

## PART 6 / USE-SPECIFIC REGULATIONS

*Part 6 establishes general use regulations and conditions for specific uses that apply to multiple zoning districts.*

### 1.0 General Use Regulations

#### 1.1 Conversion of Buildings

- (1) Buildings may be converted, altered, or remodeled for another use, provided that:
  - (a) The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
  - (b) The converted building shall conform to all the provisions and regulations prescribed for the zoning district in which it is located.

#### 1.2 Temporary Buildings and Parking Areas

- (1) Temporary buildings and/or parking areas may only be erected or established on a lot 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.
  - (e) For additional classroom space on lands being used as a public school or private school.
- (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 subsection (1).
- (3) The General Manager Planning and Development may grant minor variances to the siting and off-street vehicle parking requirements of this Bylaw for a temporary building and/or parking area.
- (4) A temporary building shall not be used as a dwelling.

### 1.3 Temporary Use Permits

- (1) A use not otherwise permitted in a zoning district may be permitted by the issuance of a temporary use permit under s. 493 of the *Local Government Act*, subject to the following conditions:
  - (a) It shall not be permitted in purpose-built rental housing;
  - (b) It shall not be permitted in small-scale multi-unit housing, a rowhouse dwelling, a townhouse dwelling, an apartment dwelling, a secondary suite, or a lock-off unit;
  - (c) It shall not include liquor stores, cannabis stores, cannabis production facilities and cannabis processing facilities;
  - (d) It shall not be permitted on a property that is designated Agricultural Land Reserve;
  - (e) On properties designated Industrial in the City's official community plan, temporary uses shall be limited to uses permitted in the E and I Districts, excluding office, restaurant, indoor athletic recreational uses, indoor go-cart tracks, and indoor pistol and rifle ranges;
  - (f) It should be compatible with the surrounding land uses with regard to intensity of use, operation, and visual and design considerations;
  - (g) It shall not impose significant impacts on the natural environment and surrounding areas, including noise, traffic, safety and security, and other considerations;
  - (h) It shall not negatively impact the future use and development of the property and surrounding areas as proposed in the Official Community Plan, or other applicable community plans;

### 1.4 Uses Permitted in All Districts

- (1) The following uses shall be permitted in all districts:
  - (a) public transit corridors, stations, exchanges, and related public-serving uses;
  - (b) publicly provided utility infrastructures, provided they have a setback of not less than 3 m from the lot line of an abutting lot in an A or R District;
  - (c) civic facilities; and
  - (d) publicly-owned parks and natural areas.

### 1.5 Uses Permitted Outside of an Enclosed Building

- (1) All uses, structures, and equipment permitted in a zoning district must be carried out within a completely enclosed building, with the exception of the following:
  - (a) Parking and loading facilities.
  - (b) Service stations and industrial or marine fueling stations.
  - (c) Outdoor produce or garden shops.
  - (d) Community gardens and agricultural uses, including urban agriculture but excluding commercial nurseries and greenhouses.
  - (e) Outdoor play areas, including outdoor animal care play areas.
  - (f) Display, storage, or works yards and towing and impound lots.
  - (g) Utility installations.
  - (h) Transportation facilities and active mobility hubs.
  - (i) Film production trucks and trailers used in conjunction with production studios for radio, television, motion picture, theatre, dance and similar productions.
  - (j) Outdoor seating at cafes, restaurants or other facilities where food or drink is served.
  - (k) Mobile retail and restaurant, provided that they are operated with the permission of the owner or manager of the property on which they are located.
  - (l) Marine mooring facilities, marinas, or other outdoor storage of boats associated with water-oriented uses.
  - (m) Facilities and installations related to the trans-shipment of goods and materials.
  - (n) Storage tanks, including the storage of petroleum products.

- (o) HVAC, air intake and exhaust units, emergency generators, and other electrical or mechanical equipment, provided that they are not a principal component of the primary activities conducted under the principal, secondary, or accessory uses on a lot.
- (p) Energy generation.
- (q) Outdoor recreation and fitness areas.
- (r) Recycling centres.

## 1.6 Accessory Buildings, Structures, and Uses

- (1) No accessory building or structure, excluding fences and retaining walls, 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.
- (2) Where a garage or carport or other accessory building or structure, excluding fences and retaining walls, 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.

## 2.0 Base and Overlay Zoning Districts

### 2.1 General

#### 2.1.1 Interpretation

- (1) Where a lot is zoned to include an overlay zoning district, the base zoning district continues to apply except as modified, supplemented, or expanded by the overlay zoning district, in accordance with the regulations in this Section 2.0.
- (2) For the purposes of this section, a building “abutting a street” includes any building that fronts a public street or is separated from it only by a setback, landscaped area, or surface parking area on the same lot.

#### 2.1.2 Lot Coverage and Lot Line Setbacks

- (1) Required lot coverage and permeable surface area shall be determined by the base or overlay zoning district with the greatest allowable lot coverage and lowest allowable permeable surface area.
- (2) Required setbacks from property lines for a given use shall be determined by the zoning district containing that use.
- (3) Where a lot contains uses permitted in both the base and overlay zoning districts, the most permissive setback regulations shall apply.

#### 2.1.3 Height

- (1) Subject to subsection (2), the maximum permitted building height is determined by:
  - (a) the permitted height of the base or overlay R District present on the lot; or
  - (b) where there is no R District, by the base or overlay zoning district with the greatest allowable height.
- (2) Where the base or overlay zoning district is the R1 District and no dwelling units are provided on a lot, the least permissive R1 District height shall apply.

#### 2.1.4 Permitted Uses

- (1) A lot may contain uses permitted in the base and/or overlay zoning districts, except as otherwise provided for in this Bylaw and subject to the other conditions set out in this Section 2.0.

## 2.2 C District Conditions

- (1) On lots with a C District base and an R District overlay:
  - (a) A minimum of 60% of the ground level gross floor area of all buildings on the lot abutting a street must contain non-residential C District use(s), which may include associated supporting service areas such as storage, mechanical rooms, circulation, or other spaces directly related to or necessary for the operation of the non-residential use. The remainder of the ground level storey may be used for other permitted base or overlay district uses, including residential amenity space or ground-oriented residential dwelling units.
  - (b) On C2 District lots, all buildings required to have ground level commercial uses referred to in paragraph (a) require a second commercial storey in any other above-grade portion of the building, of which a minimum of 60% of the gross floor area of the storey must contain non-residential C2 District use(s), subject to the same conditions of use set out in paragraph (a).

## 2.3 E District Conditions

- (1) The following is required on lots with an E1 District base and an R District overlay:
  - (a) Residential use is limited to purpose-built rental housing.
  - (b) A minimum of 80% of the ground level gross floor area of all buildings on the lot must contain non-residential E1 District use(s), which may include associated supporting service areas such as storage, mechanical rooms, circulation, or other spaces directly related to or necessary for the operation of the non-residential use. The remainder of the ground level storey may be used for other permitted base or overlay district uses, including residential amenity space or ground-oriented residential dwelling units.
- (2) The following is required on lots with an E1 District base and a C1 District overlay:
  - (a) A minimum of 60% of the ground level gross floor area of all buildings on the lot abutting a street must contain non-residential C District use(s), which may include associated supporting service areas such as storage, mechanical rooms, circulation, or other spaces directly related to or necessary for the operation of the non-residential use. The remainder of the ground level storey may be used for other permitted base or overlay district uses.
  - (b) An E1 District principal use must be present on the lot.

## 2.4 P District Conditions

- (1) The following is required on lots with a P2 District base and an R District overlay:
  - (a) A minimum of 5% of the gross floor area of the lot must contain non-residential P2 District principal use(s), which may include associated supporting service areas such as storage, mechanical rooms, circulation, or other spaces directly related to or necessary for the operation of the non-residential use. The remainder may be used for other permitted base or overlay district uses.
- (2) Where residential dwelling units are provided, a minimum portion must be non-market rental housing in accordance with the following:
  - (a) Non-market rental housing units are required in addition to any required inclusionary rental units on lots with R5, R6, R7, and R8 overlays.
  - (b) Non-market rental housing units must be provided at the percentage of total dwelling units set out in Part 5 Table 5-1.3 for the applicable quadrant, including on lots with an R1, R2, R3 or R4 overlay and where the residential dwelling units provided are all rental units.
  - (c) The maximum rental rate for non-market rental housing units required under this Section 2.4 must be below the rental rate for market rental units and be subject to a Housing Agreement.
  - (d) Non-market rental housing units required under this Section 2.4 are not eligible community benefit bonus housing under Part 5-2.0 of this Bylaw.

## 3.0 Residential Uses

### 3.1 Secondary Suites

- (1) A secondary suite may be permitted as an accessory use to a primary dwelling unit in small-scale multi-unit housing, a rowhouse dwelling, or a townhouse dwelling, subject to the following:
  - (a) A secondary suite must be fully contained within the primary dwelling unit.
  - (b) A primary dwelling can contain no more than one secondary suite.
  - (c) A secondary suite may be located anywhere in relation to the primary dwelling unit.
  - (d) A secondary suite shall meet the requirements for a secondary suite under the British Columbia Building Code.
  - (e) A secondary suite shall have a minimum gross floor area as set out in Part 4-3.2.2.
  - (f) A secondary suite and the primary dwelling unit on a lot shall at all times remain a single parcel under a single title and shall not be subdivided into separate parcels by way of strata plan, air space plan, or otherwise.
- (2) The following uses are prohibited from operating within a primary dwelling unit that contains a secondary suite, including within the secondary suite:
  - (a) boarding use;
  - (b) a child care facility, with the exception of a home-based child care facility subject to subsection (3); or
  - (c) a home occupation that includes on-site client services.
- (3) A home-based child care facility may operate within a secondary suite provided there is no internal access between the primary dwelling unit and the secondary suite.

### 3.2 Lock-Off Units

- (1) A lock-off unit must:
  - (a) be contained within a primary dwelling unit no less than 74 m<sup>2</sup> in gross floor area, inclusive of the area of the lock-off unit;
  - (b) be not less than 24 m<sup>2</sup> in gross floor area and not greater than 35% of the gross floor area of the primary dwelling unit in which it is located;
  - (c) contain a secondary kitchen area with a compact range or microwave oven and built-in cooktop, compact refrigerator, sink, counter, cabinets, and venting;
  - (d) contain at least one closet and a bathroom with a toilet, sink, and bathtub or shower;
  - (e) be wired for independent telephone connection prior to occupancy and remain so;
  - (f) have a separate lockable entrance door providing direct access to the exterior of the dwelling unit; and
  - (g) meet the requirements for a lock-off unit under the British Columbia Building Code.
- (2) A lock-off unit and the primary dwelling unit in which it is located shall at all times remain part of the same strata lot under a single title.
- (3) A lock-off unit may be occupied as the permanent home or residence of one additional household only.

### 3.3 Short-Term Rentals

- (1) Short-term rental is permitted as an accessory use to small-scale multi-unit housing, rowhouse dwellings, townhouse dwellings, apartment dwellings, and live-work units in all districts, all of their sub-districts, and the Comprehensive Development District, or portion thereof, where these residential uses are permitted, subject to the following conditions:
  - (a) short-term rental shall only be permitted in the principal residence of a registered owner of the dwelling unit;
  - (b) short-term rental shall not be permitted in:
    - (i) a rental unit;
    - (ii) a secondary suite;
    - (iii) an apartment dwelling unit that contains a lock-off unit, including within the lock-off unit;
    - (iv) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes;
    - (v) a dwelling unit that contains a boarding use, a child care facility, a home-based child care facility, congregate housing, a supportive housing facility, or a home occupation that includes on-site client services; or
    - (vi) an accessory building or structure.
  - (c) in a primary dwelling unit that contains a secondary suite, short-term rental shall only be permitted in the primary dwelling unit if the secondary suite is occupied and rented to a long-term tenant for a period of 30 consecutive days or more.

### 3.4 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 may be used as an artist studio for small-batch crafting-related activities but shall not be used for welding or any other manufacturing or 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.
- (3) There shall be no external storage of materials, containers, or finished product.
- (4) No commodity produced off-site shall be sold on the premises.
- (5) 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.
- (6) No person who is not a resident in the dwelling shall perform any work for the home occupation at the residential location, except that one non-resident employee is permitted for a home-based child care facility.
- (7) On-site sales and client services shall be limited to a maximum of one customer and one customer vehicle at any one time.

### 3.5 Home-Based Child Care Facilities

- (1) In all districts where permitted, other than the R1 District, 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 General Manager Planning and Building as to that support.
- (2) In the R1 District a home-based child care facility shall be permitted:
  - (a) in any dwelling unit, up to a maximum of two home-based child care facilities on a lot, subject to Section 3.1 (3); and
  - (b) only if the owners of the other dwelling units on the lot provide written confirmation that they support the establishment of the home-based child care facility to the satisfaction of the General Manager Planning and Development as to that support.
- (3) In a dwelling that contains a home-based child care facility, the following uses shall not be permitted:
  - (a) boarding use;
  - (b) congregate housing;
  - (c) a supportive housing facility;
  - (d) short-term rental; and,
  - (e) any home occupation that includes on-site client services.

### 3.6 Supportive Housing

- (1) In all districts, except the P2 District, where listed as a principal use, supportive housing shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District.

## 4.0 Commercial, Employment, and Industrial Uses

### 4.1 Retail

#### 4.1.1 Cannabis Stores

- (1) A cannabis store must be located at least 1.0 km away from any other cannabis store within the City of Burnaby.

#### 4.1.2 Liquor Stores

- (1) A liquor store must be located not less than 1.0 km away from any other liquor store within the City of Burnaby.

### 4.2 Service Stations

- (1) Screening of not less than 1.8 m in height shall be provided and properly maintained along any boundary of the lot which abuts a lot in an A or R District or is separated therefrom by a lane.
- (2) Fuel service pumps or pump islands may project into a required front or side yard but shall be located not closer than 4.5 m to any property line, with the exception of electric vehicle charging infrastructure.
- (3) For gasoline service stations, oil change establishments, and carwash facilities, the service area shall be paved with a permanent surface of asphalt or concrete, and any unpaved areas of the lot shall be suitably landscaped and maintained and separated from the paved areas by a curb or other barrier.

## 5.0 Institutional Uses

### 5.1 Child Care Facilities

- (1) No outdoor play area shall be located in any required front yard in the C, E, or I Districts where child care facilities are permitted.

### 5.2 Dormitories

- (1) A dormitory must be situated within 800 m of the boundaries of the lots and premises owned or occupied by the institution which it serves.

### 5.3 Emergency Shelters

- (1) Emergency shelters shall be:
  - (a) located entirely within a building; and,
  - (b) located on land owned, leased or controlled by the City or a government body and operated by the City or by a government body or non-profit service provider.

### 5.4 Utilities

#### 5.4.1 Telecommunication Antennae

- (1) A telecommunication antenna is permitted on any lot in any zoning district except the R1 District if:
  - (a) it is attached to a building;
  - (b) it is at least 5.0 m above the ground; and
  - (c) the total area occupied by antennae on any building face does not exceed 7.5 m<sup>2</sup> and,
  - (d) it does not extend more than 3 m above the highest point of the building face, which may be defined by the top of a parapet or mechanical penthouse.
- (2) A telecommunication 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.
- (3) Except where otherwise permitted in the E, I, and P Districts, all other antenna developments not addressed by subsections (1) and (2) are subject to Comprehensive Development rezoning.

## 6.0 Agricultural Uses

### 6.1 Urban Agriculture

#### 6.1.1 Beekeeping

- (1) Urban beekeeping for domestic purposes may be permitted as an accessory use on a lot in the R1 District, subject to the following conditions;
  - (a) The lot shall:
    - (i) have a width of not less than 15 m and an area of not less than 560 m<sup>2</sup>; and
    - (ii) contain only a single primary dwelling unit with no secondary suite.
  - (b) Not more than two beehives and two nucleus colonies shall be maintained on the lot.
  - (c) The hives or structures inhabited by the bees shall be located in the rear yard and, unless the rear yard is surrounded by a solid fence or hedge not less than 1.8 m in height, shall be:
    - (i) set back not less than 7.5 m from all lot lines; and
    - (ii) elevated not less than 2.5 m above the surface of the ground.

### 6.1.2 Keeping of Chickens

- (1) Keeping of chickens for domestic purposes may be permitted as an accessory use on a lot in the R1 District, subject to the following conditions:
  - (a) The lot shall:
    - (i) have a width of not less than 15 m and an area of not less than 560 m<sup>2</sup>; and
    - (ii) contain only a single primary dwelling unit with no secondary suite.
  - (b) No less than two and no more than four hens over the age of four months shall be kept at a time on a lot.
  - (c) Each chicken must be provided with:
    - (i) No less than 0.35 m<sup>2</sup> of weatherproof interior coop space; and
    - (ii) No less than 1.0 m<sup>2</sup> of outdoor enclosure area that is attached to and forms part of the coop.
  - (d) The coop, including outdoor enclosure, shall be located:
    - (i) in the rear yard;
    - (ii) a minimum distance of 2.4 m from all other buildings on the lot;
    - (iii) outside the required minimum property line setbacks; and
    - (iv) outside the required vision clearance areas specified in Part 4-1.5.
  - (e) The following uses are prohibited:
    - (i) the keeping of roosters;
    - (ii) the sale of eggs, meat, or manure; and
    - (iii) the slaughter of chickens on the lot.