

CITY OF BURNABY

BYLAW NO. 14170

A BYLAW to amend the Zoning
Bylaw provisions for fences and
retaining walls

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 12, 2020.**
2. Burnaby Zoning Bylaw 1965, as amended, is further amended:
 - (a) at Section 3, by adding the following definitions, in alphabetical order:

“**FENCE**” means a structure, not being a building, used as an enclosure or for screening purposes around all or part of a lot.”

“**RETAINING WALL**” means a structure, not being a building, designed to hold back, stabilize or support water, soil, rocks, or similar geotechnical materials. For the purpose of this Bylaw, a retaining structure, not being a building, which does not have an exposed face and which is designed to hold back water shall not be considered a retaining wall.”
 - (b) at Section 3, by deleting the definition of “BUILDING, COMPLETELY ENCLOSED” in its entirety and replacing it with the following:

“**BUILDING, COMPLETELY ENCLOSED**” means a building separated on all sides from the adjacent open spaces, or from other buildings or structures, excluding fences and retaining walls, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.”
 - (c) at Section 3, by deleting the definition of “HEIGHT” in its entirety and replacing it with the following:

“**HEIGHT**” means the vertical dimension of a building or structure measured in accordance with this Bylaw.”

- (d) at Section 3, under the definition of “LOT COVERAGE” by deleting paragraphs (a) to (h) inclusive and replacing them with the following:

- “(a) belt courses, cornices, eaves, gutters, sills or other similar ornamental features;
- (b) bay windows;
- (c) chimneys, fire escapes and steps;
- (d) canopies and sunshades;
- (e) terraces;
- (f) balconies;
- (g) uncovered swimming pools;
- (h) fences and retaining walls; and
- (i) parking areas that are:
 - (i) underground, or
 - (ii) open-sided and roofless.”

- (e) at Section 3, by deleting the definition of “SCREENING” and replacing it with the following:

“**SCREENING**” means a continuous fence, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.”

- (f) at Section 3, by deleting the definition of “STRUCTURE” in its entirety and replacing it with the following:

““**STRUCTURE**” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.”

- (g) at Section 6.2 subsection (2), by deleting it in its entirety and replacing it with the following:

“(2) No accessory building or structure, with the exception of fences and retaining walls, shall be located in any required front, or side yard, except as provided for in Sections 6.6 and 6.12 of this Bylaw.”

- (h) at Section 6.6, by deleting the heading “Accessory Buildings and Uses:” and replacing it with the following:

“**Accessory Buildings, Structures, and Uses:**”

- (i) at Section 6.6 subsection (1)(a), by deleting it in its entirety and replacing it with the following:

“(a) 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, excluding fences and retaining walls, 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.”

- (j) at Section 6.6 subsection (1)(b), by deleting it in its entirety and replacing it with the following:

“(b) 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.”

- (k) at Section 6.6 subsection (1), by adding the following as subsection (e):

“(e) A structure listed in Section 6.12(1)(f) that projects into a required front, or side yard shall comply with the height requirements prescribed for fences within the zoning district in which it is located.”

- (l) at Section 6.6 subsection (2), by adding the following as subsection (h):

“(h) In an R and RM District, an accessory structure not being a building, excluding a fence or a retaining wall, located outside of a required front yard or side yard, shall not exceed 4.6 m (15.1 ft.) in height.”

- (m) at Section 6.12 subsection (1), by deleting the first sentence “The following features may project into a required front, side or rear yard.” and replacing it with the following:

“The following features and structures may project into a required front, side or rear yard:”

- (n) at Section 6.12 subsection (1)(e), by deleting it in its entirety and replacing it with the following:

“(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 6.14.2 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted.”

- (o) at Section 6.12 subsection (1), by adding the following as subsection (k):

“(k) Utility, fire and servicing equipment.”

- (p) at Section 6.13 subsection (1), by deleting the text “no fence, wall or structure” in the first line of the last paragraph and replacing it with “no structure”.
- (q) at Section 6.14, by deleting it in its entirety and replacing it with the following:

“6.14.1 Retaining Walls:

- (1) In all zoning districts, retaining walls shall not exceed 1.2 m (3.94 ft.) in height, as measured at any point along the retaining wall.
- (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 height.
- (4) The horizontal distance between the adjacent retaining walls shall be relatively level, suitably landscaped, and properly maintained.
- (5) Subsections (1), (3), and (4) of Section 6.14.1 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 6.14.2 of this Bylaw.

6.14.2 Fences:

- (1) Subject to the vision clearance provisions of Section 6.13, the following height limitations shall apply to fences:
 - (a) In all zoning districts, except for required screening and outdoor play area enclosures, fences not exceeding 1.07 m (3.51 ft.) in height may be located within a required front yard.

- (b) In all zoning districts, except A, C4 and M Districts, fences not exceeding 1.8 m (5.91 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
 - (c) In A, C4 and M Districts, fences not exceeding 2.4 m (7.87 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
 - (d) Notwithstanding paragraph (c) of Section 6.14.2(1), in M Districts, any fence located outside of the required yards shall not exceed the maximum height prescribed for principal buildings within the zoning district in which it is located.
 - (e) Notwithstanding paragraphs (a), (b), and (c) of Section 6.14.2(1), arbors, archways, gates and similar structures which serve as an entrance to a property shall not exceed 2.6 m (8.53 ft.) in height, and 1.8 m (5.91 ft.) in width.
- (2) The height of a fence shall be determined by measurement from average grade within 900 mm (2.95 ft.) 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.
 - (3) Notwithstanding subsection (1), and subject to the vision clearance provisions of Section 6.13, open mesh and chain link type fences erected on cemeteries, public parks, schools, and in the M or P Districts shall not exceed a height of 3.5 m (11.48 ft.). The addition of barbed wire, razor wire, or similar materials with sharp projections to such fences shall be permitted in the M Districts, and for correctional institutions permitted in the P7 District.
 - (4) Subsection (1) shall not apply to fences that delineate the area used as sports fields, golf courses, golf driving ranges, tennis courts, and other similar uses. Such fences shall be subject to the vision clearance provisions of Section 6.13.
 - (5) Barbed wire, razor wire, or similar materials with sharp projections shall not be used in the construction of a fence, except for correctional institutions permitted in the P7 District, or in the M Districts.
 - (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.”
- (r) at Section 6.15(2)(b), by deleting the text “or wall”.

- (s) at Section 6.16 subsection (7), by deleting it in its entirety and replacing it with the following:
 - “(7) Nothing in this section prohibits the erection of a permitted street canopy, fence, or retaining wall.”
- (t) at Section 110.12 subsection (1), by deleting it in its entirety and replacing it with the following:
 - “(1) Notwithstanding section 6.14.2(1)(b), a fence not higher than 1.8 m (5.9 ft.) may be located to the rear of the face of the principal building facing the front yard.”
- (u) at Section 110.12 subsection (2), by deleting it in its entirety and replacing it with the following:
 - “(2) Notwithstanding Sections 6.14.2(1)(a), and 6.14.2(1)(e), no fence or other similar structure is permitted in front of the face of the principal building facing the front yard, except two or less pillars, each of which does not exceed 0.6 m (1.97 ft.) in width or 1.5 m (4.92 ft.) in height.”
- (v) at Section 401.1(17)(f), by deleting the text “or wall”.
- (w) at Section 403.1(15)(a)(ii), by deleting the text “or wall”.
- (x) at Section 403.1(15)(a)(iii), by deleting the text “or wall”.
- (y) at Section 404.2 subsection (3), by deleting it in its entirety and replacing it with the following:
 - “(3) Accessory buildings and uses, and fences on residential lots shall be subject to the appropriate requirements for Residential Districts in Sections 6.6 and 6.14.2 of this Bylaw.”
- (z) at Section 404.2 subsection (4), by deleting it in its entirety and replacing it with the following:
 - “(4) Accessory buildings and uses, and fences on non-residential lots shall be subject to the appropriate requirements for Non-Residential Districts in Sections 6.6 and 6.14.2 of this Bylaw.”

- (aa) at Section 407.5 subsection (1), by deleting it in its entirety and replacing it with the following:

“(1) No building or structure, excluding fences and retaining walls, constructed on land shall be located closer than 6.0 m (19.69 ft.) to the boundaries of the lot, except that such setback may be reduced to a distance of not less than 3.0 m (9.84 ft.) where a lot abuts another lot in this district.”

- (bb) at Section 509.5 by deleting the paragraph under the heading “Yards:” in its entirety and replacing it with the following:

“No building or structure, excluding fences and retaining walls, constructed on land shall be located closer than 9.0 m (29.53 ft.) to the boundaries of the lot, except that no setback shall be required on any portion of the lot which adjoins or abuts the High Water Mark.”

- (cc) at Section 700.2 subsection (2), by deleting it in its entirety and replacing it with the following:

“(2) Exceptions to the applicable parking and loading, carwash stall, screening and landscaping, fence and retaining wall, minimum frontage of a business, projection into required yards and bulk regulations of this Bylaw may be permitted, provided that the floor area ratio and density for the development as a whole are in conformity with the applicable requirements of this Bylaw, and that such exception results in an improved relationship between the various parts of the proposed development.”

- (dd) at Section 700.3 subsection (1)(e), by deleting it in its entirety and replacing it with the following:

“(e) The location and treatment of open spaces, landscaping, fences and retaining walls.”

- (ee) at Section 800.7(4), by deleting the text “walls,”.

(ff) at Section 900.6(3), by deleting the text “walls,”.

Read a first time this	day of	, 2020
Read a second time this	day of	, 2020
Read a third time	day of	, 2020
Reconsidered and adopted this	day of	, 2020

MAYOR

CLERK