

6.1 Number of Principal Buildings on a Lot:

- (1) No residential use building shall be located on the same lot as any other residential use building, except as otherwise provided for in this Bylaw.
- (2) No residential use building shall be located on the same lot as any non-residential building or use, except as otherwise provided for in this Bylaw.
- (3) Subsections (1) and (2) shall not apply to a residential use building in the P11e District. (B/L No. 11348-02-04-15)

6.2 Location and Siting of Buildings:

- (1) No principal building shall be located in any required front, side or rear yard.
- (2) No accessory building shall be located in any required front, or side yard, except as provided for in Section 6.6 of this Bylaw.
- (3) Where a parcel of land is of greater area than 1 110 m² (11,948.33 sq. ft.) the Subdivision Approving Officer may require that the siting of a proposed building shall be such as to facilitate the future subdivision of the parcel or adjacent parcels of land.

6.3 Distances between Buildings on the same Lot:

Where the exterior walls of the same building or of any two buildings in a group face and overlap, the clear distance between such overlapping walls shall not be less than the following:

- (1) When windows to habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, twice the overlap in either the horizontal or vertical direction. Such distance shall be not less than 7.5 m (24.61 ft.), but need not exceed 15.0 m (49.21 ft.) for buildings 3 storeys or less in height, nor 15.0 m (49.21 ft.) plus 900 mm (2.95 ft.) per storey for buildings greater than 3 storeys in height. (B/L No. 12452-08-06-16)

- (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
- (2) When no windows in habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 3.5 m (11.48 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
 - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building. (B/L No. 12452-08-06-16)

6.3.1 Notwithstanding section 6.3, no detached garage or carport shall be located closer than 4.5 m (14.8 ft.) from the principal building in the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 10124-94-12-05)

6.4 Height of Buildings and Structures:

- (1) In the RM6 District, the height of a principal building shall be measured from the lower of the front or rear average elevations to the highest point of the structure, subject to the applicable exceptions in subsection (3). (B/L No. 10124-94-12-05)
- (2) Except in the C2, R1, R2, R3, R4, R5, R9, R10, R11, R12, RM6 and P11 Districts, the height of a principal 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. (B/L No. 13838-18-03-12)
- (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 ft.);
 - (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 ft.) at any point to the outer edge of the roof of the building on which it is situated. (B/L 9663-91-12-16)
- (6) The height of a detached accessory building shall be measured from the calculated average natural grade of all sides of the building to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4), except that the height of a detached garage or carport may be measured from the finished grade at the point used for vehicular access. (B/L No. 13838-18-03-12)

6.5 Conversion of Buildings

Buildings may be converted, altered or remodelled for another use, provided that:

- (1) The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
- (2) The converted building shall conform to all the provisions and regulations prescribed for the zoning district in which it is located.

6.6 Accessory Buildings and Uses:

- (1) General:
 - (a) No accessory building or structure shall be erected on any lot unless the principal building, structure or use to which the accessory building or structure is an incidental use has been erected or, in the case of a non-structural use, has been established, or will be erected or established simultaneously with such accessory building. (B/L No. 13408-15-01-19)
 - (a.1) Repealed. (B/L No. 13838-18-03-12)

- (b) Where a garage or carport or other accessory building or structure is attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of this Bylaw applicable to the principal building.
(B/L No. 8737-87-05-25)
 - (c) An accessory building shall be located at not less than 1.2 m (3.94 ft.) from any lane, except in the case of a lane intersection where the provisions of Section 6.13 shall apply.
 - (d) An accessory building or structure shall not be used as a dwelling, except as otherwise provided for in this Bylaw.
- (2) Residential Districts (A, R, and RM):
- (a) An accessory building shall not have more than one storey and shall not exceed 3.7 m (12.13 ft.) in height except that a hip or gable roof may be constructed to a height not exceeding 4.6 m (15.1 ft.).
 - (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,
 - (ii) in an R District that is developed with a semi-detached dwelling shall not exceed 74.4 m² (800 sq.ft.), and
 - (iii) in an R District that does not have a semi-detached dwelling shall not exceed 56m² (602.8 sq.ft.). (B/L No. 10397-96-07-22)
 - (c) Not more than two-thirds of the width of the rear yard of any lot in A or R District shall be occupied by accessory buildings.
 - (d) Subject to Clause (f), an accessory building between the rear building line and the rear lot line of an interior lot shall be not less than 1.2 m (3.94 ft.) from the side property lines, except where such accessory building is situated within the rear 9.0 m (29.53 ft.) of the lot, and not less than 21.5 m (70.54 ft.) from the street on which the principal building fronts. In this case a setback from the side lot line need not be provided.
(B/L No. 5042-66-11-28)
 - (e) In an A or R District, if for topographical reasons a private garage or carport cannot be constructed at the side or rear of the principal building, such garage or carport may be constructed in an excavation in a front yard, provided that no part of such structure shall extend more than 1.2 m (3.94 ft.) above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m (3.94 ft.) from the front property line.

- (f) An accessory building in an RM District shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A or R District.
 - (g) The regulations governing accessory buildings specified in clauses (a) to (f) inclusive, shall apply also to accessory buildings on corner lots, excepting that:
 - (i) An accessory building in an A, R or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district in which it is located without the application of front yard averaging.
(B/L No. 13036-12-02-13)
 - (ii) An accessory building in an A or R District shall be located not closer than 1.2 m (3.94 ft.) from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in A or R District.
- (3) Non-Residential Districts (C, M and P):
- (a) On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot, nor closer than the required setback from the flanking street of the principal building on an adjoining lot, whether or not a lane intervenes.
 - (b) An accessory building shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A, R or RM District.
 - (c) An accessory building shall not have more than one storey nor exceed 3.7 m (12.13 ft.) in height. (B/L No. 8737-87-05-25)
 - (d) Notwithstanding section 6.6(1)(b), a street canopy attached to a building in a C or M District that: (B/L No. 13036-12-02-13)
 - (i) has a front yard setback of less than 2.0m (6.56ft.), and
 - (ii) is lawfully non-conforming with respect to the front yard setback

may project over the front lot line with the approval of the Director Engineering if it is constructed with a building permit and projects no more than 1.5m (4.92ft.) into the road allowance and has a minimum height clearance of 2.7m (8.86ft.) from ground level to the lowest point of the canopy.

(B/L No. 12099-06-06-19)

6.7 Temporary Buildings:

- (1) Temporary buildings may only be erected or placed on land for the following purposes and for the following time periods:
 - (a) for construction office and construction equipment or material storage purposes on a lot undergoing development for a period not to exceed the duration of such construction;
 - (b) for the temporary relocation of an existing commercial, industrial or institutional use on a lot where the existing building on the lot has been vacated to carry out structural alterations or improvements, for a period not to exceed 30 days after the date upon which the Chief Building Inspector has issued occupancy approval for the building;
 - (c) for a residential sales centre on lands having newly constructed and unoccupied multi-family residential developments or being developed for multi-family residential use for a period not to exceed 30 days after the date upon which the initial sales of all of the units in the development have been completed;
 - (d) for purposes directly related to the production of a television show or advertisement or motion picture, or similar production, for a period not to exceed the lesser of:
 - (i) the duration of the production; or
 - (ii) two years from the date of the erection or placement of the temporary building; and
 - (e) for additional classroom space on lands being used as a public school for a period not to exceed 10 years.
- (2) All temporary buildings shall be subject to the following requirements and conditions:
 - (a) no temporary building, other than those to which the British Columbia Building Code does not apply, shall be erected or placed on land without a written permit from the Chief Building Inspector;

- (b) the Chief Building Inspector may not issue a permit for a temporary building for which a permit is required unless he or she is satisfied that the temporary building would not constitute or cause a public hazard or public nuisance and would not obstruct any public right-of-way; and
 - (c) a temporary building shall be removed immediately when it has ceased to be a permitted temporary building under section 6.7(1).
- (3) The Director Planning may grant minor variances to the siting and off-street parking requirements of this Bylaw for a temporary building.
 - (4) A temporary building shall not be used as a dwelling.

(B/L No. 12664-09-09-14)

6.7A Repealed. (B/L No. 12664-09-09-14)

6.8 Home Occupation:

- (1) A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the Zoning District in which it is located, may be erected.
- (2) The premises shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit nor shall it create or cause any fire hazard, electrical interference, excessive pedestrian or vehicular traffic in the common areas or parking areas of a multi-family building or traffic congestion on the street. (B/L No. 10398-96-08-26)
- (3) Repealed. (B/L No. 13036-12-02-13)
- (4) There shall be no external storage of materials, containers or finished product.
- (5) No stock in trade shall be kept or handled and no commodity sold upon the premises.
- (6) Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.

- (7) No person who is not a resident in the dwelling shall be employed in such occupation, except that one non-resident employee is permitted for a home-based child care facility. (B/L No. 13639-16-12-12)

6.8A Home-Based Child Care Facility:

- (1) In RM and P11 Districts a home-based child care facility shall be permitted only
 - (a) in a ground floor dwelling unit, and
 - (b) if the owner or manager of the building or, in the case of a strata unit, the strata council supports the establishment of the operation and satisfies the Director Planning and Building as to that support.
- (2) Repealed. (B/L No. 13639-16-12-12)
- (3) In R Districts a home-based child care facility shall be permitted in only one dwelling unit of a two family dwelling and only if the owner of the other dwelling unit supports the establishment of the home-based child care facility and satisfies the Director Planning as to that support.
(B/L No. 13639-16-12-12)

6.9 Cellars and Basements:

- (1) Repealed. (B/L No. 13258-14-01-27)
- (2) The height of a basement or cellar, measured between floor and ceiling surfaces, shall not be less than 2.3 m (7.5 ft.).
- (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 m² (150.7 sq. ft.),
 - (b) extend more than 3.0 m (9.8 ft.) from the building,
 - (c) exceed a width of 4.5 m (14.8 ft.) along the wall, and
 - (d) extend more than 0.75 m (2.5 ft.) 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 ft.) from the building,
 - (b) extend more than 0.75 m (2.5 ft.) into the required side yards, and
 - (c) exceed in length 25 percent of the length of the wall.
(B/L No. 9663-91-12-16)

6.10 Minimum Floor Area for Dwelling Units:

- (1) No single family, two family or row house dwelling shall contain less than 56 m² (602.80 sq. ft.) of floor area for each dwelling unit except that a single family dwelling in an R1 District shall contain at least 93 m² (1001.08 sq. ft.) of floor area. Notwithstanding the foregoing, a secondary suite shall contain at least 32m² (345 sq.ft.) of floor area. (B/L No. 13258-14-01-27)
- (2) In the case of apartment buildings or townhouse dwellings, in a District other than the P11e District, the following minimum suite floor areas shall apply: (B/L No. 11348-02-04-15)
- (a) Studio unit -- 37 m² (398.28 sq.ft.)
 - (b) 1 bedroom suite -- 56 m² (602.80 sq.ft.)
 - (c) 2 bedroom suite -- 70 m² (753.50 sq.ft.)
 - (d) 3 bedroom suite -- 84 m² (904.20 sq.ft.)
- (2.1) In the case of apartment buildings or townhouse dwellings in the P11e District, the following minimum suite floor areas shall apply:
- (a) Studio unit - 30 m² (322.93 sq.ft.)
 - (b) 1 bedroom suite - 50 m² (538.21 sq.ft.)
 - (c) 2 bedroom suite - 65 m² (699.68 sq.ft.)
 - (d) 3 bedroom suite - 80 m² (861.14 sq.ft.)
(B/L No. 11348-02-04-15)
- (3) A mobile home in an R7 District shall contain at least 46 m² (495.16 sq. ft.) of floor area. (B/L No. 6176-72-12-04)

6.11 Lot Area and Width:

(1) Existing Lots:

- (a) The minimum lot area and lot width requirements of this Bylaw shall not apply to any lot in an A, R, C1, C2, C3, C4, M1, M2, M3, M4, M5, or P5 District which has an area or width less than that required by this Bylaw, if such a lot was described on the official records on file in the Land Registry Office on or before 1978 January 01. Other than for permitted industrial uses in the M4 District, this section shall not apply to permit any use that requires a lot area in excess of the minimum lot area for that District. (B/L No. 11154-00-11-06)
- (b) Subject to the provisions of section 6.5 (Conversion of Buildings), the lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling that was erected on the lot before 1971 January 02 so as to create two dwelling units,
 - (i) Where the dwelling is on a lot in an R4 District that has an area not less than 670 m² (7,212.06 sq. ft.) and a width not less than 18.5 m (60.70 ft.), or
 - (ii) Where the dwelling is on a lot in an R5 District that has an area not less than 500 m² (5,382.13 sq. ft.) and a width not less than 13.5 m (44.29 ft.). (B/L No. 8737-87-05-25)

(2) Lots of Irregular Shape:

In R Districts, on "pie-shaped" or other irregularly shaped asymmetrical lots, lot frontages may be reduced below the minimum prescribed widths, provided that the average lot width throughout a depth of 30 m (98.43 ft.) measured along a perpendicular line from the centre of the property on the frontage street complies with the required minimum lot width.

6.12 Yards:

(1) Projections into Required Yards:

The following features may project into a required front, side or rear yard:

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

- (c) Bay windows, that do not project more than 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard that is less than 1.5 m (4.92 ft.) in width and the total length of all such windows shall not exceed 50 percent of the length of the exterior wall from which they project.
- (d) Balconies, canopies, sunshades, open porches, verandas and sundecks, but such projections, including the supporting structures, shall not exceed 1.2 m (3.94 ft.), or 50 percent of the width of a required side yard. (B/L No. (12942-11-06-20)
- (e) An uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District subject to the fence height limitations as specified in Section 6.14 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted.
- (f) Arbors and trellises, fish ponds, ornaments, flag poles, or similar landscape features.
- (g) An uncovered swimming pool, but such pool shall not be constructed within required front yard nor nearer than 3.0 m (9.84 ft.) to any property line. (B/L No. 11154-00-11-06)
- (h) A covered or roofed swimming pool, subject to the provisions of clause (g) and to the regulations governing accessory buildings contained in Section 6.6 of this Bylaw.
- (i) Gasoline service pumps or pump islands in a required front yard or a required side yard, subject to the provisions of Clause (2) of Section 306.2 of this Bylaw.
- (j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, except that where such a structure extends above the surface of the finished grade, its horizontal projection shall not exceed 3.0 m (9.84 ft.) in a required front yard. (B/L No. 8737-87-05-25)

For lots in C1, C2, C4 and C7 Districts, street canopies that do not exceed 2.0m (6.56 ft) in depth may project into the required front yard.
(B/L No. 12099-06-06-19)

(2) Exceptions to Front Yard Requirements:

In A or R Districts when at least 50 percent of the frontage of lots in a single zoning district in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards that are less than the minimum front yard requirement for the district, then all new buildings in the same zoning district in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 ft.) in depth.
(B/L No. 9189-89-07-10)

(2.1) Front Yard Averaging:

For lots in R1, R2, R3, R4, R5, R9, R10, R11 and R12 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: (B/L No. 10124-94-12-05)

- (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; (B/L No. 9663-91-12-16)
- (iv) where an adjacent lot is a panhandle lot, the panhandle lot shall be excluded and the two other nearest lots on each side of the lot shall be included in computing the average depth;
- (v) where an adjacent lot is not in a R District, the adjacent lot and any lot beyond such adjacent lot (whether or not such lot is in a R District) shall not be used in computing the average depth. (B/L No. 13829-18-02-26)

(3) Exceptions to Side Yard Requirements:

Where a lot with a width less than the required minimum existed on or before the effective date of this Bylaw, exceptions to the applicable side yard requirements of this Bylaw may be made in the following cases:

- (a) In A, R or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:
 - (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 ft.).
 - (ii) the lot is used for a single family dwelling.
- (b) Repealed. (B/L No. 11154-00-11-06)

- (c) In M Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, except that where a principal building is constructed to the side lot line, the width of the other side yard may be reduced to a minimum of 20 percent of the lot width. (B/L No. 6146-72-09-05)
 - (d) In M Districts, on a corner lot, the required side yard adjoining the flanking street may be reduced to a minimum of 15 percent of the lot width, but need not exceed 3.0 m (9.84 ft) in M4 Districts.
 - (e) In M Districts, where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, the required side yard may be reduced to minimum of 20 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.
 - (f) In M Districts, where a lot is flanked by a lane, the required side yard adjoining the flanking lane may be reduced to a minimum of 10 percent of the lot width.
- (4) In all zoning districts, where a portion of a lot is acquired for the purpose of creating or widening a public street, and where such a lot was improved prior to the time of such acquisition with one or more permitted principal buildings, the yard abutting that street may be reduced in depth for those existing buildings by an amount equal to the depth of land obtained for such purposes, provided however that any additions or extensions to such existing buildings shall observe the yard requirements established for the zoning district in which the lot is located, and provided further that such reduction does not exceed the original setback of the existing building. (B/L No. 7144-78-01-03)

6.13 Vision Clearance at Intersections

- (1) In any zoning district, in the area bounded by the intersecting lot lines at a street corner or a lane corner and a line joining points along the lot lines,
 - (a) in the case of a street corner, 9.0 m (29.53 ft.) from their point of intersection, and
 - (b) in the case of a lane corner, 6.0 m (19.69 ft.) from their point of intersection,

no fence, wall or structure other than a permitted street canopy in a C2, C3 or C4 District or a permitted principal building shall be erected to a greater height than 1.07 m (3.51 ft.) and no hedge, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance. (B/L No. 13731-17-04-10)

- (2) In this section "lane corner" means the intersection of a lane with another lane or with a street. (B/L No. 8872-87-12-14)

6.14 Fences:

- (1) Any fence, wall or other structure not being a building, which exceeds the height limitations specified in this section shall comply with the height and setback requirements prescribed for buildings within the zoning district in which it is located. (B/L No. 8096-83-09-19)
- (2) The height of a fence or wall shall be determined by measurement from the ground level at the average grade level within 900 mm (2.95 ft.) of both sides of such fence or wall. (B/L No. 8096-83-09-19)
- (3) That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a fence and subject to the regulations of this subsection.
- (4) Notwithstanding Clause (2), in cases where a retaining wall has been constructed along a property line, the height of a fence or wall shall be determined by measurement from the surface of the ground which the retaining wall supports at the average grade level within 900 mm (2.95 ft.) of such retaining wall. (B/L No. 8096-83-09-19)
- (5) Subject to the vision clearance provisions of Section 6.13 the following height limitations shall apply to fences or walls. (B/L No. 8096-83-09-19)
- (a) In all zoning districts, except for required screening, fences or walls not greater than 1.07 m (3.51 ft.) in height may be located anywhere on a lot. (B/L No. 13731-17-04-10)
- (b) In all zoning districts, except C4 and M Districts, fences or walls not greater than 1.8 m (5.91 ft.) in height may be located on any lot to the rear of a required front yard.
- (c) In C4 and M Districts, fences or walls not greater than 2.4 m (7.87 ft.) in height may be located on any lot to the rear of a required front yard.
- (d) In R Districts, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot line shall be not greater than the height permitted on the side line of the adjoining lot at the point of abutment.
- (e) In R8 Districts, fences or walls not greater than 1.8 m (5.91 ft.) in height may be located anywhere on a lot.

- (6) Clauses (1) and (5) shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, elementary or high school areas, and in M Districts. In these cases, no such fence shall exceed a height of 3.5 m. (11.48 ft.)

6.15 Screening and Landscaping:

- (1) Lots and Required Yards:
- (a) In R, RM, C5 and P Districts, any part of a lot not used for building, parking or loading facilities or outdoor recreation or, in the case of a lot in the P4 or P12 District, not used for any permitted use, shall be fully and suitably landscaped and properly maintained. (B/L No. 13408-15-01-19)
 - (b) In C1, C4 and M Districts, all those portions of a required front yard not used for permitted parking or display areas shall be fully and suitably landscaped and properly maintained. (B/L No. 5811-70-11-30)
 - (c) In all zoning districts where the side line of a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, all those portions of a required side yard not used for permitted parking shall be fully suitably landscaped and properly maintained.
 - (d) Where the rear line of a lot in an M District abuts a lot in an A, R or RM District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained. (B/L No. 5945-71-09-20)
 - (e) Repealed. (B/L No. 13802-17-11-06)
- (2) Storage Yards:
- (a) No storage yard or area shall be permitted in a required front yard nor any required yard which abuts a lot in an R or RM District, or is separated by a street or lane therefrom. (B/L No. 6117-72-12-18)
 - (b) Screening consisting of a solid 2.4 m (7.87 ft.) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or, a compact evergreen hedge not less than 1.8 m (5.91 ft.) in height, which shall be maintained in good condition at all times, shall be provided as follows: (B/L No. 6117-72-12-18)

- (i) In A, C4 and M Districts, any part of a lot used or intended to be used as an outside storage area shall be enclosed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening in A, C4, M1 or M4 Districts. In the case of M2, M3 or M6 Districts, material may be piled to a maximum height of 3.5 m (11.48 ft.). (B/L No. 6146-72-09-05)
 - (ii) Required front screening shall be so situated as to conform with the applicable front yard setback provisions. (B/L No. 6117-72-12-18)
 - (iii) Where a side or rear yard is required to be landscaped, the required screening shall be located on the line established by the yard setback provisions. (B/L No. 6117-72-12-18)
- (3) **Parking Areas, Loading Areas and Display Yards:**
- (a) Any parking area, loading area or display yard shall be separated from an adjoining street, or from a directly abutting lot in an A, R or RM District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m (5.91 ft.) in width.
 - (b) Screening of 1.8 m (5.91 ft.) in height shall be provided and properly maintained:
 - (i) where any parking or loading area abuts a lot in an A, R, or RM District, or is separated therefrom by a street or lane, except however, that where a parking area abuts a lane, the screening along the lane shall be not less than 800 mm (2.62 ft.) nor more than 1 m (3.28 ft.) in height for a distance of not less than 6.0 m (19.69 ft.) from all points of ingress and egress to and from such parking area; (B/L no. 5525-69-06-16)
 - (ii) where any display yard abuts a lot in an A, R, or RM District, or is separated therefrom by a lane. (B/L No. 4925-66-03-21)

6.16 Building Line Setbacks:

No principal or accessory building or structure shall be sited closer than:

- (1) 12.877 8 m (42.25 ft.) to the centre line of Kingsway between Tenth Avenue and Edmonds Street.
- (2) 17.602 2 m (57.75 ft.) to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue.

- (3) 22.860 0 m (75.0 ft.) to the centre line of the Lougheed Highway between Boundary Road and North Road.
- (4) 16.154 4 m (53.0 ft.) to the centre line of Hastings Street on the south side only, between Esmond Avenue and Sperling Avenue.
- (5) 30.175 2 m (99.0 ft.) to the centre line of Boundary Road, on the east side only, between Imperial Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.
- (6) 20.421 6 m (67.0 ft.) to the centre line of Boundary Road, on the east side only, between Price Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street. (B/L No. 7137-78-01-03)
- (7) Nothing in this section prohibits the erection of a permitted street canopy. (B/L No. 8872-87-12-14)

6.17 Parking or Storage of Commercial Vehicles, Recreation Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts:

No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District, except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4500 kg GVW (9920.631 lbs. GVW) ownership of which is registered in the name of the resident of the dwelling;
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises, but only while that construction, repair, servicing or maintenance is being carried out;
- (c) one boat or vessel not exceeding a length of 6.0m (19.69 ft.) owned by the resident of the dwelling and ownership of which is supported by satisfactory documentary proof;
- (d) one recreation vehicle or trailer not exceeding a length of 6.0m (19.69 ft.) ownership of which is registered in the name of the resident of the dwelling;
- (e) not more than two uninsured but operable and complete vehicles, ownership of which is registered in the name of the resident of the dwelling.

(B/L No. 12869-10-12-13)

6.17.1 Parking or Storage of Commercial Vehicles, Trucks, Recreation Vehicles, or Boats in R1 to R5 and R9 to R12 Districts: (B/L No. 12869-10-12-13)

- (1) Section 6.17, except paragraphs (c) and (d), applies to parking and storage in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts.
(B/L No. 12869-10-12-13)
- (2) Notwithstanding subsection (1) and subject to the vision clearance provisions of section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m (39.37 ft.), may be parked in the open in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts subject to the following restrictions:
(B/L No. 10124-94-12-05)
 - (a) on a corner lot or on a lot with one street frontage, no parking is permitted between the front lot line and the dwelling, nor within the required side yards, nor closer than 1.2 m (3.94 ft.) to the side lot lines in the rear yard;
 - (b) on a through lot, no parking is permitted in the required front yards or required side yards, nor in the area between the required front yard and the face of the dwelling that is oriented to the street from which the dwelling is addressed;
 - (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 m (19.69 ft.) in length may be parked on the front driveway or to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.
- (3) The parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
 - (a) on a corner lot or through lot to obscure the view from the closest abutting street,
 - (b) where the front driveway is used, to obscure the view from any abutting property, and
 - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.
(B/L No. 9556-91-04-08)

6.18 Fraser River Flood Plain:

All lands within the area of the Fraser River Flood Plain as described in Schedule AA -- Flood Plain Map of the Official Regional Plan of the Lower Mainland Regional Planning Board, now the Official Regional Plan of the Greater Vancouver Regional District shall be subject to the following regulations:

No building shall be constructed or mobile unit located with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters:

- (a) (i) lower than the nearest point on an even gradient line along the natural boundary of the Fraser River from 11.13 ft. (3.392 m) Geodetic Survey of Canada datum at Boundary Road to 13.13 ft. (4.002 m) Geodetic Survey of Canada at Fenwick Street.
- (ii) provided that, where the development is provided with a comprehensive flood proofing treatment for internal site drainage and/or upland drainage to the approval of the Director Engineering, the requirements under subsection (a) (i) may be reduced 0.6 m for industrial uses.
- (b) within 200 ft. (60 m) of the natural boundary of the Fraser River.
- (c) Repealed. (B/L No. 12098-06-06-19)

6.19 Development Under The Strata Titles Act:

Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this Bylaw. (B/L No. 7477-80-03-10)

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, porches and verandas, all of which are enclosed; (B/L No. 12422-08-03-10)
 - (d) elevator shafts.
- (2) In all districts, except the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts, accessory buildings except those used for parking shall be included as gross floor area. (B/L No. 10124-94-12-05)

- (3) In the R1, R2, R3, R4, R5, R9, R10, R11 and R12 districts, accessory buildings shall be included as gross floor area; but 42 m² (452.1 sq.ft.) of the floor area of a garage or carport shall be excluded unless, in the R10 and R11 districts, the garage or carport
- (a) is not located within 9 m (29.5 ft.) of the rear lot line, or
 - (b) is attached to the principal building on a lot with lane access.
(B/L No. 10192-95-05-08)
- (4) For single family dwellings and two family dwellings, gross floor area and above grade floor area, for any portion of a building, with the exception of staircases and stairwells, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft), shall be calculated in accordance with the following:
- (a) cumulative floor area of such portion(s) of the building, multiplied by two; less
 - (b) 9.3 m² (100.1 sq. ft.) for each dwelling unit on a lot with a ceiling which exceeds the height specified in this section.
(B/L No. 13863-18-05-14)
- (5) For the purpose of computing floor area ratio in the RM, C, M, B and P Districts, the following shall not be included as floor area:
(B/L No. 11273-01-09-17)
- (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 accessory heating, laundry, recreational, storage or end-of-trip cyclist facilities, but excluding areas used for habitable accommodation, and necessary access to habitable accommodation; (B/L No. 11273-01-09-17)
 - (d) architectural features that are permitted as projections into required yards in section 6.12 of this Bylaw.
 - (e) swimming pools and open sun decks;
 - (f) any portion of a penthouse containing elevator or ventilating machinery;
 - (g) any portion of a basement or cellar containing a child care facility;

- (h) in the RM and P Districts only, amenity spaces.
(B/L No. 11448-02-11-25)
 - (i) in the RM and P Districts only, private hospital and supportive housing facility amenity space not exceeding 13.6 per cent of the floor area included in the computation of the floor area ratio.
(B/L No. 13829-18-02-26)
 - (j) in the RM, C and P Districts only, 1.86m² (20 sq. ft.) of each adaptable housing unit and 0.93 m² (10 sq. ft.) of each adaptable bedroom in excess of the first adaptable bedroom within an adaptable housing unit.
(B/L No. 13863-18-05-14)
- (6) For the purpose of computing floor area ratio in the R1, R2, R3, R4, R5, R9, R10, R11, R12, A1, A2 and A3 Districts, the following shall not be included as floor area: (B/L No. 11727-04-05-10)
- (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 ft.) 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 of 42 m² (452.1 sq.ft.) unless, in the R10 and R11 districts, the garage or carport
 - (i) is not located within 9 m (29.5 ft.) of the rear lot line or,
 - (ii) is attached to the principal building on a lot with lane access.
(B/L No. 10192-95-05-08)
 - (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 m² (39.8 sq.ft.) for a dwelling unit where the porches
 - (i) are not enclosed,
 - (ii) face a street or rear property line and are located at the first storey,
 - (iii) do not project more than 1.2 m (3.9 ft.) into the required front yard, and
 - (iv) do not exceed a height of 3.7 m (12.1 ft.) measured from the porch floor to the top of the supporting structure.
(B/L No. 10397-96-07-22)

6.21 Antennae:

- (1) An antenna is permitted on any lot in any zoning district except the R Districts if it has been given preliminary plan approval and meets the following qualifications, namely:
(B/L 13689-17-01-30)
 - (a) it is attached to a building,
 - (b) it is at least 5.0 m (16.4 ft.) above the ground. (B/L No. 12170-06-11-20)
 - (c) it covers or occupies a maximum of 0.93 m² (10 sq.ft.) on the building face and the total area on any building face occupied by antennae does not exceed 3.72 m² (40 sq.ft.), and
 - (d) it does not extend more than 1 m (3.2 ft.) above the highest point of the building face.
(B/L No. 10396-96-07-22)
- (2) An antenna is permitted in any street or lane in any zoning district, subject to compliance with the *Burnaby Street and Traffic Bylaw* and all other applicable legislation. (B/L No. 13689-17-01-30)

6.22 Density Bonus:

- (1) The maximum floor area ratio that may be developed in RM1, RM2, RM3, RM4 and RM5 Zoning Districts may be increased as set out in Schedule II for lots that meet the following conditions:
 - (a) the lot must be located in a town centre area and be approved for density bonus in the community plan for Brentwood Town Centre, Lougheed Town Centre, Edmonds Town Centre or Metrotown;
 - (b) the lot must be rezoned to Comprehensive Development District;
 - (c) the comprehensive development plan for the lot must include the conservation or provision of amenities or the provision of affordable or special needs housing equivalent in value to the increase in the value of the lot attributable to the increase in floor area ratio.
- (2) For the purpose of subsection (1), the following amenities are eligible for consideration in an application for a density bonus:
 - (a) major public open space or plaza;
 - (b) public facilities, including a library, community or recreation centre, arts facility, youth centre;

- (c) space for community or non-profit groups that serve the community;
 - (d) public art;
 - (e) extraordinary public realm improvements including landscaping treatment and special street furniture;
 - (f) improvements to park land or other public facilities;
 - (g) extraordinary environmental enhancements, or
 - (h) child care facilities.
- (3) For the purpose of subsection (1), the following are eligible for consideration as affordable and special needs housing in an application for a density bonus:
- (a) units developed under senior government non-profit housing programs;
 - (b) price controlled limited-equity market units;
 - (c) units controlled or managed or owned by non-profit housing groups providing affordable housing;
 - (d) guaranteed rental units;
 - (e) housing for people with special needs such as those with physical or mental disabilities or victims of violence.
- (4) For the purpose of computing floor area ratio for a development that includes the conservation or provision of an amenity under subsection (1), the floor space of the building that is occupied by an amenity shall not be included as part of the gross floor area.
- (5) The owner of a development that includes the provision of affordable or special needs housing may be required to enter into a housing agreement under section 905 of the Local Government Act.
(B/L No. 11204-01-02-12)
(B/L No. 10596-97-07-21)

6.23 Streamside Protection and Enhancement Areas

- (1) In this section unless the context otherwise requires:

‘active floodplain’ means an area of land within a boundary that is indicated by the visible high water mark or water level of a stream that is reached during annual flood events as evidenced by riparian area conditions described in the definition of ‘riparian area’;

‘existing vegetation’ means native and non-native vegetation;

‘fish’ means all life stages of

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish;

‘fish bearing stream’ means a stream in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

‘non fish bearing stream’ means a stream that

- (a) is not inhabited by fish, and
- (b) provides water, food and nutrients to a downstream fish bearing stream or other water body;

‘non-permanent stream’ means a stream that typically contains surface waters or flows for periods less than 6 months in duration;

‘permanent stream’ means a stream that typically contains continuous surface waters or flows for a period more than 6 months in duration;

‘potential vegetation’ is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

‘ravine’ means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;

‘riparian area’ means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

‘stream’ includes a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a stream and provides fish habitat;

‘streamside protection and enhancement area’ means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined according to subsections (2) and (3);

‘top of the bank’ means:

- (a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and
- (b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from edge;

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

- (2) (a) Streamside protection and enhancement areas are those areas determined with reference to the following existing or potential vegetation conditions by measuring perpendicularly away from the top of the bank or top of the ravine bank on either side of a stream:
 - (i) intact and continuous areas of existing or potential vegetation equal to or greater than 50 metres wide;
 - (ii) limited but continuous areas of existing or potential vegetation equal to 30 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 30 and 50 metres wide;
 - (iii) narrow but continuous areas of existing or potential vegetation equal to 15 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 15 and 30 metres wide;
 - (iv) very narrow but continuous areas of existing or potential vegetation up to 5 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 5 and 15 metres wide interspersed with permanent structures.
- (b) With reference to vegetation conditions in subsection (a), streamside protection and enhancement areas must be:
 - (i) if subsection (a)(i) or (ii) applies, at least 30 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams or for non fish bearing streams that are permanent;

- (ii) if subsection (a)(i), (ii) or (iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are non-permanent;
 - (iii) if subsection (a)(iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are permanent;
 - (iv) if subsection (a)(iii) or (iv) applies, the greater of the widths determined under subsection (a) (iii) or (iv) or at least 15 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams.
 - (v) if subsection (a)(iv) applies, at least 5 and up to 15 metres wide measured perpendicularly away from the top of the bank for all non fish bearing streams.
- (c) If a stream is in a ravine that is less than 60 metres wide in total width from top of the ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, protection is to be consistent with subsection (b)(i) through (v), where appropriate, from the top of the ravine bank.
- (d) If a stream is in a ravine that is more than 60 metres in total width from top of ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, a protection and enhancement area must be at least 10 metres wide measured perpendicularly away from the top of the ravine bank.
- (3) The Director Planning and Building may, after review by the Environmental Review Committee and receipt of the application fee as specified in the Burnaby Planning and Building Fees Bylaw, vary the boundaries of a streamside protection and enhancement area in circumstances where the establishment of the streamside protection and enhancement area pursuant to the criteria set out in subsection (2) is unfeasible. The following factors may be considered:
- (a) physical conditions;
 - (b) existing parcel sizes;
 - (c) existing roads, trails, works or services;
 - (d) proposed roads, trails, works and services needed to provide access or services to otherwise developable land or to connect to existing roads, trails, works or services.
- (B/L No. 13936-18-09-24)
- (4) No development shall occur on any land within a streamside protection and enhancement area.

- (5) This section shall not apply in respect of a building or structure described in section 911(8) of the *Local Government Act*, if a building permit is issued only for the purpose of enabling reconstruction or repair of a permanent structure on its existing foundation.

(B/L No. 11884-05-04-11)

6.24 Impervious Surfaces

- (1) This section applies only to Lots in R (Residential) Districts for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.

- (2) Not more than 70 per cent of the total area of a lot to which this section applies shall be covered by impervious materials.

- (3) In this section “impervious materials” include

- (a) buildings and structures;
- (b) asphalt;
- (c) concrete;
- (d) grouted pavers;
- (e) subject to subsection (f), ungrouted pavers having a surface area on their largest face of more than 0.21 m² (2.25 sq.ft.);

but does not include

- (f) ungrouted pavers having a surface area on their largest face of not more than 0.372 m² (4 sq.ft.) arranged in a line of single pavers to form a pedestrian walkway with a permeable gap between the pavers;
- (g) water surfaces of structures designed to retain water, including swimming pools, reflecting pools, and ornamental ponds.

(B.L. No. 11977-05-10-17)