

**CITY OF BURNABY**

**BYLAW NO. 14065**

A BYLAW to amend the Zoning

Bylaw provisions to child care facilities

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 31, 2019.**
  
2. Burnaby Zoning Bylaw 1965, as amended, is further amended:
  - (a) at Section 3, by adding the following definition, in alphabetical order:  
“**OUTDOOR PLAY AREA**” means an outdoor open area designated for physical activity of children in a child care facility or a home-based child care facility, in accordance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* as amended or replaced from time to time.”
  
  - (b) at Section 6.2, by repealing the heading and replacing it with the following:  
“**6.2 Location and Siting of Buildings and Uses:**”
  
  - (c) at Section 6.2, by adding the following as subsection (4):  
“(4) No outdoor play area shall be located in any required front or side yard in the C1, C2, C3, C4, C8 and C9 Districts.”
  
  - (d) at Section 6.8A, by adding the following as subsection (4):  
“(4) In a dwelling that contains a home-based child care facility, the following uses shall not be permitted:
    - (a) keeping of boarders or lodgers;
    - (b) a boarding, lodging and rooming house;
    - (c) a group home;

- (d) a private hospital;
- (e) a supportive housing facility; and
- (f) any home occupation that includes on-site client services.”

(e) at Section 6.14(5), by repealing subsection (a) in its entirety and replacing it with the following:

“(a) In all zoning districts, except for screening required under this Bylaw and fences enclosing an outdoor play area, fences not greater than 1.07m (3.51ft.) in height may be located anywhere on a lot.”

(f) at Section 6.15(1), by repealing subsection (c) in its entirety and replacing it with the following:

“(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 or outdoor play area shall be fully and suitably landscaped and properly maintained.”

(g) at Section 301.2, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Every business or undertaking shall be conducted within a completely enclosed building except for

- (a) parking and loading facilities,
- (b) gasoline service stations,
- (c) outdoor produce shops,
- (d) outdoor garden shops,
- (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served, and
- (f) outdoor play areas.”

(h) at Section 302.2, by repealing subsection (1) in its entirety and replacing it with the following:

- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for
- (a) parking and loading facilities,
  - (b) gasoline service stations,
  - (c) outdoor produce shops,
  - (d) outdoor garden shops,
  - (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
  - (f) mobile retail carts, and
  - (g) outdoor play areas.”

(i) at Section 303.2, by repealing subsection (1) in its entirety and replacing it with the following:

- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for
- (a) parking and loading facilities,
  - (b) gasoline service stations,
  - (c) outdoor produce shops,
  - (d) outdoor garden shops,
  - (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
  - (f) mobile retail carts, including but not limited to, mobile food carts, and
  - (g) outdoor play areas.”

(j) at Section 304.2, by repealing subsection (1) in its entirety and replacing it with the following:

- “(1) Every business, repair or servicing uses shall be conducted within a completely enclosed building except for

- (a) permitted outdoor display,
  - (b) rental, sales or storage yards,
  - (c) parking and loading facilities,
  - (d) gasoline service stations,
  - (e) outdoor seating at cafes, restaurants or other facilities where food or drink is served,
  - (f) mobile retail carts, and
  - (g) outdoor play areas.”
- (k) at Section 308.3, by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, produce and garden displays, outdoor restaurant seating, outdoor play areas, and mobile retail carts.”
- (l) at Section 309.3, by repealing subsection (1) in its entirety and replacing it with the following:
- “(1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, produce and garden displays, outdoor play areas, and outdoor restaurant seating.”
- (m) at Section 501.4, by repealing it in its entirety and replacing it with the following:
- “501.4 **Lot Area and Width:**
- Each lot shall have an area of not less than 890 m<sup>2</sup> (9,579.9 sq.ft.) and a width of not less than 24.5 m (80.38 ft).”
- (n) at Section 502.1, by adding the following as subsection (19):
- “(19) Child care facilities.”

- (o) at Section 503.1, by adding the following as subsection (12):  
“(12) Child care facilities.”
  
- (p) at Section 503.2, by adding the following as subsection (3):  
“(3) A child care facility shall be operated by the City, or on behalf of the City, where it is located on lands that are owned, leased or controlled by the City.”
  
- (q) at Section 505.4, by repealing subsection (1)(b) and marking it “Repealed”.
  
- (r) at Section 506.1, by adding the following as subsection (9):  
“(9) Child care facilities.”

Read a first time this	day of	, 2019
Read a second time this	day of	, 2019
Read a third time	day of	, 2019
Reconsidered and adopted this	day of	, 2019

MAYOR

CLERK