

PART 4 / GENERAL REGULATIONS

Part 4 establishes requirements applicable to multiple zoning districts in relation to the siting, form, and bulk of buildings as well as to environmental and landscaping features.

1.0 Lot and Siting Requirements

1.1 Lot Coverage

- (1) Lot coverage calculations shall exclude the following:
- (a) fire escapes and steps;
 - (b) accessibility ramps for the use of persons with disabilities;
 - (c) belt courses, cornices, eaves, gutters, sills, or other similar ornamental features;
 - (d) arbors and trellises, fish ponds, ornaments, flag poles, or similar landscape features;
 - (e) fences and retaining walls;
 - (f) bay windows, balconies, canopies, and sun shades;
 - (g) chimneys;
 - (h) uncovered terraces;
 - (i) uncovered swimming pools;
 - (j) covered and uncovered decks, provided they project no more than 1.2 m from the exterior wall of the building;
 - (k) parking areas that are underground or open-sided and roofless; and
 - (l) up to one detached accessory structure less than 5 m² in gross floor area.

1.2 Building Separation

1.2.1 Principal Buildings

- (1) The following minimum separations are required between all principal buildings or between the exterior walls of two separate floorplates that are part of the same building, except in the R1 and A1 Districts and where otherwise provided for in this Bylaw:

Minimum Building Separation				
Storey Range	Between One or More Residential		Between Two Non-Residential	
	Face-to-Face	Corner-to-Corner	Face-to-Face	Corner-to-Corner
Storey 1 to 4	6.0 m	4.5 m	6.0 m	4.5 m
Storey 5 to 6	12.0 m	8.0 m	9.0 m	6.0 m
Storey 7 to 12	15.0 m	10.0 m	12.0 m	8.0 m
Storey 13 to 40	25.0 m	20.0 m	20.0 m	15.0 m
Storey 41 and above	30.0 m	25.0 m	25.0 m	20.0 m

- (2) Notwithstanding subsection (1), minimum building separation is not required below the 7th storey where the interior side yard setback is 0.0 m and/or the buildings share a party wall.
- (3) Where an adjacent building is located on another lot and is of lesser height, the required upper-storey separation for the subject property shall be half the minimum distance stated in subsection (1) as measured from an interior lot line or the centerline of a street or lane.

1.2.2 Accessory Buildings

- (1) A minimum building separation of 2.4 m is required between detached accessory buildings and all other buildings, except where otherwise provided for in this Bylaw.

1.3 Setbacks

1.3.1 Minimum Lot Line Setbacks in All Districts

- (1) A street or lane yard setback may be reduced to 0.0 m subject to submission of a circulation plan, prepared by a registered professional engineer and approved by the General Manager Engineering, that demonstrates there is sufficient road or lane allowance to meet pedestrian and vehicle circulation, maneuvering, vision clearance, and access needs.

1.3.2 Minimum Lot Line Setbacks in the R, C, and P Districts

- (1) The following minimum lot line setbacks apply to all buildings and structures in the R, C, and P2 Districts, except in the R1 and R2 Districts and where otherwise provided for in this Bylaw:

Lot Line	Minimum Setback Distance
Street Yard	
Storey 1 to 6	3.0 m
Storey 7 and above	Additional 3.0 m stepback required, measured from the outermost extent of the 6 th storey.
Lane Yard	
All Storeys	1.2 m
Interior Side Yard	
Storey 1 to 6	0.0 m
<i>If abutting R1 or R2 District lot</i>	3.0 m
<i>If exterior wall has windows or openings</i>	3.0 m
Storey 7 and above	3.0 m
Interior Rear Yard	
All Storeys	3.0 m

1.3.3 Area-Specific Building Setbacks

- (1) No principal or accessory building or structure, with the exception of permitted street canopies, shall be sited closer than:
- 12.8778 m to the centre line of Kingsway between Tenth Avenue and Edmonds Street.
 - 17.6022 m to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue.
 - 22.86 m to the centre line of the Lougheed Highway between Boundary Road and North Road.
 - 16.1544 m to the centre line of Hastings Street on the south side only, between Esmond Avenue and Sperling Avenue.
 - 30.1752 m to the centre line of Boundary Road, on the east side only, between Imperial Street and the BC Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.
 - 20.4216 m to the centre line of Boundary Road, on the east side only, between Price Street and the BC Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.

1.3.4 Projections Over Lot Lines

- (1) A commercial street canopy attached to a building may project over the front lot line with the approval of the General Manager Engineering provided that:
 - (a) the building has a front yard setback of less than 2.0 m;
 - (b) the building is lawfully non-conforming with respect to the front yard setback;
 - (c) the canopy is constructed with a building permit;
 - (d) the canopy projects no more than 1.5 m into the road allowance; and
 - (e) the canopy has a minimum height clearance of 2.7 m from the ground level to the lowest point of the canopy.

1.4 Yards

1.4.1 General

- (1) No principal or accessory building or structure shall be located in any required yard, except as set out in Section 1.4.2 or as otherwise provided for in this Bylaw.

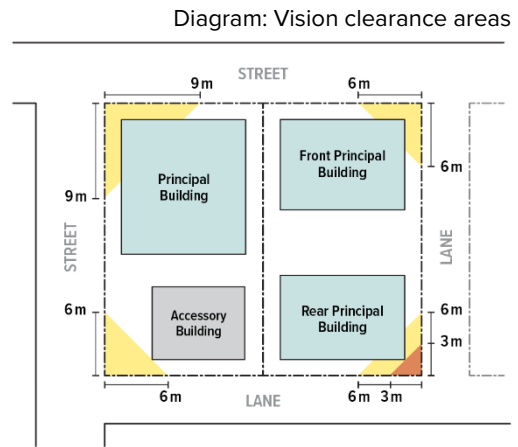
1.4.2 Projections into Required Yards

- (1) The following features and structures may be located in a required yard, except where otherwise provided for in this Bylaw:
 - (a) Fences and retaining walls.
 - (b) Utility, fire, and servicing equipment.
 - (c) Steps or stairs.
 - (d) An uncovered terrace, which may be open or enclosed, in any yard in an R or A District subject to the fence height limitations specified in Section 4.5. The provision of an awning or similar temporary covering for such a terrace shall be permitted.
 - (e) Arbors and trellises, fish ponds, ornaments, flag poles, portable storage bins, or other similar minor or non-permanent landscape features, provided the height complies with the height requirements prescribed for fences within the zoning district in which it is located.
 - (f) Accessibility ramps for the use of persons with disabilities, provided they are no greater than 1.5 m in clear width.
 - (g) 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 in a required front yard.
- (2) The following features and structures may project into a required yard, except where otherwise provided for in this Bylaw:
 - (a) Where they project no more than 0.9 m, or 0.6 m for a required yard less than 1.5 m in width:
 - (i) belt courses, cornices, gutters, sills, chimneys, or other similar features;
 - (ii) bay windows where the total length of all such windows do not exceed 50% of the length of the exterior wall from which they project; and
 - (iii) in required side or rear yards only, outdoor appliances (including heat pumps).
 - (b) Balconies, covered or uncovered decks, canopies, sunshades, and their supporting structures, provided they project no more than 1.2 m for all required yards, or 50% of the width of a required side yard. Balconies are not permitted to project into required yards in the R1 District.
 - (c) A covered or uncovered swimming pool, but such pool shall not be constructed within a required front yard nor nearer than 3.0 m to any property line.
 - (d) Eaves that do not project more than 1.2 m, or 0.6 m for a required yard less than 1.5 m in width.
 - (e) Commercial street canopies that do not exceed 2.0 m in depth may project into the required front yard.

- (3) Notwithstanding subsections (1) and (2), permitted projections into required lane yards shall extend no closer than 0.7 m from the lot line to provide adequate fire truck clearance.

1.5 Clearance at Intersections

- (1) In any zoning district, the following restrictions apply within a triangular area bounded by the intersecting lot lines at a street or lane corner and a third line joining two points along the lot lines at the following distances from their point of intersection:



Distance from Lot Line Intersection	Intersection Type	Restrictions
3.0 m	Lane with another lane	No above-grade building, structure, landscape feature, hedge, tree, or other vegetation, including fences or retaining walls, are permitted.
6.0 m	Lane with another lane or street	No structure or landscape feature, other than a permitted commercial street canopy or a permitted principal building, shall be erected to a greater height than 1.07 m, and no hedge, shrub, tree, or other growth shall be maintained or allowed to grow so as to obstruct vision clearance.
9.0 m	Street with another street	No structure or landscape feature, other than a permitted commercial street canopy or a permitted principal building, shall be erected to a greater height than 1.07 m, and no hedge, shrub, tree, or other growth shall be maintained or allowed to grow so as to obstruct vision clearance.

2.0 Height Regulations

2.1 General

2.1.1 Exclusions

- (1) The following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw:
 - (a) In all districts, residential television aerials, electrical service masts and transmission towers, chimneys, flues, flagpoles, vents, water tanks, and solar panels; provided such structures cover no more than 20% of the lot or 20% of the roof area of the building, with the exception of solar panels.
 - (b) Except in the R1 District, church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, and elevator and ventilating machinery and penthouses; provided such structures cover no more than 20% of the lot or 10% of the roof area of the building.

2.1.2 Accessory Structures

- (1) In an R District, an accessory structure not being a building, excluding a fence or retaining wall, located outside of a required front or side yard, shall not exceed 4.6 m in height.

2.2 Height of Buildings

2.2.1 Height Calculation

- (1) In all districts, excluding the R1 and A1 Districts, the height of a building is equal to the number of storeys contained between the roof of the building and the floor of the first storey, as measured through the vertical cross section(s) of the building containing the greatest number of storeys.
- (2) For the purpose of this section, the first storey shall be determined using one of the following methods, as selected by the applicant and demonstrated on the plans submitted with the application:
 - (a) any horizontal portion of a storey that is 50% or more above the adjacent finished grade as measured from its finished floor to the underside of the joists of the floor next above it; or
 - (b) as determined in accordance with the British Columbia Building Code.

Diagram: Elevation View - Determination of Above and Below Grade Portions of a Storey as per (2)(a)

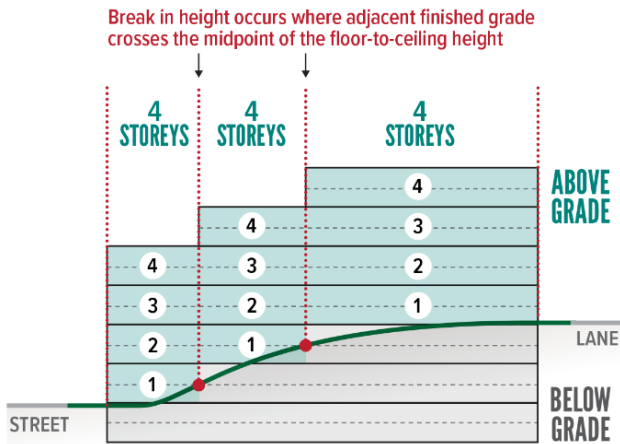
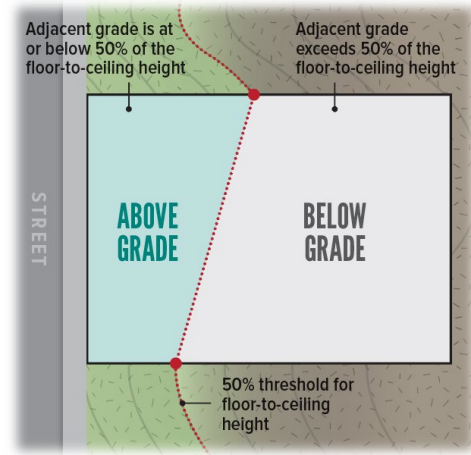


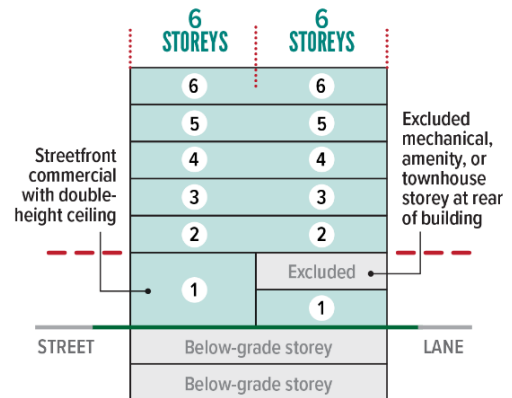
Diagram: Plan View - Determination of Above and Below Grade Portions of a Storey as per (2)(a)



2.2.2 Exclusions

- (1) The following shall be excluded from the height calculation:
 - (a) rooftop access, mechanical penthouses, and elevator overruns;
 - (b) enclosed rooftop amenity areas of no more than one storey in height, provided these areas do not exceed 25% of the total roof area that is at the maximum permitted building height;
 - (c) one of two storeys containing townhouse dwellings and/or communal uses, such as circulation, mechanical, or amenity space, where the total floor-to-ceiling height of the two storeys combined does not exceed the floor-to-ceiling height of an adjacent single-storey ground-level commercial unit within the same building; and

Diagram: Example exclusion when partial double-height first storey as per (1)(c)



- (d) mezzanines in first storey R and C District commercial and live-work units provided they are not considered a storey under the British Columbia Building Code. For clarity, mezzanines located in residential dwelling units or above the first storey in commercial and live-work units will be counted as a storey for the purpose of calculating building height.

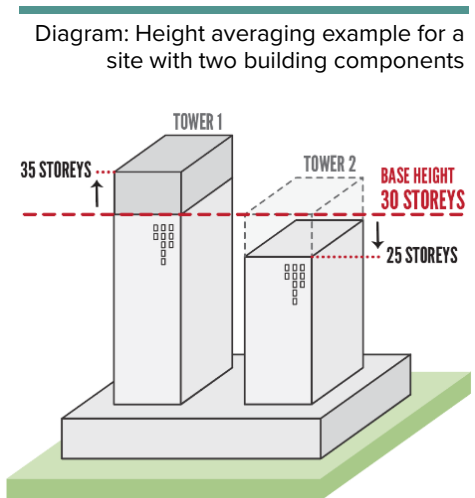
2.3 Conditional Height Increases

- (1) Sites are eligible for conditional height increases in compliance with Table 4-2.3 and Sections 2.3.1 and 2.3.2.
- (2) Where a site is eligible for multiple conditional height increases, height increases are to be applied in the order shown under the Eligible Increase section of Table 4-2.3 and may not cumulatively exceed the maximum eligible increase shown in Row E of Table 4-2.3 for any given building.

Table 4-2.3 Conditional Height Increases (in Storeys)								
D = Discretionary U = Unrestricted								
Row	Zoning District:	R3	R4	R4 (TOA)	R5	R6	R7	R8
A	Maximum Base Height	4	6	8	12	20	30	40
	Eligible Increase							
B	Height Averaging	0	0	0	+4	+5	+5	+5
C	Voluntary Commercial	0	0	0	+8	+10	+10	U
D	Community Benefit Bonus	D	D	D	D	+10	+10	U
E	Maximum Eligible Increase (B+C+D)	+2	+6	+4	+8	+10	+10	U
F	Maximum Height w/ Eligible Increase	6	12	12	20	30	40	U

2.3.1 Height Averaging

- (1) On sites in the R5, R6, R7, and R8 Districts, the height of a building or separate portions of the same building (both referred to as “building components” for the purpose of this section) can be increased or decreased by way of height averaging, subject to the following:
 - (a) The average height for a site is determined by dividing the sum of the height of each building component by the number of building components on the site.
 - (b) The average height of the building components must not exceed the maximum base height for the applicable zoning district;
 - (c) The maximum number of additional storeys that may be added to any building component is set out in Row B of Table 4-2.3.
 - (d) The combined floorplate of all building components that exceed the maximum base height for the zoning district cannot exceed the floorplate of the building component(s) that do not exceed the maximum base height, excluding the area of elevator cores.
 - (e) Eligible buildings are restricted to:
 - (i) the same lot;
 - (ii) contiguous lots that form one development site; or
 - (iii) sites approved as part of a master plan.



- (f) Eligible building components are restricted to full, contiguous storey floorplates. Portions of a storey are not eligible for height averaging.
- (2) Notwithstanding subsection (1)(c), sites approved as part of a master plan may exceed the height averaging maximums set out in Row B of Table 4-2.3, provided there is a corresponding offset in height from one or more other eligible building(s) within the master plan site area.

2.3.2 Voluntary Commercial

- (1) On sites that have a C District base zoning district with an R5, R6, R7, or R8 District overlay zoning district, an increase to the maximum building height is permitted where commercial storeys are provided in addition to the minimum commercial storey requirements for the district (“voluntary commercial storeys”), subject to the following:
- (a) The allowable increase in building height is equivalent to the number of voluntary commercial storeys provided, up to the maximum set out in Row C of Table 4-2.3.
 - (b) The additional height is restricted to the building in which the voluntary commercial storeys are located.
 - (c) The floorplate size of additional residential storeys cannot exceed the floorplate size of the voluntary commercial storeys.
 - (d) Voluntary commercial storeys shall not be converted to another use.
 - (e) Voluntary commercial storeys may contain:
 - (i) Any C1 District principal use, excluding active mobility hubs, emergency shelters, and live-work units.
 - (ii) Any C2 District principal use, excluding parking facilities, service stations, and storage facilities.

3.0 Floor Area Requirements

3.1 Calculation of Gross Floor Area

3.1.1 R1 and A1 Districts

- (1) For the purpose of calculating gross floor area in the R1 and A1 Districts, the following shall be excluded, except where otherwise provided for in this Bylaw:
- (a) exterior access areas such as corridors, landings, staircases, stairways, and similar areas, provided that they are not fully enclosed;
 - (b) crawl spaces;
 - (c) areas of undeveloped floors, such as an attic, located above a storey or a half-storey, or adjacent to a half-storey, with a maximum vertical clear height of 1.2 m, and no permanent means of access other than a hatch;
 - (d) any exterior architectural features, including belt courses, cornices, eaves, canopies, gutters, sills, pilasters, and similar features;
 - (e) chimneys and bay windows;
 - (f) covered and uncovered balconies, decks, and terraces, provided that they are not fully enclosed; and
 - (g) arbors, trellises, and similar landscape features.
- (2) For the purpose of calculating gross floor area, the following shall be included:
- (a) internal stairs and open-to-below areas; and
 - (b) exterior wall thickness as measured to the outside face of exterior walls.

3.2 Unit Dimensions

3.2.1 General

- (1) For the purposes of this section, the floor area of a unit shall be measured from the centre line of party walls, corridor walls, and core walls, and to the outside face of exterior walls.
- (2) In the case of a residential dwelling unit, floor area shall include in-suite storage.

3.2.2 Residential Dwelling Units

3.2.2.1 Minimum Dwelling Unit Floor Area

- (1) For all dwelling units, the following minimum dwelling unit floor areas shall apply:

R1, A1, and Townhouse Dwellings		Apartment Dwellings	
Unit Type	Minimum Unit Size	Unit Type	Minimum Unit Size
Secondary Suite	32.52 m ²	Lock-Off Unit	24 m ²
Studio Unit	37 m ²	Studio Unit	33 m ²
1-Bedroom Unit	56 m ²	1-Bedroom Unit	49 m ²
2-Bedroom Unit	90 m ²	2-Bedroom Unit	67 m ²
3-Bedroom Unit	111 m ²	3-Bedroom Unit	86 m ²
4-Bedroom Unit	125 m ²	4-Bedroom Unit	112 m ²

3.2.2.2 Minimum Dwelling Unit Width

- (1) Townhouse dwellings in all districts shall have a minimum dwelling unit width of not less than 5 m.

3.3 Floorplates in the R and C Districts

3.3.1 General

- (1) For the purpose of this section, the floorplate area is equal to the gross floor area of a contiguous storey measured to the outermost extent of the building at that storey, inclusive of all projections and appurtenances.

3.3.2 Maximum Floorplate Area

- (1) For all lots with a base or overlay R3, R4, R5, R6, R7, R8, or C District, the following maximum floorplate areas for storeys containing a dwelling unit (“residential”) or not containing a dwelling unit (“commercial”) shall apply:

Maximum Floorplate Area		
Storey Range	Residential	Commercial
Storey 1 to 6	Unrestricted	Unrestricted
Storey 7 to 12	1,400 m ²	2,000 m ²
Storey 13 and above	900 m ²	1,800 m ²

4.0 Environment, Landscape, and Screening

4.1 Fraser River Flood Plain

- (1) 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:
- (a) All buildings or mobile units with areas used for habitation, business, or storage of goods damageable by floodwaters shall:
- (i) not be constructed or located within 60 m of the natural boundary of the Fraser River; and
 - (ii) not have the underside of the floor system be lower than the nearest point on an even gradient line along the natural boundary of the Fraser River from 3.392 m Geodetic Survey of Canada datum at Boundary Road to 4.002 m Geodetic Survey of Canada at Fenwick Street.
- (b) Where the development is provided with a comprehensive flood proofing treatment for internal site drainage and/or upland drainage to the approval of the General Manager Engineering, the requirements under subsection (a)(ii) may be reduced 0.6 m for industrial uses.

4.2 Streamside Protection and Enhancement Area

- (1) In addition to the definitions set out in Part 2, the following definitions shall apply for the purposes of this Section 4.2 and the Streamside Protection and Enhancement Area Development Permit Area Guidelines (see Schedule II):

“ACTIVE FLOODPLAIN” means the area of land below the visible high-water mark or water level of a stream during annual flood events with the characteristics of riparian area conditions set out in the definition of riparian area

“DITCH” as defined in Part 2 of this Bylaw

“EXISTING OR POTENTIAL VEGETATION” means the native and non-native vegetation currently on site and vegetation that is considered to exist if there is a reasonable ability for regeneration, either with assistance through enhancement or naturally, within an area that is not covered by a permanent structure

“FISH” means a vertebrate of the order Petromyzontiformes (lampreys) or class Osteichthyes (bony fish) that, at any part of its life cycle, inhabits or is dependent on a stream.

“RAVINE” means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1.

“STREAM” as defined in Part 2 of this Bylaw

“STREAMSIDE PROTECTION AND ENHANCEMENT AREA” or **“(SPEA)”** means the area determined in accordance with section 4-4.2(3) of this bylaw and the Streamside Protection and Enhancement Development Permit Area Guidelines (see Schedule II)

“STREAM, FISH-BEARING” means a stream in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable by fish

“STREAM, NON-FISH-BEARING” means a stream that is not inhabited by fish but provides water, food and nutrients to a downstream fish-bearing stream or other body of water

“STREAM, NON-PERMANENT” means a stream that typically contains surface waters or flows for periods less than 6 months of the year

“STREAM, PERMANENT” means a stream that typically contains continuous surface waters or flows for a period more than 6 months of the year

“STRUCTURE, PERMANENT” means a lawfully constructed structure that is affixed to land and placed or erected on a permanent foundation, and for certainty does not include areas of existing asphalt, brownfield sites and open space on industrial lands

“TOP OF 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; or
- (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; or
- (c) in respect to a ravine, 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 m 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 area shall be determined by reference to the average width of existing or potential vegetation, which average shall be calculated in accordance with the following:

- (a) measuring perpendicular away from the top of bank or top of ravine to the lesser of 50 m or the edge of a permanent structure, on either side of a stream;
- (b) taking such measurements starting at the midpoint of a lot and repeating them at 40 m intervals for a 200 m distance upstream and downstream; and
- (c) averaging the total of all measurements taken on the basis of paragraph (b).

(3) Subject to reductions or alternatives, if any, determined in accordance with the Streamside Protection and Enhancement Development Permit Area Guidelines (see Schedule II), the width of a streamside protection and enhancement area shall be as set out in Tables 4-4.2a and 4-4.2b.

- (a) Minimum width of SPEA for streams including streams in ravines less than 60 m wide (as measured from top of bank to top of bank, excluding stream channel within active floodplain boundaries) shall be as follows:

Table 4-4.2a Minimum SPEA for Ravines Less than 60 m			
Average Width of Existing or Potential Vegetation	SPEA		
	Fish-Bearing Stream	Non-Fish-Bearing Stream	
		Permanent Stream	Non-Permanent Stream
50 m	Min. 30 m	Min. 30 m	Min. 15 m
30 m to < 50 m	Min. 30 m	Min. 30 m	Min. 15 m
15 m to < 30 m	Min. 15 m*	Min. 15 m	Min. 15 m
< 15 m	Min. 15 m*	Min. 5 m, Max 15 m*	Min. 5 m, Max 15 m*

*Minimum width of SPEA is the greater of:
 (a) width of average existing or potential vegetation; and (b) the minimum SPEA width indicated.

- (b) Minimum width of SPEA for streams in ravines more than 60 m wide (as measured from top of bank to top of bank, excluding stream channel within active floodplain boundaries) and ditches shall be as follows:

Watercourse Category	SPEA
Stream in a ravine that is more than 60 m wide	Min. 10 m
Ditch that is a fish-bearing stream	Min. 10 m
Ditch that is a non-fish-bearing stream	Min. 5 m

4.3 Permeable Surfaces

4.3.1 Minimum Area

- (1) For new development involving the construction of a principal building, the following minimum portions of a lot shall be provided as permeable surfaces. Except in the R1 District, permeable surfaces shall be demonstrated on a landscape plan, including supporting calculations, prepared and certified by a landscape architect.

Zoning District	R1	R2-R8	C	E1	I1	P2
Minimum Lot Area	Lots w/ 1 to 4 units: 40%	30%	20%	10%	10%	20%
	Lots w/ 5 to 6 units or rowhouse dwellings: 30%					

- (2) In all districts except the R1 District, the roof area of a building or parking facility may be counted towards permeable surfaces where a layer of soil is provided that is:
- (a) 0.6 m in depth of growing medium; or
 - (b) 0.9 m in depth of structural soil.
- (3) Where less soil depth is provided than described in subsection (2), the area may be counted as permeable surface in accordance with the following formula:

$$Permeable\ Surface\ (m^2) = area\ (m^2) \times \frac{Provided\ growing\ medium\ or\ structural\ soil\ (m^3)}{Required\ growing\ medium\ or\ structural\ soil\ (m^3)}$$

Required growing medium or structural soil for the calculation is the area of the permeable surface times 0.6 for growing medium or 0.9 for structural soil.

4.3.2 Vegetation

- (1) At least 50% of the required permeable surfaces shall be planted with vegetation such as trees, shrubs, hedges, and ground cover and shall not be paved with permeable deck or pavement systems.
- (2) Where required vegetation is provided, the permeable surface shall be provided as deep soil.
- (3) Sod and invasive species listed in the most recent Metro Vancouver Invasive Plant Prioritization Rankings list shall not be counted towards vegetated areas.

4.3.3 Trees in the R1 District

- (1) Notwithstanding any other provision in Section 4.3, on any R1 District lot, permeable surface requirements may be partially satisfied through the retention or replacement of Significant Trees in accordance with the following:
 - (a) Where one or more Significant Trees are retained, each having a stem diameter greater than 20 cm, measured in accordance with the Burnaby Tree Bylaw 1996 (Bylaw No. 10482), the area contained within the tree protection area as outlined in a tree management plan may be counted toward the required minimum permeable surfaces at a rate of 1.6 times the area.
 - (b) To qualify for the permeable surface credit, the owner shall grant to the City, to the satisfaction of the General Manager Planning and Development, a covenant securing the retention and protection of each such Significant Tree in perpetuity.
 - (c) Where replacement trees are planted, the soil volumes provided to accommodate each replacement tree may be counted toward the required minimum permeable surfaces at a rate of 1.3 times the area.

4.4 Screening and Landscaping

4.4.1 Minimum Landscaping Requirements

- (1) In R, C, and P Districts, any part of a lot not used for building, parking or loading facilities, outdoor recreation, cemetery use, or utility corridors, shall be fully and suitably landscaped and properly maintained.
- (2) In E and I 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.
- (3) In all zoning districts where the side lot line abuts a lot in an A or R District, or is separated by a street or lane therefrom, all those portions of a required side yard not used for permitted parking or outdoor play area shall be fully and suitably landscaped and properly maintained.
- (4) Where the rear lot line in an E or I District abuts a lot in an A or R District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained.

4.4.2 Screening for Salvage, Storage, and Works Yards

- (1) No outdoor salvage, storage, or works area shall be permitted in a required front yard nor any required yard which abuts a lot in an R District or that is separated by a street or lane therefrom.
- (2) Screening consisting of a solid fence 2.4 m in height or a compact evergreen hedge 1.8 m in height shall be provided as follows:
 - (a) Required screening shall be uniformly painted, well maintained in good condition at all times, and not used for advertising, display purposes, or the posting of notices.
 - (b) In C, E, I, P, or A Districts, any part of a lot used or intended to be used as an outside salvage or 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 C, E, or A Districts. In the case of I or P Districts, material may be piled to a maximum height of 3.5 m.
 - (c) Required front screening shall be located no closer than the line established by the required front yard setback.
 - (d) Where a side or rear yard is required to be landscaped, the required screening shall be located on the line established by the required yard setback.

4.4.3 Screening for Parking Areas, Loading Areas, and Display Yards

- (1) Except in the R1 District, any parking area, loading area, display yard, or similar use shall be separated from an adjoining street, or from a directly abutting lot in an A or R District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m in width.
- (2) Except in the R1 District, screening of 1.8 m in height shall be provided and properly maintained:
 - (a) where any parking or loading area abuts a lot in an A or R 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 0.8 m nor more than 1 m in height for a distance of not less than 6.0 m from all points of ingress and egress to and from such parking area;
 - (b) where any display yard, industrial fueling installation, or public utility installation abuts a lot in an A or R District, or is separated therefrom by a lane; and
 - (c) where any permitted outdoor storage tanks or equipment are located outside of an enclosed building in all districts except the A1 District.

4.5 Fences

- (1) All fences shall be subject to the vision clearance requirements in Section 1.5.
- (2) The following height limitations shall apply to fences:
 - (a) In all zoning districts, fences may not exceed 1.07 m in height when located within a required front yard, with the exception of:
 - (i) enclosures for outdoor play areas, which may not exceed 1.8 m in height; or
 - (ii) required screening.
 - (b) Anywhere on a lot to the rear of a required front yard, fences may not exceed:
 - (i) 1.8 m in height in the R, C, and P Districts; and
 - (ii) 2.4 m in height in the E, I, and A Districts.
 - (c) In E and I Districts, any fence located outside of required yards shall not exceed the maximum height prescribed for principal buildings within the zoning district in which it is located.
 - (d) Arbors, archways, gates, and similar structures which serve as an entrance to a property shall not exceed 2.6 m in height and 1.8 m in width.
- (3) Subsection (2) shall not apply to:
 - (a) open mesh and chain link type fences erected on cemeteries, public parks, schools, and in the E, I, or P Districts, which shall not exceed a height of 3.5 m; and
 - (b) fences that delineate the area used as sports fields, golf courses, golf driving ranges, tennis courts, and other similar uses.
- (4) Barbed wire, razor wire, or similar materials with sharp projections shall not be used in the construction of a fence, except within the E and I Districts or for correctional institutions permitted in the P2 District. Where permitted, these materials may exceed the permitted fence height.
- (5) The height of a fence shall be determined by measurement from average grade within 0.9 m of both sides of such fence to the highest point of the fence. Where a fence is erected above a retaining wall along a property line, any portion of ground located beyond the retaining wall shall not be included in the calculation of average grade.
- (6) Where a fence is located above a retaining wall, the fence shall be constructed with materials different from that used in the construction of the retaining wall, and in a manner that is visually dissimilar to the retaining wall.

4.6 Retaining Walls

- (1) In all zoning districts, retaining walls shall not exceed 1.2 m in height, as measured at any point along the retaining wall, except:
 - (a) the height may be varied through a development variance permit where a retaining wall has minimal visual impact on adjacent properties, uses, or the public realm; or
 - (b) where a retaining wall that exists, or that was approved for construction by the issuance of a building permit on or before the effective date of this Bylaw, is being replaced and all of the following apply:
 - (i) it is constructed in the same location and to the same height;
 - (ii) It is located entirely within the legal boundaries of the lot; and
 - (iii) site conditions make it not feasible to comply with the maximum allowable heights of this section, as determined by the Chief Building Inspector.
- (2) The height of a retaining wall shall be measured vertically from the lower of natural or finished grade at the base of the wall, to the surface of the ground or water which it supports.
- (3) The shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater heights.
- (4) The horizontal distance between the adjacent retaining walls shall be relatively level, suitably landscaped, and property maintained.
- (5) Subsections (1), (3), and (4) shall not apply to retaining walls that are required:
 - (a) as a condition of subdivision approval; or
 - (b) to exclusively provide access or light to a basement or cellar.
- (6) Any portion of a retaining wall that projects above the surface of the ground or water which it supports shall be considered a fence and be subject to Section 4.5.