

309. URBAN VILLAGE COMMERCIAL DISTRICT (C9)

This District provides for a wide range of commercial and retail establishments with medium density multiple family dwellings located above the business premises. (B/L No. 11448-02-11-25)

309.1 Repealed. (B/L No. 11448-02-11-25)

309.2 Uses Permitted:

- (1) Banks
- (2) Business and Professional offices
- (3) Cafes and restaurants, which may have an area available for open outdoor seating, excluding drive-in restaurants.
- (4) Clubs and lodges, on second storey or above.
- (5) Commercial schools. (B/L No. 14317-21-05-31)
- (6) Personal service establishments including barber shops, beauty parlours, dry cleaning establishments, electrical appliance repair shops, florist shops, laundromats, optical or watch repair shops, outdoor garden shops (for not more than six months in any year), photographic studios, shoe repair shops, tailor shops, dressmaking shops and similar establishments.
(B/L No. 11941-05-08-29)
- (7) Public assembly and entertainment uses, on second storey or above, and subject to the restriction that the first storey entrance to a public assembly or entertainment use shall not exceed 3.0 m (9.84 feet) in width.
- (7a) Residential sales centre. (B/L No. 13188-13-04-15)
- (8) Retail stores that sell new or used goods.
- (9) Studios on second storey or above and subject to the restriction that the first storey entrance to a studio shall not exceed 3.0 m (9.84 feet) in width.
- (10) Dwelling units, including rental units, on the second storey or above, subject to the following conditions:
 - (a) the first storey frontage of the building to a minimum depth of 10.0 m (32.80 feet) shall be used for commercial purposes;
 - (b) each dwelling unit shall have a balcony;
 - (c) a completely separate public entrance to the residential accommodation shall be provided from the first storey front elevation, except that:
 - (i) on a corner lot access may be from the first storey side street elevation; or
 - (ii) where a public pedestrian walkway exists, access may be from the first storey walkway elevation; and
 - (d) a storey containing dwelling units shall have no other uses on that storey except parking.
(B/L No. 14206-20-10-26)
- (11) Home occupations other than the operation of a home-based child care facility.
(B/L No. 13639-16-12-12)
- (12) Accessory buildings and uses.
- (13) Establishments having not more than 140 m² (1,506.99 sq.ft.) in gross floor area that provide photocopying and duplicating services.
- (14) Repealed. (B/L No. 11517-03-05-12)
- (15) Repealed. (B/L No. 11517-03-05-12)

- (16) Category A supportive housing facilities, subject to the following conditions:
 - (a) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District; and,
 - (b) each living unit shall have a minimum floor area of 27 m² (290.6 sq.ft.).
(B/L No. 12422-08-03-10)
- (17) Category B supportive housing facilities, subject to the following conditions:
 - (a) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District;
 - (b) each living unit shall have a minimum floor area:
 - (i) of 33 m² (355.22 sq.ft.) for studio unit;
 - (ii) of 41 m² (441.4 sq.ft.) for a junior one-bedroom unit;
 - (iii) of 46 m² (495.16 sq.ft.) for a one-bedroom unit;
 - (c) the number of studio units shall not be more than 25 percent of the total number of living units in the facility; and,
 - (d) the number of studio units and junior one-bedroom units together shall not be more than 50 percent of the total number of living units in the facility.
(B/L No. 12422-08-03-10)
- (18) Fitness and health facilities. (B/L No. 13918-18-09-24)
- (19) Child care facilities. (B/L No. 13929-18-09-24)
- (20) Temporary shelters. (B/L No. 14003-19-07-29)
- (21) Cyber entertainment uses. (B/L No. 14184-20-09-14)

309.2A Uses Permitted in a C9a Zoning District:

- (1) Uses permitted in the Urban Village Commercial District C9. (B/L No. 11517-03-05-12)
- (2) Establishments having not more than 278.7 m² (3,000 sq.ft.) in gross floor area where customers make beer, cider or wine for their personal consumption.
(B/L No. 11517-03-05-12)
- (3) Liquor licence establishments having the capacity to serve not more than one hundred (100) persons at one time, subject to the condition that such use is included as part of a comprehensive development plan to which the provisions of the Comprehensive Development District apply. (B/L No. 11727-04-05-10)

309.2B Repealed (B/L No. 14206-20-10-26)

309.3 Conditions of Use:

- (1) All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw. (B/L No. 14184-20-09-14)
- (2) All goods produced on the premises shall be sold at retail on the same premises.
- (3) Residential uses shall be permitted on the second, third and fourth storeys.
- (4) Deleted. (B/L No. 11727-04-05-10)
- (5) All principal uses shall be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.
- (6) A lighted public pedestrian walkway on a registered statutory right of way that links the fronting street with the parallel lane and is at least 1.0 m (3.28 ft.) wide shall be provided unless a walkway or an intersecting street exists within 45.72 m (150.0 ft.) of the centre of the lot; and the provision of the walkway shall reduce the required non-residential parking spaces by one.

- (7) The depth of floor areas developed above a pedestrian walkway shall not exceed one-half the depth of the building but in no case shall the depth be restricted to less than 12.19 m (40 ft.).
- (8) Where a building contains more than four dwelling units, a compact, covered recycling area shall be provided.

309.4 Height of Buildings:

- (1) The height of a building shall not exceed 16.0 m (52.5 ft.) nor four storeys.
- (2) Storeys above the second shall be set back so that the structure above the second storey, except for any balcony, is contained within a building envelope defined by a 45° inclined plane extending from the required front yard and passing through the second floor ceiling at the point nearest the front of the property.

309.5 Lot Area and Width:

Each lot shall have an area of not less than 929 m² (10,000 sq.ft.) and width of not less than 30 m (98.4 ft.).

309.6 Floor Area Ratio:

- (1) The maximum floor area ratio shall be 1.20. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 1.00 multiplied by the ratio of parking spaces provided in underground parking, or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio exceed 2.20. (B/L No. 14206-20-10-26)
- (2) The area of a pedestrian walkway and the area of any floors located over the walkway shall be excluded from the gross floor area for the purpose of computing floor area ratio and parking space requirements in this District.
- (3) Notwithstanding subsection (1), the floor area ratio may be increased by 0.825, provided that:
 - (a) the lot is rezoned to Comprehensive Development District;
 - (b) a minimum number of rental units provided is equal to the greater of:
 - (i) that number equal to 20% of the total number of market rental and strata dwelling units calculated using the C9 District floor area ratio; and
 - (ii) that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and
 - (c) the rent for each rental unit referred to in paragraph (b) shall not exceed:
 - (i) 20% below CMHC Market Median Rent rates for the applicable rental unit type; and
 - (ii) the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

(B/L No. 14206-20-10-26)

309.7 Front Yard:

A front yard shall be provided of not less than 2.0 m (6.56 ft.) in depth. Notwithstanding section 6.12(1)(d), rain protection canopies may be provided up to 2.0 m (6.56 ft.) in depth within this required front yard but no parking shall be permitted above the surface of the finished grade in a front yard.

309.8 Rear Yard:

A rear yard shall be provided of not less than 6.0 m (19.69 ft.) in depth.

309.9 Side Yard:

No side yard shall be required except:

- (a) where a lot abuts a lot in a R, RM or P District, or is separated by a street or lane therefrom, a side yard shall be provided not less than 2.0 m (6.56 ft.) in width;
- (b) in the case of a corner lot, a side yard adjoining the flanking street or lane shall be provided not less than 2.0 m (6.56 ft.) in width.

309.10 Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw; and no parking shall be permitted in side or front yards.

309.11 Off-Street Loading:

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

(B/L No. 11064-00-04-10)

309.12 Car Wash Stall:

One car wash stall with a "No Parking" sign affixed to it shall be provided for each 100 dwelling units.

(B/L No. 13829-18-02-26)