elevation" means the greater of the front average elevation or the rear average elevation;
  - (c) "low side" refers to the part of the building having a face relating to the lower average elevation; and
  - (d) "high side" refers to the part of the building having a face relating to the higher average elevation.
- (2) For a principal building on a lot with a slope of less than 13 percent measured through the depth of the building:
- (a) the height of a building with a sloping roof shall not exceed 7.6 m (24.9 feet) as measured from the lower average elevation to the highest point of the structure;
  - (b) the height of a building with a flat roof shall not exceed 5.8 m (19.0 feet) as measured from the lower average elevation to the highest point of the structure;
- subject to applicable exceptions in section 6.4.
- (3) For a principal building on a lot with a slope of 13 percent or greater measured through the depth of the building:
- (a) the height of a building with a sloping roof shall not exceed
    - (i) 7.6 m (24.9 feet) measured from the lower average elevation to the highest point in the half of the building on the low side, and
    - (ii) 5.5 m (18.0 feet) measured from the higher average elevation to the highest point in the half of the building on the high side,subject to the applicable exceptions in section 6.4;
  - (b) the height of a building with a flat roof shall not exceed

(i) 5.8 m (19.0 feet) measured from the lower average elevation to the highest point in the half of the building on the low side, and

(ii) 3.7 m (12.1 feet) measured from the higher average elevation to the highest point in the half of the building on the high side,

subject to the applicable exceptions in section 6.4.

**110.7 Depth of Principal Building:**

The depth of a principal building shall not exceed the lesser of

- (a) 45 percent of the lot depth, or
- (b) 17 m (55.8 feet).

**110.8 Front Yard:**

A front yard shall be provided of not less than 7.6 m (24.9 feet) in depth, and not less than the average front depth of the two adjacent lots on each side of the lot, subject to section 6.12(2.1).

**110.9 Side Yards:**

- (1) Side yards shall be provided on each side of the building of not less than 1.5 m (4.9 feet) in width.
- (2) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 3.0 m (9.8 feet) in width.

**110.10 Rear Yard:**

A rear yard shall be provided of not less than 7.5 m (24.6 feet) in depth.

**110.11 Off-Street Parking:**

- (1) Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.
- (2) Access for vehicles to all off-street parking spaces shall be provided from a lane abutting the lot except where there is no abutting lane or the Director Engineering is satisfied





that access from a lane is not feasible because of an extreme grade, in which case the Chief Building Inspector may approve access from a street.

- (3) Notwithstanding section 800.6, parking is prohibited in the area between the front lot line and the face of the building, extending from one side lot line to the other.

**110.12 Fences:**

- (1) Notwithstanding section 6.14(5)(b), a fence not higher than 1.8 (5.9 feet) may be located to the rear of the face of the principal building facing the front yard.
- (2) Notwithstanding section 6.14(5)(a), no fence shall be permitted in the area between the front lot line and the face of the building, except on a lot abutting Willingdon Avenue or Parker Street where a fence not higher than 1.0 m (3.3 feet) is allowed."

Read a first time this 4th day of NOVEMBER 1991  
Read a second time this 9th day of DECEMBER 1991  
Read a third time this 9th day of DECEMBER 1991  
RECONSIDERED AND ADOPTED THIS 16th day of DECEMBER 1991

  
MAYOR  
  
DEPUTY CLERK