

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **STRATA TITLE CONVERSION APPLICATION #22-01 – 8027 / 8029  
18TH AVENUE**  
**PURPOSE:** To recommend that Council authorizes the removal of the requirement of a Section 219 Covenant.

## **REFERENCES**

Address: 8027/8029 18<sup>th</sup> Avenue  
Legal: Lot D District Lot 27 Plan NWP12916  
Applicant: Bell Alliance LLP  
201 – 1367 West Broadway, Vancouver BC, V6H 4A7  
Attention: Ryan Griffin  
Current Zoning: R5 Residential District

## **RECOMMENDATION**

**THAT** staff be authorized to remove the requirement of the Section 219 Covenant restricting each strata unit from adding a secondary suite, as outlined in the report titled “Strata Title Conversion Application #22-01 – 8027 / 8029 18<sup>th</sup> Avenue” dated January 15, 2024.

### **1.0 POLICY SECTION**

The recommendation to remove the Section 219 Covenant aligns with the following Council-adopted text amendment to the Zoning Bylaw:

- Section 6.7.1 (2) Secondary Suites (B/L No. 14588-23-09-11)

### **2.0 BACKGROUND**

On January 23, 2023, Council approved a Strata Title Conversion Application for 8027/8029 – 18<sup>th</sup> Avenue with the condition that a Section 219 Covenant be registered on title restricting each strata unit from adding a secondary suite. On September 11, 2023, Council adopted an amendment to Section 6.7.1 (2) of the Zoning Bylaw, permitting the use of secondary suites in two-family dwelling units. As a result, staff are requesting that the Section 219 Covenant restricting secondary suites be removed as a requirement, as it is no longer consistent with the provisions of the Zoning Bylaw.

**3.0 GENERAL INFORMATION**

This report is seeking Council’s authorization to remove the Section 219 Covenant restricting each strata unit from adding a secondary suite, and to complete the stratification of the subject property into two strata lots with the potential of each strata lot containing a secondary suite. The application had previously been circulated to the required City departments and all departmental approvals had been substantially met.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

Not applicable

**5.0 FINANCIAL CONSIDERATIONS**

Not applicable

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

**ATTACHMENTS**

Attachment 1 - STR #22-01 Council Report (January 23, 2023)

Attachment 2 - Bylaw #14588

**REPORT CONTRIBUTORS**

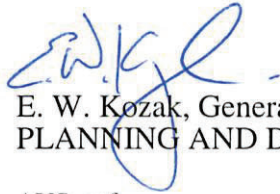
This report was prepared by Anja van Spaendonk, Subdivision Technician, and reviewed by Lina Marinelli, Supervisor Subdivision Approvals, and reviewed by Johannes Schumann, Director Neighbourhood Planning and Urban Design.



To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: STR #22-01 (8027/8029 18<sup>th</sup> Avenue)  
2023 January 18 ..... Page 2

After the requisite signatures have been obtained and the applicant has submitted the Legal Department's fees for document preparation and registration, the document and strata plan will be registered at the Land Title Office.

It is therefore recommended that Council approve the strata conversion of 8027/8029 18<sup>th</sup> Avenue, subject to the completion of all necessary requirements.





E. W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

AVS: spf  
**Attachment**

cc: Chief Building Inspector  
City Solicitor



  
 City of Burnaby  
 Date: DEC 07 2022  
 scale: 1:1,250  
 Drawn By: JS

PLANNING AND DEVELOPMENT DEPARTMENT  
 TWO FAMILY DWELLING  
 8027/8029 18TH AVENUE  
 STRATA TITLE APPLICATION #22-01  
 Subject Site

- (iii) a preliminary plan approval application has been submitted for the development in accordance with Section 7.3 of this Bylaw.”

3. This Bylaw comes into effect on September 18, 2023.

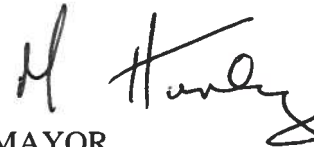
Read a first time this 10<sup>th</sup> day of July, 2023

Public Hearing held this 29<sup>th</sup> day of August, 2023

Read a second time this 11<sup>th</sup> day of September, 2023

Read a third time this 11<sup>th</sup> day of September, 2023

Reconsidered and adopted this 11<sup>th</sup> day of September, 2023



MAYOR



CORPORATE OFFICER  
DEPUTY



**CITY OF BURNABY**

**BYLAW NO. 14588**

A BYLAW to amend various sections of the Zoning Bylaw to implement Phase 1a of the Housing Choices Program

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 21, 2023.**

2. Burnaby Zoning Bylaw 1965, as amended, is further amended:

(a) at Section 3 by repealing the definition of “ACCESSORY BUILDING” in its entirety and replacing it with the following:

““**ACCESSORY BUILDING**” means

- (1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or
- (2) a building which is ancillary to a principal use being made of the lot upon which such building is located.

For the purposes of this bylaw, a laneway home is not an accessory building.”

(b) at Section 3 by repealing the definition of “BASEMENT” in its entirety and replacing it with 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 unless otherwise stated in this Bylaw.”

(c) at Section 3 by repealing the definition of “DWELLING, MULTIPLE FAMILY” in its entirety and replacing it with the following:

““**DWELLING, MULTIPLE FAMILY**” means any building consisting of three or more dwelling units, but does not include a supportive housing facility or a semi-detached dwelling with secondary suite(s).”

(d) at Section 3 by repealing the definition of “DWELLING, SEMI-DETACHED” in its entirety and replacing it with the following:

““**DWELLING, SEMI-DETACHED**” means a two-family dwelling wherein the two primary dwelling units are placed side by side or front to back.”

(e) at Section 3 by repealing the definition of “DWELLING, SINGLE FAMILY” in its entirety and replacing it with the following:

“**DWELLING, SINGLE FAMILY**” means any building consisting of one primary dwelling unit.”

- (f) at Section 3 by repealing the definition of “**DWELLING, TWO FAMILY**” in its entirety and replacing it with the following:

“**DWELLING, TWO FAMILY**” means a semi-detached dwelling or a duplex dwelling.”

- (g) at Section 3 by repealing the definition of “**SECONDARY SUITE**” in its entirety and replacing it with the following:

“**SECONDARY SUITE**” means an accessory dwelling unit fully contained within a primary dwelling unit.”

- (h) at Section 3 by adding the following definitions in alphabetical order:

“**GROUND LEVEL SUITE**” means a secondary suite that is:

- (a) located at or below grade;
- (b) accessible by a pedestrian path with a width of at least 1 m (3.28 ft.) and a slope of no more than 1:10; and
- (c) certified by the SAFERhome Standard Society by the issuance of a SAFERhome Standards Certificate.

“**LANEWAY HOME**” means a detached accessory dwelling unit. For the purposes of this bylaw, a laneway home is not an accessory building.

“**PRIMARY DWELLING UNIT**” means:

- (a) for a single family dwelling, the dwelling unit that is the principal use of the lot; or
- (b) for a semi-detached dwelling, the dwelling unit within each side that is the principal use of that side.

Each primary dwelling unit may contain a secondary suite.”

- (i) at Section 6.3(1)(b) by adding “R and” before the words “RM Districts”;
- (j) at Section 6.3(2)(b) by adding “R and” before the words “RM Districts”;
- (k) by repealing Section 6.3.1 in its entirety and replacing it with the following:

**6.3.1 Distances between Buildings in R Districts**

- (1) The minimum distance between buildings in R Districts on the same lot is



2.4 m (7.87 ft.).

- (2) Notwithstanding Section 6.3.1(1), the following features may project into the minimum distance between buildings on the same lot, up to a maximum of 0.6 m (1.97 ft.): belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, and bay windows.”
- (l) at subsection 6.7.1(1) by repealing paragraph (e) in its entirety and replacing it with the following:
- “(e) a secondary suite shall have a minimum floor area as set out in Section 6.10(1);”
- (m) at subsection 6.7.1(1) by repealing paragraph (f) in its entirety;
- (n) at Section 6.7.1 by adding the following as subsection (2):
- “(2) A secondary suite may be permitted as an accessory use to a semi-detached dwelling in an R4, R5, R6, R12 and RM6 District, subject to the following conditions:
- (a) Only one secondary suite shall be permitted in each primary dwelling unit of a semi-detached dwelling;
  - (b) A secondary suite may be permitted anywhere within the primary dwelling unit;
  - (c) A secondary suite shall meet the requirements for a secondary suite under the British Columbia Building Code;
  - (d) A secondary suite shall have a minimum floor area as set out in Section 6.10(1);
  - (e) A secondary suite and the primary dwelling unit shall at all times remain under a single title and shall not be subdivided into separate parcels by way of strata plan, airspace plan or otherwise;
  - (f) Neither a boarding use, 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 semi-detached dwelling unit that contains a secondary suite, including within the secondary suite;
  - (g) A semi-detached dwelling with a secondary suite shall be:
    - (i) on a lot with vehicular access from a lane; or
    - (ii) subject to the approval of the Director Engineering, on a corner lot with vehicular access from the street abutting the side lot

line; or

(iii) subject to the approval of the Director Engineering, on a through lot.”

(o) by adding the following as Section 6.7.2:

**“6.7.2 Laneway Homes:**

A laneway home may be permitted as an accessory use to a single family dwelling in an R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, and RM6 District, subject to the following conditions:

- (a) Only one laneway home shall be permitted on each lot;
- (b) A laneway home may be located on a lot containing a single family dwelling with a secondary suite;
- (c) A laneway home shall have a minimum floor area as set out in Section 6.10(1);
- (d) A laneway home and the primary dwelling unit, including any secondary suite, shall at all times remain under a single title and shall not be subdivided into separate parcels by way of strata plan, airspace plan or otherwise;
- (e) Neither a boarding use, the operation of a boarding, lodging or rooming house, 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 laneway home;
- (f) A laneway home shall be:
  - (i) on a lot with vehicular access from a lane; or
  - (ii) subject to the approval of the Director Engineering, on a corner lot with vehicular access from the street abutting the side lot line; or
  - (iii) subject to the approval of the Director Engineering, on a through lot;
- (g) A laneway home shall not include a cellar or crawl space;
- (h) A laneway home shall be located in a rear yard or, in the case of through lots, behind the primary dwelling unit;
- (i) A laneway home shall be located:
  - (i) not less than 1.2 m (3.94 ft.) from any side or rear lot line; and
  - (ii) in the case of a corner lot, outside of the required side yard adjoining the flanking street; and
  - (iii) outside the required vision clearance areas specified in Section 6.13;

- (j) A laneway home without an automatic sprinkler system shall be located no more than 45 m (147.64 ft.) from a lot line abutting a street; and
- (k) There shall be a 0.91 m (3 ft.) fire access corridor on a minimum of one side of the lot:
  - (i) from the front lot line to the laneway home; or
  - (ii) on a corner lot, from the flanking side lot line to the laneway home.

The fire access corridor shall contain a paved or gravel path and be clear to sky of any projections or obstructions.”

- (p) at Section 6.10 by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Minimum Floor Area for Dwelling Units:

No primary dwelling unit in a single family dwelling or two family dwelling, or row house dwelling shall contain less than 56 m<sup>2</sup> (602.80 sq. ft.) of floor area for each dwelling unit except that a primary dwelling unit in a single family dwelling in an R1 District shall contain at least 93 m<sup>2</sup> (1,001.08 sq. ft.) of floor area.

A secondary suite and laneway home shall each contain at least 32.52 m<sup>2</sup> (350 sq. ft.) of floor area.”

- (q) at Section 6.12, by adding the following as subsection (5):

“(5) Exceptions to Rear Yard Requirements:

A laneway home may be permitted in a rear yard, subject to the provisions of Section 6.7.2 and the applicable district schedules.”

- (r) at subsection 6.29(1) by repealing paragraph (b) in its entirety and replacing it with the following:

“(b) short-term rental shall not be permitted in:

- (i) a rental unit;
- (ii) a single family dwelling or semi-detached dwelling unit containing a secondary suite, including within the secondary suite;
- (iii) a multi-family flex unit, including within the flex-unit;
- (iv) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes;
- (v) a dwelling unit that contains an in-law suite, a boarding use, a boarding, lodging or rooming house, a child care facility, a home-based child care

facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services;

(vi) an accessory building or structure; and

(vii) a laneway home.”

(s) by repealing Section 101.3 in its entirety and replacing it with the following:

**“101.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots with a laneway home shall have a maximum lot coverage of 45 percent.”

(t) at Section 101.4 by adding the following as subsection (6):

“(6) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(u) at Section 101.5 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(v) by adding the following as Section 101.6.1:

**“101.6.1 Height of a Laneway Home:**

(1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:

(a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or

(b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;

measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.

(2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:

(a) Step 5 of the BC Energy Step Code, and/or

(b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

- (w) by repealing Section 102.3 in its entirety and replacing it with the following:

**“102.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots with a laneway home shall have a maximum lot coverage of 45 percent.”

- (x) at Section 102.4 by adding the following as subsection (6):

“(6) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

- (y) at Section 102.5 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

- (z) by adding the following as Section 102.6.1:

**“102.6.1 Height of a Laneway Home:**

(1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:

- (a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or
- (b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;

measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.

(2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:

- (a) Step 5 of the BC Energy Step Code, and/or
- (b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

- (aa) by repealing Section 103.3 in its entirety and replacing it with the following:

**“103.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots with a laneway home shall have a maximum lot coverage of 45 percent.”

(bb) at Section 103.4 by adding the following as subsection (6):

“(6) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(cc) at Section 103.5 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(dd) by adding the following as Section 103.6.1:

**“103.6.1 Height of a Laneway Home:**

(1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:

(a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or

(b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;

measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.

(2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:

(a) Step 5 of the BC Energy Step Code, and/or

(b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

(ee) at Section 104.2 by repealing subsection (1) in its entirety and replacing it with the following:

“(1) R4 Single Family Dwelling and Two Family Dwelling. Each lot shall have an area of not less than 557.4 m<sup>2</sup> (6,000 sq. ft.) and a width of not less than 15.0 m (49.2 ft.).”

(ff) at Section 104.2 by repealing subsection (4) in its entirety;

(gg) at Section 104.3 by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Lot coverage shall not exceed 40 percent, except that lots having a garage or carport detached from the principal building, or a laneway home, shall have a maximum lot coverage of 45 percent.”

(hh) at Section 104.4 by adding the following as subsections (5), (6), (7), (8), and (9):

“(5) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.

(6) In a semi-detached dwelling unit, the floor area of a floor containing a secondary suite shall not exceed the floor area of the storey next above or below it.

(7) In a semi-detached dwelling unit, the floor area of a secondary suite shall be excluded from the calculation of gross floor area under subsection (1)(a).

(8) A semi-detached dwelling shall not be developed with a cellar.

(9) A one-storey semi-detached dwelling that exists, or that was approved for construction by the issuance of a building permit, on September 18, 2023, and that contains a cellar may be developed with a secondary suite in the cellar provided that the gross floor area of the cellar shall not exceed that which existed on September 18, 2023.”

(ii) at Section 104.5 subsection (3) by adding the words “without secondary suites” after the words “one-storey semi-detached dwellings”

(jj) at Section 104.5, by adding the following as subsection (3.1):

“(3.1) For a one storey semi-detached dwelling with a secondary suite, the gross floor area of the primary dwelling unit shall not exceed 116 m<sup>2</sup> (1,247.3 sq. ft.).”

(kk) at Section 104.5 by repealing subsection (5) in its entirety and replacing it with the following:

“(5) A two-storey semi-detached dwelling shall not:

a) have a primary dwelling unit with a gross floor area greater than 204.4 m<sup>2</sup> (2,200 sq. ft.);

b) have a combined gross floor area of the two primary dwelling units that exceeds 0.30 of the lot area plus 139.35 m<sup>2</sup> (1,500 sq. ft.); or

c) have a primary dwelling unit with a second storey floor area less than one-third of its constructed gross floor area.”

(ll) at Section 104.5 by adding the following as subsection (8):

“(8) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”



(mm) by adding the following as Section 104.6.1:

**“104.6.1 Height of a Laneway Home:**

(1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:

- (a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or
- (b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;

measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.

(2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:

- (a) Step 5 of the BC Energy Step Code, and/or
- (b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

(nn) at Section 104.7 by repealing subsection (2) in its entirety and replacing it with the following:

“(2) Semi-detached Dwelling without a secondary suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling without a secondary suite shall not exceed the following:

- (a) for a one-storey dwelling, 5.5 m (18.0 ft.) measured from the front average elevation to the highest point of structure,
- (b) for a two-storey dwelling with a sloping roof, 9 m (29.5 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, and,
- (c) for a two-storey dwelling with a flat roof, 7.4 m (24.3 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.”

(oo) at Section 104.7 by adding the following as subsections (3), (4), and (5):

“(3) Semi-detached Dwelling with a secondary suite other than a ground level suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling with a secondary suite other than a ground level suite shall not exceed the following:

- (a) for a one-storey semi-detached dwelling, 5.5 m (18.0 ft.) measured from the front average elevation to the highest point of the structure; and
- (b) for a two-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 9 m (29.5 ft.) measured from the lower of the front average elevation or the rear average elevation to highest point of the structure; and
  - (ii) for a building with a flat roof, 7.4 m (24.3 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.

(4) Semi-detached Dwelling with ground level suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling with a ground level suite shall not exceed the following:

- (a) for a one-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 7.62 m (25 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
  - (ii) for a building with a flat roof, 6.1 m (20 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
- (b) for a two-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 10.5 m (34.4 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
  - (ii) for a building with a flat roof, 8.9 m (29.2 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.

(5) In a semi-detached dwelling with a secondary suite, a basement or floor containing a ground level suite shall not be considered a storey.”

(pp) at Section 104.10 by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Side yards shall be provided with a minimum width of 1.5 m (4.9 ft.)”

- (qq) at Section 104.10 by repealing subsection (2) in its entirety and replacing it with the following:
- “(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 ft.) in width.”
- (rr) at Section 104.12 by repealing subsection (2) in its entirety and replacing it with the following:
- “(2) Parking for a two storey semi-detached dwelling without a secondary suite shall be provided in a detached garage or carport at the rear of 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 a garage or carport having a maximum area of 42 m<sup>2</sup> (452.1 sq. ft.) may be attached to the dwelling.”
- (ss) at Section 105.2 by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) R5 Single Family Dwelling and Two Family Dwelling. Each lot shall have an area of not less than 557.4 m<sup>2</sup> (6,000 sq. ft.) and a width of not less than 15.0 m (49.2 ft.).”
- (tt) at Section 105.2 by repealing subsection (4) in its entirety.
- (uu) at Section 105.3 by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Lot coverage shall not exceed 40 percent, except that lots having a garage or carport detached from the principal building, or a laneway home, shall have a maximum lot coverage of 45 percent.”
- (vv) at Section 105.4 by adding the following as subsections (5), (6), (7), (8), and (9):
- “(5) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.
- (6) In a semi-detached dwelling unit, the floor area of a floor containing a secondary suite shall not exceed the floor area of the storey next above or below it.
- (7) In a semi-detached dwelling unit, the floor area of a secondary suite shall be excluded from the calculation of gross floor area under subsection (1)(a).
- (8) A semi-detached dwelling shall not be developed with a cellar.
- (9) A one-storey semi-detached dwelling that exists, or that was approved for construction by the issuance of a building permit, on September 18, 2023, and that contains a cellar may be developed with a secondary suite in the

cellar provided that the gross floor area of the cellar shall not exceed that which existed on September 18, 2023.”

- (ww) at Section 105.5 subsection (3) by adding the words “without secondary suites” after the words “one-storey semi-detached dwellings”
- (xx) at Section 105.5 by adding the following as subsection (3.1):
- “(3.1) For a one storey semi-detached dwelling with a secondary suite, the gross floor area of the primary dwelling unit shall not exceed 116 m<sup>2</sup> (1,247.3 sq. ft.)”
- (yy) at Section 105.5 by repealing subsection (5) in its entirety and replacing it with the following:
- “(5) A two-storey semi-detached dwelling shall not
- (a) have a primary dwelling unit with a gross floor area greater than 185.8 m<sup>2</sup> (2,000 sq. ft.);
  - (b) have a combined gross floor area of the two primary dwelling units that exceeds 0.30 of the lot area plus 139.35 m<sup>2</sup> (1,500 sq. ft.); or
  - (c) have a primary dwelling unit with a second storey floor area less than one-third of its constructed gross floor area.”
- (zz) at Section 105.5 by adding the following as subsection (8):
- “(8) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”
- (aaa) by adding the following as Section 105.6.1:

**“105.6.1 Height of a Laneway Home:**

- (1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:
- (a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or
  - (b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;
- measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.
- (2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:
- (a) Step 5 of the BC Energy Step Code, and/or
  - (b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

(bbb) at Section 105.7 by repealing subsection (2) in its entirety and replacing it with the following:

“(2) Semi-detached Dwelling without a secondary suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling without a secondary suite shall not exceed the following:

- (a) for a one-storey dwelling, 5.5 m (18.0 ft.) measured from the front average elevation to the highest point of structure,
- (b) for a two-storey dwelling with a sloping roof, 9 m (29.5 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure, and,
- (c) for a two-storey dwelling with a flat roof, 7.4 m (24.3 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.”

(ccc) at Section 105.7 by adding the following as subsections (3), (4), and (5):

“(3) Semi-detached Dwelling with a secondary suite other than a ground level suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling with a secondary suite other than a ground level suite shall not exceed the following:

- (a) for a one-storey semi-detached dwelling, 5.5 m (18.0 ft.) measured from the front average elevation to the highest point of the structure; and
- (b) for a two-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 9 m (29.5 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
  - (ii) for a building with a flat roof, 7.4 m (24.3 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.

(4) Semi-detached Dwelling with ground level suite:

Subject to the applicable exceptions in section 6.4, the height of a semi-detached dwelling with a ground level suite shall not exceed the following:

- (a) for a one-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 7.62 m (25 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
  - (ii) for a building with a flat roof, 6.1 m (20 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
- (b) for a two-storey semi-detached dwelling:
  - (i) for a building with a sloping roof, 10.5 m (34.4 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure; and
  - (ii) for a building with a flat roof, 8.9 m (29.2 ft.) measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.
- (5) In a semi-detached dwelling with a secondary suite, a basement or floor containing a ground level suite shall not be considered a storey.”
- (ddd) at Section 105.12 by repealing subsection (2) in its entirety and replacing it with the following:
  - “(2) Parking for a two storey semi-detached dwelling without a secondary suite shall be provided in a detached garage or carport at the rear of 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 a garage or carport having a maximum area of 42 m<sup>2</sup> (452.1 sq. ft.) may be attached to the dwelling.”
- (eee) by repealing Section 109.3 in its entirety and replacing it with the following:
  - “**109.3 Lot Coverage:**
  - Lot coverage shall not exceed 40 percent, except that lots having a garage or carport detached from the principal building, or a laneway home, shall have a maximum lot coverage of 45 percent.”
- (fff) at Section 109.4, by adding the following as subsection (6):
  - “(6) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(ggg) at Section 109.5 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(hhh) by adding the following as Section 109.6.1:

**“109.6.1 Height of a Laneway Home:**

(1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:

(a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or

(b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;

measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.

(2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:

(a) Step 5 of the BC Energy Step Code, and/or

(b) the BC Zero Carbon Step Code,

the height may be increased by 0.5 m (1.64 ft.).”

(iii) by repealing Section 110.3 in its entirety and replacing it with the following:

**“110.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots with a laneway home shall have a maximum lot coverage of 45 percent.”

(jjj) at Section 110.4 by adding the following as subsection (5):

“(5) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(kkk) at Section 110.5 by adding the following as subsection (7):

“(7) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(lll) at Section 110.6 in the heading by adding “or Laneway Home” after the word “Building”;

(mmm) at Section 110.6, subsection (2) by adding “or laneway home” after the words



“principal building”;

(nnn) by repealing Section 111.3 in its entirety and replacing it with the following:

**“111.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots with a laneway home shall have a maximum lot coverage of 45 percent.”

(ooo) at Section 111.4 by adding the following as subsection (5):

“(5) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(ppp) at Section 111.4.1 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(qqq) at Section 111.5 in the heading by adding “or Laneway Home” after the word “Building”;

(rrr) at Section 111.5 by adding the following as subsection (4):

“(4) The height of a laneway home shall not exceed the maximum height for a principal building provided in Section 111.5(1) and (2), as applicable.”

(sss) at Section 112.1 by repealing subsection (2) in its entirety and replacing it with the following:

“(2) Semi-detached dwellings”

(ttt) by repealing Section 112.3 in its entirety and replacing it with the following:

**“112.3 Lot Coverage:**

Lot coverage shall not exceed 40 percent, except that lots having a garage or carport detached from the principal building, or a laneway home, shall have a maximum lot coverage of 45 percent.”

(uuu) at Section 112.4 by adding the following as subsection (5):

“(5) A laneway home may have a maximum gross floor area equal to the lesser of 0.20 of the lot area or 140 m<sup>2</sup> (1,507 sq. ft.). A garage attached to the laneway home shall be included in the calculation of gross floor area of the laneway home.”

(vvv) at Section 112.4.1 by adding the following as subsection (6):

“(6) The floor area of a laneway home shall be excluded from calculation of above grade floor area.”

(www) at Section 112.5 by repealing subsection (4) in its entirety and replacing it with the following:

“(4) The gross floor area of the second floor of each primary dwelling unit shall not be less than one-third of the constructed gross floor area of the primary dwelling unit.”

(xxx) at Section 112.5 by adding the following as subsections (6) and (7):

“(6) In a semi-detached dwelling unit, the floor area of a secondary suite shall be excluded from the calculation of gross floor area under subsections (1), (2) and (3).

(7) In a semi-detached dwelling unit, the floor area of a floor containing a secondary suite shall not exceed the floor area of the storey next above or below it.”

(yyy) at Section 112.6 by repealing subsection (1) in its entirety and replacing it with the following:

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

(a) for a single family dwelling, 9 m (29.5 ft.) for a house with a sloping roof and 7.4 m (24.3 ft.) for a house with a flat roof;

(b) for a two-family dwelling (excluding a semi-detached dwelling with a secondary suite), 7.62 m (25 ft.) for a house with a sloping roof and 6.1 m (20 ft.) for a house with a flat roof;

(c) for a semi-detached dwelling with a secondary suite other than a ground level suite, 9 m (29.5 ft.) for a building with a sloping roof and 7.4 m (24.3 ft.) for a building with a flat roof; and

(d) for a semi-detached dwelling with a ground level suite, 10.5 m (34.4 ft.) for a building with a sloping roof and 8.9 m (29.2 ft.) for a building with a flat roof.”

(zzz) at Section 112.6 by adding the following as subsection (3):

“(3) In a semi-detached dwelling with a secondary suite, a basement or floor containing a ground level suite shall not be considered a storey.”

(aaaa) by adding the following as Section 112.6.1:

**“112.6.1 Height of a Laneway Home:**

- (1) Subject to the applicable exceptions in section 6.4, no portion of a laneway home shall exceed a height of:
  - (a) 2 storeys and 7.6 m (24.9 ft.) for a building with a sloping roof, or
  - (b) 2 storeys and 6.7 m (22 ft.) for a building with a flat roof;measured vertically from the lowest point along the perimeter of the laneway home from the lower of the natural or finished grade.
- (2) Notwithstanding subsection (1) of this section, where a laneway home meets or exceeds the highest performance standards for:
  - (a) Step 5 of the BC Energy Step Code, and/or
  - (b) the BC Zero Carbon Step Code,the height may be increased by 0.5 m (1.64 ft.).”

(bbbb) by repealing Section 112.12 in its entirety.

(cccc) at Section 800.3.1 by deleting the heading and replacing it with “**Accessible Parking Spaces in Districts other than R1, R2, R3, R4, R5, R6, R9, R10, R11, and R12 Districts:**”

(dddd) at Section 800.3.1 by repealing subsection (1) in its entirety and replacing it with the following:

- “(1) Except in the R1, R2, R3, R4, R5, R6, R9, R10, R11, and R12 Districts, accessible and van accessible parking spaces for all developments for which the rezoning bylaw has received Second Reading, or a preliminary plan approval, or a Building Permit application has been submitted after 2019 November 01 shall comply with this Section 800.3.1.”

(eee) by adding the following as Section 800.3.2:

**“800.3.2 Accessible Parking Spaces in R1, R2, R3, R4, R5, R6, R9, R10, R11, and R12 Districts**

- (1) Accessible and van accessible parking spaces in R1, R2, R3, R4, R5, R6, R9, R10, R11, R12 Districts shall comply with this Section 800.3.2.
- (2) Accessible parking spaces shall be provided in accordance with the following:

USE	REQUIRED ACCESSIBLE PARKING SPACES
(a) lot with a laneway home	1 van accessible parking space per primary dwelling unit
(b) lot with a ground level suite	1 van accessible parking space per primary dwelling unit
(c) lot with single family dwelling with a secondary suite and no laneway home	1 regular accessible parking space
(d) lot with semi-detached dwelling with a secondary suite that is not a ground level suite	1 regular accessible parking space per primary dwelling unit with a secondary suite that is not a ground level suite

- (3) Direct and unobstructed access shall be provided from the laneway home or ground level suite to the accessible or van accessible parking space.
- (4) The minimum dimensions of accessible and van accessible parking spaces are as set out in Section 800.3.1(3).”

(fff) at Section 800.4 subsection (1), by repealing the text under the column “USE” in its entirety and replacing it with the following:

- “(1) Single family dwelling without a secondary suite or laneway home, two family dwellings without a secondary suite, and row-house dwellings.”

(gggg) at Section 800.4 by repealing subsection (1a) in its entirety and replacing it with the following:

<b>USE</b>	<b>REQUIRED ACCESSIBLE PARKING SPACES</b>
(1a) Single family dwelling with a secondary suite and/or laneway home, and two family dwellings with a secondary suite	1 outdoor parking space or carport space for each primary dwelling unit, which: <ul style="list-style-type: none"> <li>(a) meets the accessibility requirements of Section 800.3.2; and</li> <li>(b) is accessed from:                             <ul style="list-style-type: none"> <li>(i) a lane; or</li> <li>(ii) subject to the approval of the Director Engineering, on a corner lot, from the street abutting the side lot line; or</li> <li>(iii) subject to the approval of the Director Engineering, on a through lot, from the rear street.”</li> </ul> </li> </ul>

(hhhh) at Section 800.8 by repealing subsection (1) in its entirety and replacing it with the following:

- “(1) All parking spaces required for dwelling units pursuant to Sections 800.4, 800.3.1(2) and 800.3.2(2) shall include an energized outlet capable of providing Level 2 charging or a higher charging level for an electric vehicle, except:
- (a) parking spaces for visitor parking;
  - (b) existing or new parking spaces for existing dwelling units; and,
  - (c) all parking spaces required for dwelling units included in a development for which, on or before 2018 September 01:
    - (i) the rezoning bylaw for the development has received Second Reading;
    - (ii) a building permit application has been submitted for the development in accordance with the City’s Building Bylaw; or

- (iii) a preliminary plan approval application has been submitted for the development in accordance with Section 7.3 of this Bylaw.”

3. This Bylaw comes into effect on September 18, 2023.

Read a first time this 10<sup>th</sup> day of July, 2023

Public Hearing held this 29<sup>th</sup> day of August, 2023

Read a second time this 11<sup>th</sup> day of September, 2023

Read a third time this 11<sup>th</sup> day of September, 2023

Reconsidered and adopted this 11<sup>th</sup> day of September, 2023



MAYOR



CORPORATE OFFICER  
DEPUTY