

CITY OF BURNABY

BYLAW NO. 14661

A BYLAW to amend various
sections of the Zoning Bylaw

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 8, 2024.**

2. Burnaby Zoning Bylaw 1965, as amended, is further amended:

(a) at the Table of Contents, under the heading “SCHEDULES”, by repealing Sections 101 to 112 in their entirety and replacing them with the following:

“101. Small-Scale Multi-Unit Housing District (R1)”

(b) at Section 3, by repealing the definition of “ACCESSORY BUILDING” in its entirety and replacing it with the following:

““ACCESSORY BUILDING” means

(1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or

(2) a building which is ancillary to a principal use being made of the lot upon which such building is located.

For the purposes of this bylaw, a building containing a dwelling unit is not an accessory building.”

(c) at Section 3, by repealing the definition of “ACCESSORY USE” in its entirety and replacing it with the following:

““ACCESSORY USE” means

- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or
- (2) a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.”

(d) at Section 3, by repealing the definition of “CARPORT” in its entirety and replacing it with the following:

“**CARPORT**” means a detached accessory building or portion thereof or a portion of a principal building that is used as a private garage and has 60 percent or less of the perimeter enclosed by walls, doors or windows.”

(e) at Section 3, by repealing the definition of “CELLAR” in its entirety and replacing it with the following:

“**CELLAR**” means the portion of a building between two floor levels that is partly or wholly underground and has more than one-half its height, from its finished floor to the underside of the joists of the floor next above it, below average natural grade as determined by the Building Inspector. A cellar shall not be considered to be a storey, except in the R1 District.”

(f) at Section 3, by repealing the definition of “DWELLING, DUPLEX” in its entirety and replacing it with the following:

“**DWELLING, DUPLEX**” means any building consisting of two primary dwelling units.”

(g) at Section 3, by repealing the definition of “DWELLING, MULTIPLE FAMILY” in its entirety and replacing it with the following:

“**DWELLING, MULTIPLE FAMILY**” means any building consisting of three or more primary dwelling units, but does not include a supportive housing facility.”

- (h) at Section 3, by repealing the definition of “DWELLING, ROW HOUSING” in its entirety and replacing it with the following:

“**DWELLING, ROWHOUSE**” means at least two side-by-side primary dwelling units, each sharing a party wall with the adjoining unit and each unit located on a separate lot that is not a strata lot.”

- (i) at Section 3, by repealing the definition of “DWELLING, TOWNHOUSE” in its entirety and replacing it with the following:

“**DWELLING, TOWNHOUSE**” means one of two or more dwelling units within a strata development, where each dwelling unit has individual direct access to the outside either at ground level or by stairs and is attached to at least one other dwelling unit by a shared floor or party wall.”

- (j) at Section 3, by repealing the definition of “LOT COVERAGE” in its entirety and replacing it with the following:

“**LOT COVERAGE**” means the combined area covered by all buildings and structures on the lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane but excluding:

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

- (i) underground, or
- (ii) open-sided and roofless; and
- (j) accessibility ramps provided for the use of persons with disabilities.”

- (k) at Section 3, by repealing the definition of “PRIMARY DWELLING UNIT” in its entirety and replacing it with the following:

“**“PRIMARY DWELLING UNIT”** a dwelling unit that is not a secondary suite.”

- (l) at Section 3, by repealing the definition of “STOREY” in its entirety and replacing it with the following:

“**“STOREY”** means a habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.”

- (m) at Section 3, by repealing the definitions of “DWELLING, SEMI-DETACHED”, “DWELLING, TWO FAMILY”, “GROUND LEVEL SUITE”, “LANEWAY HOME”, and “ROUGH-IN SECONDARY SUITE”, in their entirety.

- (n) at Section 3, by adding the following definitions in alphabetical order:

“**“COMMUNITY HERITAGE REGISTER”** means a register that identifies lots that are considered by the City to be heritage property, as defined in the *Local Government Act*.

“**“DWELLING, MULTIPLEX”** means a multiple family dwelling that contains no more than six dwelling units in a building on a lot, where at least three of the dwelling units are primary dwelling units.

“**“FREQUENT TRANSIT NETWORK AREA”** means an area within 400 m

(1,312.34 ft) of a bus stop with frequent service as prescribed in the *Local Government Zoning Bylaw Regulation*, as amended from time to time.

“SMALL-SCALE MULTI-UNIT HOUSING” means any residential building(s) on a lot containing a total of one to six dwelling units, inclusive of all primary dwelling units and secondary suites, which may consist of single family, duplex, and/or multiplex dwellings, but excluding rowhouse dwellings.

“URBAN AGRICULTURE” means the keeping of no more than two beehives and/or four hens for domestic purposes as an accessory use on a residential lot.

“YARD, STREET” means an area created by a building setback from a lot line, or segment of a lot line, that abuts a street.”

- (o) at Section 6.2, by repealing subsections (1) and (2) in their entirety and replacing them with the following:

“(1) No principal building shall be located in any required front, street, side or rear yard.

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

- (3) at subsection 6.3(1), by repealing paragraph (b) in its entirety and replacing it with the following:

“(b) In all zoning districts, except R1 and RM Districts and developments in the C8 and C9 Districts that include a residential component, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.).”

- (4) at subsection 6.3(2), by repealing paragraph (b) in its entirety and replacing it with the

following:

“(b) In all zoning districts, except R1 and RM Districts and developments in the C8 and C9 Districts that include a residential component, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building.”

(5) by repealing Section 6.3.1 in its entirety.

(6) at Section 6.4, by repealing subsections (2), (3), and (4) in their entirety and replacing them with the following:

“(2) Except in the C2, R1, RM6, and P11 Districts, the height of a principal building shall be measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4); and where no front yard setback is required the height shall be measured from the curb.

(3) In all districts the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: aerials, electrical service masts, television and radio antennae, chimneys, flues, flagpoles, vents, transmission towers, water tanks, and solar panels; but such structures shall cover no more than 20 percent of the lot or, if located on a building, no more than 10 percent of the roof area of the building, with the exception of solar panels.

(4) Except in the R1 District, the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery and penthouses; but no such structure shall cover more than 20 percent of the lot or, if located on a

building, more than 10 percent of the roof area of the building.”

- (7) at Section 6.4, by repealing subsection (6) in its entirety and replacing it with the following:

“(6) Except in the R1 District, the height of a detached accessory building shall be measured from the calculated average natural grade of all sides of the building to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4), except that the height of a detached garage or carport may be measured from the finished grade at the point used for vehicular access.”

- (8) at subsection 6.6(1), by repealing paragraph (e) in its entirety and replacing it with the following:

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

- (9) at subsection 6.6(2), by repealing the heading in its entirety and replacing it with the following:

“(2) Residential Districts (A and RM):”

- (10) at subsection 6.6(2), by repealing paragraphs (b) and (c) in their entirety and replacing them with the following:

“(b) The gross floor area of all accessory buildings on a lot in an A or RM District shall not exceed 10 percent of the area of the lot.

(c) Not more than two-thirds of the width of the rear yard of any lot in A District shall be occupied by accessory buildings.”

- (11) at subsection 6.6(2), by repealing paragraphs (e), (f), (g), and (h) in their entirety and replacing them with the following:

- “(e) In an A District, if for topographical reasons a private garage or carport cannot be constructed at the side or rear of the principal building, such garage or carport may be constructed in an excavation in a front yard, provided that no part of such structure shall extend more than 1.2 m (3.94 ft.) above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m (3.94 ft.) from the front property line.
- (f) An accessory building in an RM District shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A or R1 District.
- (g) The regulations governing accessory buildings specified in clauses (a) to (f) inclusive, shall apply also to accessory buildings on corner lots, excepting that:
- (i) An accessory building in an A or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district in which it is located.
- (ii) An accessory building in an A District shall be located not closer than 1.2 m (3.94 ft.) from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in A or R1 District.
- (h) In an 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.”

(p) at Section 6.7.1, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) A secondary suite may be permitted as an accessory use to a primary dwelling unit in an R1, RM6, A1, A2, and A3 District, subject to the following conditions:

- (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 floor area as set out in Section 6.10(1);
- (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; and
- (g) neither a boarding use, the operation of a boarding, lodging or rooming house, the operating of a child care facility or home-based child care facility, the operation of a group home, private hospital or supportive housing facility, nor the operation of a home occupation that includes on-site client services shall be permitted in a primary dwelling unit that contains a secondary suite, including within the secondary suite.”

(q) at Section 6.7.1, by repealing subsection (2) in its entirety.

(r) by repealing Section 6.7.2 in its entirety.

- (s) at Section 6.8A, by repealing subsection (3) in its entirety and replacing it with the following:

“(3) In the R1 District a home-based child care facility shall be permitted in only one dwelling unit within each principal building on a lot, up to a maximum of two home-based child care facilities on a lot, and only if the owners of the other dwelling units support the establishment of the home-based child care facility and satisfies the Director Planning and Building as to that support.”

- (t) at Section 6.9, by repealing subsections (3), (4), (5), and (6) in their entirety and replacing them with the following:

“(3) In the R1 District, for the purpose of providing vehicular access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, or the calculation of principal building height, if the lowered surface does not exceed a width of 6.7 m (22 ft.) along the wall.

(4) In the R1 District, for the purpose of providing pedestrian access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar or the calculation of principal building height, if the lowered surface is not on the same side of the building as a depressed vehicular access and does not exceed an area of 10.0 m² (107.6 sq. ft.) per dwelling unit, including stairs.

(5) In the R1 District, for the purpose of providing light to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar or the calculation of principal building height, if the window wells do not:

- (a) extend more than 0.9 m (3.0 ft.) from the building,
- (b) extend more than 0.75 m (2.5 ft.) into the required side yards, and
- (c) exceed in length 25 percent of the length of the wall.”

- (u) at Section 6.10, by repealing subsections (1) and (2) in their entirety and replacing them with the following:

“(1) No primary dwelling unit in the R1 or A Districts shall contain less than 56 m² (602.80 sq.ft.) of floor area. A secondary suite shall contain at least 32.52 m² (350 sq.ft.) of floor area.”

- (2) In the case of apartment buildings or townhouse dwellings, in a District other than the R1 and P11e Districts, the following minimum suite floor areas shall apply:

(a)	Studio unit	37 m ² (398.28 sq.ft.)
(b)	1 bedroom suite	56 m ² (602.80 sq.ft.)
(c)	2 bedroom suite	70 m ² (753.50 sq.ft.)
(d)	3 bedroom suite	84 m ² (904.20 sq.ft.)”

- (v) at Section 6.10, by repealing subsection (3) in its entirety.

- (w) by repealing Section 6.11 in its entirety and replacing it with the following:

“6.11 Lot Area and Width:

- (1) Existing Lots:

The minimum lot area and lot width requirements of this Bylaw shall not apply to any lot in an A, R1, C1, C2, C3, C4, M1, M2, M3, M4, M5, or P5 District which has an area or width less than that required by this Bylaw, if such a lot was described on the official records on file in the Land Registry Office on or before 1978 January 01. Other than for permitted industrial uses in the M4 District, this section shall not apply to permit any use that requires a lot area in excess of the minimum lot area for that District.

- (2) Lots of Irregular Shape:

In the R1 District, on "pie-shaped" or other irregularly shaped asymmetrical lots, lot frontages may be reduced below the minimum prescribed widths, provided that the average lot width throughout a depth of 30 m (98.43 ft.) measured along a perpendicular line from the centre of the property on the frontage street complies with the required minimum lot width.”

- (x) at Section 6.12, subsection (1), by repealing the first paragraph in its entirety and replacing it with the following:

- “(1) Projections into Required Yards:

- The following features and structures may project into a required front, street, side, or rear yard.”

- (y) at subsection 6.12(1), by repealing paragraph (e) 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, R1 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.”

- (z) at Section 6.12, by repealing subsection (2) in its entirety and replacing it with the following:

- “(2) Exceptions to Front Yard Requirements:

- In A Districts when at least 50 percent of the frontage of lots in a single zoning district in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards that are less than the minimum front yard requirement for the district, then all new buildings in the same zoning district in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 ft.) in depth.”

- (aa) at Section 6.12, by repealing subsection (2.1) in its entirety.

(bb) at subsection 6.12(3), by repealing paragraph (a) in its entirety and replacing it with the following:

“(a) In A or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:

- (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 ft.).
- (ii) the lot is used for a single family dwelling.”

(cc) at subsection 6.12(3), by repealing paragraph (e) in its entirety and replacing it with the following:

“(e) In M Districts, where a lot abuts a lot in an A, R1 or RM District, or is separated by a street or lane therefrom, the required side yard may be reduced to minimum of 20 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.”

(dd) at Section 6.12, by repealing subsection (5) in its entirety.

(ee) at subsection 6.15(1), by repealing paragraph (a) in its entirety and replacing it with the following:

“(a) In R1, RM, C5 and P Districts, any part of a lot not used for building, parking or loading facilities or outdoor recreation or, in the case of a lot in the P4 or P12 District, not used for any permitted use, shall be fully and suitably landscaped and properly maintained.”

(ff) at subsection 6.15(1), by repealing paragraphs (c) and (d) in their entirety and replacing them with the following:

“(c) In all zoning districts where the side line of a lot abuts a lot in an A, R1 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.

(d) Where the rear line of a lot in an M District abuts a lot in an A, R1 or RM District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained.”

(gg) at subsection 6.15(2), by repealing paragraph (a) in its entirety and replacing it with the following:

“(a) No storage yard or area shall be permitted in a required front yard nor any required yard which abuts a lot in an R1 or RM District, or is separated by a street or lane therefrom.”

(hh) at subsection 6.15(3), by repealing paragraph (a) in its entirety and replacing it with the following:

“(a) Any parking area, loading area or display yard shall be separated from an adjoining street, or from a directly abutting lot in an A, R1 or RM District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m (5.91 ft.) in width.”

(ii) at subsection 6.15(3), paragraph (b), by repealing subparagraphs (i) and (ii) in their entirety and replacing them with the following:

“(i) where any parking or loading area abuts a lot in an A, R1, or RM 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 800 mm (2.62 ft.) nor more than 1 m (3.28 ft.) in height for a distance of not less than 6.0 m (19.69 ft.) from all points of ingress and egress to and from such parking area;

(ii) where any display yard, industrial fueling installation, or public utility

installation abuts a lot in an A, R1, or RM District, or is separated therefrom by a lane.”

(jj) by repealing Section 6.17 in its entirety and replacing it with the following:

“6.17 Parking or Storage of Commercial Vehicles, Recreation Vehicles, Trucks, Trailers, Boats or Equipment in R1 and RM Districts:

(1) No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R1 or RM District, except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4,500 kg GVW (9,920.631 lbs. GVW) ownership of which is registered in the name of the resident of the dwelling;
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises, but only while that construction, repair, servicing or maintenance is being carried out;
- (c) one boat or vessel not exceeding a length of 6.0 m (19.69 ft.) owned by the resident of the dwelling and ownership of which is supported by satisfactory documentary proof;
- (d) one recreation vehicle or trailer not exceeding a length of 6.0 m (19.69 ft.) ownership of which is registered in the name of the resident of the dwelling;
- (e) not more than two uninsured but operable and complete vehicles, ownership of which is registered in the name of the resident of the dwelling.

(2) Notwithstanding subsection (1) paragraphs (c) and (d) and subject to the vision clearance provisions of Section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m

(39.37 ft.), may be parked in the open in the R1 District subject to the following restrictions:

- (a) on a corner lot or on a lot with one street frontage, parking is only permitted within a side yard, side street yard, or rear yard and is not permitted within the required minimum lot line setbacks for side yards and street yards;
 - (b) on a through lot, no parking is permitted within the required minimum lot line setbacks for street yards or side yards, nor in the area between the required setbacks and the face of the dwelling that is oriented to the street from which the dwelling is addressed; and
 - (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 m (19.69 ft.) in length may be parked on the front driveway or to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.
- (3) In the R1 District, the parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
- (a) on a corner lot or through lot to obscure the view from the closest abutting street,
 - (b) where the front driveway is used, to obscure the view from any abutting property, and,
 - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.”
- (kk) by repealing Section 6.17.1 in its entirety.
- (ll) at Section 6.20, subsection (2), by repealing the first paragraph in its entirety and replacing it with the following:

“(2) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area in the A Districts, the following shall be excluded:”

(mm) at subsection 6.20(2), by repealing paragraph (a) in its entirety and replacing it with the following:

“(a) garages or carports up to a maximum area of 42.0 m² (452.1 sq. ft);”

(nn) at Section 6.20, subsection (3), by repealing the first paragraph in its entirety and replacing it with the following:

“(3) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area for category A supportive housing facilities other than in the A Districts, the following shall be excluded:”

(oo) at Section 6.20.1, by repealing the first paragraph in its entirety and replacing it with the following:

“For single family and duplex dwellings, except in the R1 District, gross floor area for any portion of a building, with the exception of staircases, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.) shall be calculated in accordance with the following:”

(pp) at Section 6.21, subsection (1), by repealing the first paragraph in its entirety and replacing it with the following:

“(1) An antenna is permitted on any lot in any zoning district except the R1 District if it has been given preliminary plan approval and meets the following qualifications, namely:”

(qq) at Section 6.24, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) This section applies only to Lots in the R1 District for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.”

(vv) at Section 6.29, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Short-term rental may be permitted as an accessory use to small-scale multi-unit housing, rowhouse dwellings, town house dwellings, and multiple family dwellings in R1, RM, C8, C9, P11 and A Districts, all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, 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 primary dwelling unit containing a secondary suite, including within the secondary suite;
 - (iii) a multi-family flex unit, including within the flex-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 boarding, lodging or rooming house, a child care facility, a home-based child care facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services; and
 - (vi) an accessory building or structure.”

(rr) by adding the following as Section 6.30:

“6.30 Urban Agriculture:

- (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 m²; 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.
- (2) Keeping of backyard 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 m²; 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 m² of weatherproof interior coop space; and
 - (ii) no less than 1.0 m² 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 Section 6.13.
- (e) The following activities shall be prohibited:
 - (i) the keeping of roosters;
 - (ii) the sale of eggs, meat, or manure; and
 - (iii) the slaughter of chickens on the lot.”

- (ss) at subsection 7.3(1), by repealing paragraph (a) in its entirety and replacing it with the following:
 - “(a) The construction of small-scale multi-unit housing, rowhouse dwellings, and accessory buildings.”

- (tt) at Schedule Number I, by repealing Sections 100 to 112 in their entirety and replacing them with the attached Schedule “A” attached to and forming part of this bylaw.

- (uu) at Section 206.2, by repealing subsections (2) in its entirety and replacing it with the following:
 - “(2) Small-scale multi-unit housing or rowhouse dwellings subject to the regulations of the R1 District.”

- (vv) at Section 206.3, by repealing the first paragraph in its entirety and replacing it with the following:
 - “Uses permitted in the RM6 District, excluding small-scale multi- unit housing and rowhouse dwellings, provided that the residential uses are restricted to purpose-built rental housing.”

(ww) at subsection 404.1(12), by repealing paragraph (b) in its entirety and replacing it with the following:

“(b) Duplex dwellings on lots being lawfully used for residential purposes on January 1, 2004.”

(xx) at Section 404.4, by repealing subsection (2) in its entirety and replacing it with the following:

“(2) Each lot for a duplex dwelling shall have an area of not less than 670 m² (7,212.06 sq.ft.) and a width of not less than 18.5 m (60.70 ft.).”

(yy) at Section 602.3 by repealing the first paragraph and replacing it with the following:

“Each lot shall have an area of not less than 4050 m² (1.0 acre) and a width of not less than 37 m (121.39 ft.).”

(zz) at Section 800.3.1, by repealing the title and replacing it with the following:

“Accessible Parking Spaces:”

(aaa) at Section 800.3.1, by repealing subsection (1) in its entirety and replacing it with the following:

“(1) Accessible and van accessible parking spaces for all developments for which the rezoning bylaw has received Second Reading, or a preliminary plan approval, or a Building Permit application has been submitted after 2019 November 01 shall comply with this Section 800.3.1.”

(bbb) at subsection 800.3.1(2), paragraph (a), by repealing the words under the heading “USE”, and replacing them with the following:

“(a) Multiple family dwellings, excluding townhouse dwellings, small-scale multi-unit housing, or rowhouse dwellings.”

(ccc) by repealing Section 800.3.2 in its entirety.

(ddd) at Section 800.4, by repealing the first paragraph in its entirety and replacing it with the following:

“Off-street vehicular parking or garage spaces shall be provided in accordance with the standards in this section. In the case of a use not specifically mentioned, the required off- street parking spaces shall be the same as for a similar use. For all uses, the Director of Planning and Building may vary the required off-street vehicle parking spaces subject to the approval of a parking study.”

(eee) at Section 800.4, by repealing subsections (1), (1a) and (1b) in their entirety and replacing them with the following:

	USE	REQUIRED PARKING SPACES
(1)	Residential uses located within a transit-oriented development area or frequent transit network area	No parking required
(1a)	Small-scale multi-unit housing or rowhouse dwellings	On a lot with 3 or more primary dwelling units, 0.5 spaces for each primary dwelling unit. For clarity, on a lot with 2 or fewer primary dwelling units, a parking space is not required.”

(fff) at Section 800.4, by repealing subsection (2) in its entirety and replacing it with the following:

	USE	REQUIRED PARKING SPACES
(2)	Multiple family dwellings, excluding multi-family flex units, small-scale multi-unit housing and rowhouse dwellings	1.0 for each primary dwelling unit, plus 0.5 per dwelling unit for visitor parking.”

(ggg) at Section 800.4, by repealing subsection (42) in its entirety and replacing it with the following:

	USE	REQUIRED PARKING SPACES
(42)	Short-term rental within small-scale multi-unit housing and rowhouse dwellings	1 for each dwelling unit or a portion of a dwelling unit that is used for short-term rentals, in addition to the required parking space for the principal residential use. Parking space for short-term rental may be provided in tandem with parking space provided for the principal residential use, provided that the City Engineer is satisfied that such arrangement will not interfere with pedestrian and vehicular movement, fire truck and fire hydrant, or any other access.”

(hhh) at subsection 800.6(1), by repealing paragraph (a) in its entirety.

(iii) at Section 800.6, by repealing subsection (3) in its entirety and replacing it with the following:

“(3) No parking area in any required rear yard shall be located closer to any flanking street than the required side yard or street yard setback which flanks the same street.”

(jjj) at Section 800.6, by repealing subsection (7) in its entirety and replacing it with the following:

“(7) Notwithstanding anything in this section contained, on a lot in the R1 District where secondary lane or street access is not available, a maximum of two parking spaces may be developed within the required street yard provided that:

- (a) no parking space shall exceed an area of 20 m² (215.28 sq. ft.);
and
- (b) no parking space shall be located closer than 1.0 m to any lot line.”

(kkk) at Section 800.6, by adding the following as subsection (8):

“(8) Notwithstanding anything in this section contained, on a lot in the R1 District where secondary street or lane access is available, a maximum of four parking spaces may be developed within the required street, rear, or side yard setback provided that:

- (a) no parking space shall exceed an area of 20 m² (215.28 sq. ft.);
- (b) no parking space shall be located closer than 1.0 m to any lot line; and
- (c) no parking space shall be located closer to any flanking street or flanking lane than the required side yard, rear yard, or street yard setback which flanks the same street or lane.”

(lll) at Section 800.8, subsection (1), by repealing the first paragraph in its entirety and replacing it with the following:

“(1) All parking spaces required for dwelling units pursuant to Sections 800.4 and 800.3.1(2) shall include an energized outlet capable of providing Level 2 charging or a higher charging level for an electric vehicle, except:”

3. This Bylaw shall come into force and effect on July 1, 2024.

Read a first time this 27th day of May, 2024

Read a second time this 27th day of May, 2024

A Public Hearing held this N/A

Read a third time day of , 2024

Reconsidered and adopted this day of , 2024

MAYOR

CORPORATE OFFICER

Schedule "A"

SCHEDULE NUMBER I

100. RESIDENTIAL DISTRICTS (R)

Subject to all other provisions of this Bylaw, on any lot, in any district designated as an R District, the regulations within the following Sections shall apply:

101. Small-Scale Multi-Unit Housing District (R1)



101. SMALL-SCALE MULTI-UNIT HOUSING DISTRICT (R1)

101.1 Intent

This District provides for the use and development of primarily ground-oriented residential dwellings up to a maximum of 6 dwelling units on a lot.

101.2 Permitted Uses

Principal Use	Use-Specific Regulations
Small-Scale Multi-Unit Housing	-
Rowhouse Dwellings	101.5.2
Boarding, Lodging, or Rooming House	101.5.3
Group Home	-
Supportive Housing (Category A)	101.5.4
Accessory Use	Use-Specific Regulations
Boarding Use (up to 2 boarders)	-
Home Occupations	6.8, 6.8A
Urban Agriculture	6.30
Accessory Buildings, Structures, and Uses	101.5.5, 6.6

101.3 Subdivision Regulations

	Dwelling Type	
	Rowhouse ¹	Small-Scale Multi-Unit
Minimum Lot Width ²		
Interior Lot	5 m, except 6.2 m for end unit lots	10 m
Corner Lot - Street	8 m	10 m
Corner Lot - Lane	6.2 m	10 m
Lot Area ³		
Minimum Lot Area	-	281 m ²
Maximum Lot Area	280 m ²	-

¹ At the time of registration of the subdivision plan to create two or more rowhouse lots, the registration of a Section 219 Covenant will be required to ensure that all adjoining rowhouse dwellings will be constructed at the same time.

² Panhandle lots or other irregular lot configurations are not permitted except in accordance with Section 101.6.4 or where constrained by restrictive site conditions as determined by the Approving Officer.

³ Rowhouse lots may exceed 280 m² subject to Section 101.4 footnote .1.

101.4 Development Regulations

	Dwelling Type			
	Rowhouse	Small-Scale Multi-Unit		
Permitted Dwelling Units (including secondary suites)	1 to 3 Units	1 to 3 Units	4 Units	5 to 6 Units Within Frequent Transit Network Area
Minimum Lot Area	-	-	281 m ²	281 m ²
Maximum Lot Area ¹	280 m ²	-	-	-
Maximum Lot Coverage				
All Buildings	55%	40%	45%	50%
Impervious Surfaces	70%			
Maximum Height				
Principal Building	12.0 m 4 storeys			
Accessory Buildings	4.0 m 1 storey			
Minimum Lot Line Setbacks for All Buildings^{2,3}				
Street Yard	3.0 m			
Rear Yard without Lane	3.0 m, except 1.2 m for accessory buildings			
Rear or Side Yard with Lane	1.2 m			
Interior Side Yard	0.0 m, except 1.2 m for end unit lots	1.2 m	1.2 m	1.2 m
Minimum Separation of Buildings on the Same Lot^{4,5}				
Between Front Principals	-	2.4 m	2.4 m	2.4 m
Between Rear Principals	-	2.4 m	2.4 m	2.4 m
Between Front & Rear Principals	6.0 m			
Between All Other Buildings	2.4 m			

¹ Maximum lot area for rowhouse dwellings may exceed 280 m², subject to registration of a Section 219 Covenant prohibiting the construction of more than 3 dwelling units on the lot.

² See Sections 101.6.1 and 6.12 for permitted projections into required yards and see Section 6.13 for additional setbacks that may be required for vision clearance areas.

³ Interior side yard setbacks are not required for rowhouse dwelling units on a lot line between two adjoining rowhouse dwellings with a shared party wall. For an end unit of a rowhouse development, the interior side yard setback is 1.2 m.

⁴ Accessory buildings are not permitted within the minimum separations between principal buildings – see Section 101.6.1 for permitted projections into minimum separations.

⁵ Any principal building located between a front and rear principal must have a minimum 6.0 m separation from each of the front and rear principals, or, in the case of through lots, from each opposing front principal, and a minimum 2.4 m separation from any other principals between it and a side lot line.

Diagram: Separation between buildings

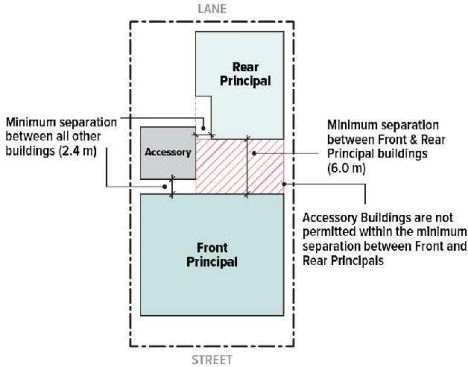


Diagram: Separation between detached units on a wider lot

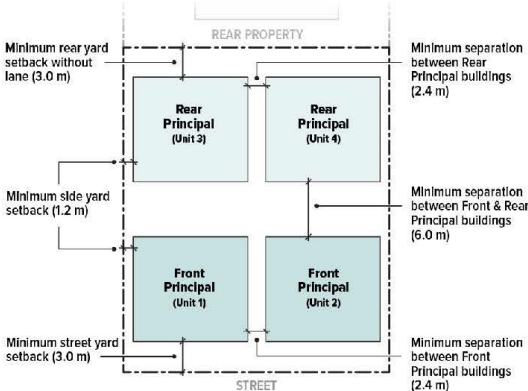


Diagram: Siting on a through lot

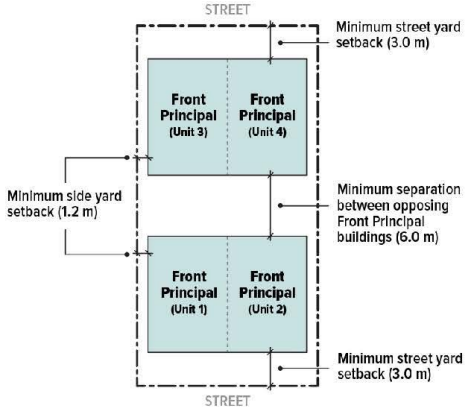
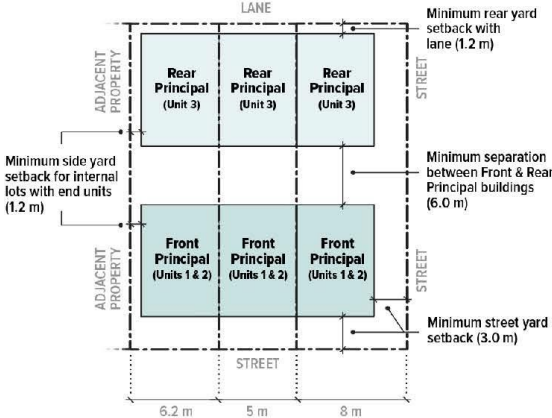


Diagram: Siting on rowhouse lots



101.5 Use-Specific Regulations

101.5.1 All Dwelling Units

- (1) The minimum number of dwelling units with at least 3 bedrooms must be provided on a lot as follows:

	Total Dwelling Units on a Lot	
	1 to 3 Units	4 to 6 Units
Minimum 3+ Bedroom Units:	1 Unit	2 Units

- (2) At least one dwelling unit on a lot must have the main entrance oriented to an abutting street or, in the case of a through lot with multiple principal buildings and site access from both frontages, at least one dwelling unit per street frontage.

101.5.2 Rowhouse Dwellings

- (1) Contiguous rowhouse lots must provide an illuminated and publicly accessible pedestrian walkway spaced every 100 m or less from a street, lane, or walkway that intersects the fronting street and that:
- (a) links the fronting street with the parallel lane, street, or trail network at the rear of the lot;
 - (b) is at least 1.5 m wide and clear to a height of at least 2.5 m; and
 - (c) is subject to a statutory right of way registered in favour of the City.

101.5.3 Boarding, Lodging, or Rooming Houses

- (1) Boarding, lodging or rooming houses are permitted for not more than 5 persons, when situated in a single family dwelling on a lot with an area of not less than 560 m², subject to the condition that it is included as part of a comprehensive development plan to which the provisions of the Comprehensive Development District apply.

101.5.4 Supportive Housing

- (1) Category A Supportive Housing facilities are permitted on a lot as the only principal use, subject to the following conditions:
- (a) each living unit shall have a minimum floor area of 27 m²;
 - (b) it meets the development regulations under Section 101.4 for small-scale multi-unit lots with 1 to 3 units; and
 - (c) the use shall be included as part of a comprehensive development plan to which the provisions of the Comprehensive Development District apply.

101.5.5 Accessory Buildings, Structures, and Uses

- (1) Parking:
- (a) Parking shall be provided in an attached or detached garage, carport or outdoor parking pad at the rear of the lot when accessible from an abutting lane or street. Where there is no direct access to the rear of the lot or the Director Engineering is satisfied that access to the rear is not feasible because of an extreme grade, parking may be provided elsewhere on the lot.
 - (b) A garage or carport may be constructed below grade, provided that no part of such structure shall extend more than 1.2 m above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m from a lot line.

- (2) An accessory structure not being a building, excluding a fence or a retaining wall, located outside of a required yard, shall not exceed 4.6 m in height.

101.6 General Regulations

101.6.1 Projections

- (1) The following features may project into the required minimum separation between buildings on the same lot:
- (a) steps and stairs;
 - (b) ornamental features, such as arbors, trellises, fish ponds, flag poles, or similar landscape features;
 - (c) terraces, decks, or other similar surfaces that are 1.0 m or less above grade;
 - (d) balconies, covered decks, uncovered decks, canopies, sunshades, or other similar features, including supporting structures, that are greater than 1.0 m above grade up to a maximum of 25% of the width of a required separation;
 - (e) belt courses, cornices, eaves, gutters, sills, chimneys, bay windows, outdoor appliances, or other similar features up to the lesser of 0.9 m or 25% of the width of a required separation; and
 - (f) sunken access areas and window wells as per Section 6.9.
- (2) Permitted projections into required yards are subject to Section 6.12, except that in the R1 District projections into required rear or side yards are limited to a maximum of 0.5 m where the rear or side yard abuts a lane to provide adequate fire truck clearance.

101.6.2 Outdoor Areas

- (1) An outdoor amenity space with a minimum width of 2.0 m and area of 10.0 m² must be provided for each primary dwelling unit for its exclusive use and be directly accessible from the primary dwelling unit it serves.

101.6.3 Access and Fire Safety

- (1) Dwelling units located more than 45 m from a lot line abutting a street shall contain an automatic sprinkler system.
- (2) All dwelling units shall have a minimum 1.0 m paved or gravel fire access corridor that:
- (a) provides direct pedestrian access from the dwelling unit entrance to a lot line abutting a street, or abutting a constructed lane where direct access to a street is not feasible; and
 - (b) is clear of any projections or obstructions to a minimum of 2.5 m in height.

101.6.4 Heritage

- (1) Notwithstanding the R1 District regulations otherwise stated in this Bylaw, subject to approval of the Director of Planning and Development and the registration of a Section 219 Covenant to prohibit any works on the lot which would destroy, or irreversibly alter or damage the heritage resource and its heritage character, some or all of the following regulations may apply to lots in the R1 District on the Community Heritage Register:
- (a) panhandle lots and other irregularly shaped lots may be permitted subject to the following:

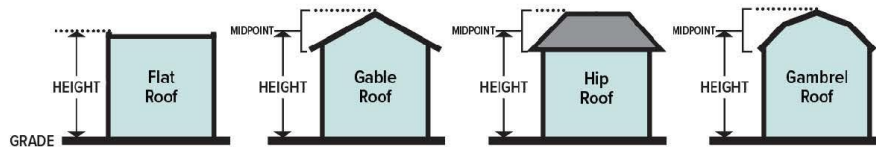
- (i) lots with lane access shall have a minimum panhandle width of 1 m that is clear to a height of 2.5 m; and
- (ii) lots without lane access shall have a minimum panhandle width of 4.5 m that is clear to a height of 2.5 m;
- (b) maximum lot coverage as set out in Section 101.4 may be increased to up to 60%;
- (c) all original architectural appurtenances, such as chimneys, railings, vents, decorative features, or similar, may be excluded from the maximum permitted height of a principal building;
- (d) lot line setbacks for street yards may meet a minimum of 2.0 m;
- (e) the minimum separation between buildings on the same lot as required under Section 101.4 may be reduced;
- (f) Section 101.5.1 does not apply; and
- (g) Parking:
 - (i) off-street vehicular parking spaces are not required;
 - (ii) retention and continued use of driveways that do not otherwise conform with the requirements of this Bylaw may be permitted; and
 - (iii) parking may be provided within the required yards, and any existing parking areas on the lot that do not conform with the requirements of this Bylaw may continue to be used.

101.7 Measurements and Calculations

101.7.1 Height

- (1) The height of a principal or accessory building shall be measured from the lower of the average natural grade or finished grade of all corners of the building to the midpoint of a sloped roof or the highest point of a flat roof.

Diagram: Height Measurement



- (2) The following types of structures or structural parts shall be excluded from the maximum permitted building height for principal buildings:
- (a) Rooftop stairway enclosures, including overhangs, up to 2.5 m in height, provided the area they contain is exclusively for rooftop access purposes; and
 - (b) Rooftop parapets, railings, privacy screening, or similar features up to 1.1 m in height.
- (3) The height of a detached garage or carport shall be measured from the finished grade at the point used for vehicular access.

101.8 Additional Regulations

- (1) Additional zoning regulations apply, including, but not limited to, those found in:
- (a) Section 6: Supplementary Regulations
 - (b) Schedule 8: Off-Street Parking