

In this Bylaw unless the context otherwise requires:

"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.

"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.
- (3) an accessory use in an R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, A1, A2, A3 and RM6 District may include a secondary suite, subject to the following conditions:
 - (a) a secondary suite shall be permitted only in a single family dwelling;
 - (b) only one secondary suite shall be permitted in a dwelling;
 - (c) a secondary suite shall have:
 - (i) a minimum floor area of 32m² (345 sq.ft.),
and
 - (ii) a maximum floor area of the lesser of:
 - (A) 90m² (970 sq.ft.), or
 - (B) Forty percent (40%) of the gross floor area of the principal building;
 - (d) a secondary suite and the principal building 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;
 - (e) a secondary suite shall not be permitted in a single family dwelling that contains an in-law suite;

- (f) neither the keeping of boarders or lodgers, the operation of a boarding, lodging or rooming house, the operation of a child care facility or family child care centre, 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 single family dwelling that contains a secondary suite.

(B/L No. 13258-14-01-27)

- (4) an accessory use on a lot in the R1, R2, R3, R4, R5, R10 and R11 Districts may include urban beekeeping for domestic purposes subject to the following conditions:
 - (a) the lot shall have a width of not less than 15m (49.2 ft.) and an area of not less than 557.40 m² (6,000 sq.ft.);
 - (b) the lot shall be used or occupied for single family dwelling purposes only;
 - (c) not more than two beehives and two nucleus colonies shall be maintained on the lot; and
 - (d) 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 1.8m (5.91 ft.) in height, shall be
 - (i) set back not less than 7.5 m (25 ft.) from all lot lines; or
 - (ii) elevated not less than 2.5 m (8.0 ft.) above the surface of the ground.

(B/L No. 12627-09-06-22)

"ADAPTABLE HOUSING UNIT" means a dwelling unit that:

- (a) is designed and built with features that permit easy modification to accommodate changing accessibility requirements over time; and
- (b) conforms to the requirements and standards specified in section 3.8.5 and elsewhere in British Columbia Building Code for adaptable dwelling units.

(B/L No. 13335-14-06-23)

"AMENITY SPACE" means a communal non commercial recreational, social, or meeting space contained in, and provided for the exclusive use of the residents of a multiple family dwelling, other than a category B supportive housing facility, and having an above grade floor area that does not exceed five percent of the building's gross floor area, and includes a child care facility that would otherwise meet the foregoing conditions except for the fact that it serves persons other than or in addition to those residents.

(B/L No. 13259-13-12-09)

"AMENITY SPACE CATEGORY B SUPPORTIVE HOUSING" means communal space in a category B supportive housing facility that is provided primarily for the use of the residents of the facility for dining, recreation, social activity, personal service, meeting or lobby purposes, together with associated circulation areas. (B/L No. 11591-03-09-29)

"AMUSEMENT ARCADE" means a commercial undertaking containing six or more pinball, videogame or other game machines available for the use of its patrons, but does not include an establishment holding a Class "A", "C", "D", "F" or "I" licence under the Liquor Control and Licensing Act, a club or lodge nor a children's amusement facility where game machines are designed primarily for the use of children under the age of thirteen. (B/L No. 9952-93-09-07)

"ANIMAL HOSPITAL" means premises operated for the care, treatment and hospitalization of animals but does not include premises that keep or board healthy animals. (B/L No. 9322-90-02-19)

"ANIMAL TRAINING AND DAY CARE FACILITIES" means the use of an enclosed building for the provision during the day of animal training and day care but does not include keeping animals overnight. (B/L No. 11272-01-09-17)

"ANTIQUÉ AND COLLECTIBLE STORE" means an establishment used for the retail sale of one or more of the following:

- (a) objects having special value because of their age, including antique furniture and furnishings;
- (b) specialty collectors= objects, including stamps, coins, cards and dolls.

(B/L No. 11725-04-05-10)

"APARTMENT BUILDING" means any building divided into not less than three dwelling units each of which is occupied, or intended to be occupied, as the permanent home or residence of one family as distinct from a hotel, motel, auto court or motor-hotel.

"AUTOMOBILE OR TRAILER SALES OR RENTAL LOT" means an open area used for the display, sale or rental of new or used passenger motor vehicles or trailers in operable condition, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

"AUTOMOBILE REPAIR SERVICES" means repairs to motor vehicles having a gross vehicle weight less than 4,600 kg (10,000 lb), but does not include motor vehicle manufacture, assembly, body building, manufacturing of motor vehicle parts, body repairs and modifications, painting or engine remanufacturing; nor does it include the following as principal uses in any district: engine rebuilding, radiator repairs, transmission repairs, upholstery repairs. (B/L No. 9530-91-02-25)

"AUTOMOBILE WRECKING YARD" means an area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or used parts of motor vehicles are stored.

"AUTOMOTIVE REPAIR SHOP" means a building used or intended to be used for motor vehicle inspections and for repairs to motor vehicles, trailers and parts thereof, but does not include the manufacture, assembly or body building of motor vehicles nor manufacturing of parts. (B/L No. 9530-91-02-25)

"BALCONY" means a cantilevered deck that projects from a building and that, except for a guard rail is not enclosed. (B/L No. 8737-87-05-25)

"BASEMENT" means the portion of a building between two floor levels that is partly underground but has at least one-half its height, from its finished floor to the underside of the joists of the floor next above it, above average natural grade as determined by the Building Inspector; and a basement shall be considered to be a storey. (B/L No. 9663-91-12-16)

"BAY WINDOW" means a projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor structure. (B/L No. 8737-87-05-25)

"BEDROOM" when used as a unit of measurement for determining minimum suite floor area or usable open space requirements, includes dens, libraries, recreation rooms, sewing rooms or other rooms of like character or kind. (B/L No. 4993-66-10-03)

"BEVERAGE CONTAINER RETURN CENTRE" means a building that is used for the collection, temporary storage and shipment of used beverage containers. (B/L No. 10799-98-10-05)

"BICYCLE PARKING FACILITIES, RESIDENT/EMPLOYEE" means bicycle parking facilities that are located within either:

- (a) a locked room or secured enclosure within a building, access to which room or enclosure is restricted to persons residing or employed in the building and who require access for the purpose of parking their bicycles; or
- (b) fully enclosed and secured bicycle lockers for single bicycles, access to each of which is available only to the owner or operator of the bicycle stored in that locker.

(B/L No.11462-03-01-20)

"BICYCLE PARKING FACILITIES, VISITOR/CUSTOMER" means bicycle parking racks securely affixed to the ground or to a building. (B/L No. 11462-03-01-20)

"BILLIARD HALL" means a commercial undertaking containing two or more billiard or pool tables available for the use of its patrons, but does not include a liquor licence establishment for which a liquor primary licence is required under the Liquor Control and Licensing Act, an apartment building, a hotel or a club or lodge. (B/L No. 12586-09-03-09)

"BLOCK FRONT" means the frontage of private property along one side of a street between intersecting or intercepting streets or between a street and a railroad right-of-way or a street end. (B/L No. 9189-89-07-10)

"BOARDING, LODGING OR ROOMING HOUSE" means a dwelling in which more than 2 sleeping units are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the family of the lessee, tenant or owner, and excludes the preparation of meals within the rented units.

"BODY RUB SALON" means an establishment where the touching, manipulation or massaging of a person=s body or any part thereof is performed or offered, but does not include businesses or premises where hairdressing, haircutting or cosmetological services are performed or offered or where medical, therapeutic or cosmetic massage treatment is given by a person duly licensed, certified or registered under any statute of the Province of British Columbia governing such activities, and does not include a day spa or therapeutic touch treatment business as defined in the Burnaby Adult Service Business Regulation Bylaw 2001. (B/L No. 11693-04-04-19)

"BUILDING" means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property. (B/L No. 7477-80-03-10)

"BUILDING, COMPLETELY ENCLOSED" means a building separated on all sides from the adjacent open spaces, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

"BUILDING, FRONT LINE OF" means the extended line of the wall of the building, (or of any projecting portion of the building, except balconies, steps, sills, belt courses, cornices, eaves, fire escapes and unroofed porches) which faces the front line of the lot.

"BUILDING, REAR LINE OF" means the extended line of the wall of the building (or of any projecting portion of the building, except balconies, steps, sills, belt courses, cornices, eaves, fire escapes and unroofed porches) which faces the rear line of the lot.

"BUILDING, TEMPORARY" means a building or structure placed on a lot for a limited period of time but does not include a mobile home which is located in a mobile home park or a recreational vehicle. (B/L No. 12664-09-09-14)

"BULK" means the size and location of buildings and structures in relation to the lot. Bulk regulations include maximum height of a building, minimum lot area and width, minimum front, side and rear yards and maximum lot coverage and floor area.

"CAR WASH STALL" means a space that

- (a) has minimum dimensions 3.7 (12.14 ft.) x 5.5 m (18.04 ft.),
- (b) is located in an underground parking area or in a roofed covered area integrated with a building,
- (c) provides a facility for washing vehicles, and
- (d) drains to a sanitary sewer. (B/L No. 9429-90-09-17)

"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. (B/L No. 9590-91-07-22)

"CARTAGE, DELIVERY AND EXPRESS FACILITY" means a building or property used as an origin or destination point from which single unit, single axle trucks, of 13,600 kg GVW (29,982.36 lbs. GVW) (Gross Vehicle Weight) or less, are dispatched for the local delivery or pick-up of goods, and which may include necessary warehouse space for the transitory storage of such goods. (B/L No. 5884-71-09-20)

"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; and a cellar shall not be considered to be a storey. (B/L No. 9663-91-12-16)

"CENTRAL VETERINARY HOSPITAL" means an animal hospital which operates 24 hours a day providing hospital facilities for the patients of participating member veterinarians and which serves a number of animal clinics on an area wide basis, and where no provision is made for the keeping or boarding of healthy animals. (B/L No. 7501-80-04-28)

"CHILD CARE FACILITY" means any community care facility for children licensed under the Community Care Facility Act other than a facility for residential care for children. (B/L No. 9395-90-06-18)

"CHILDREN'S INSTITUTION" means an orphanage, boarding home or other establishment for children wherein care, food and lodging are furnished, with or without charge, for five or more children under fifteen years of age living apart from their parents or guardians, excepting any home approved as a foster home by the Child Welfare Division, Department of Social Welfare, any home maintained by a person to whom the children are related by blood or marriage, and excepting hospitals. (B/L No. 10753-98-06-15)

"CITY" means the City of Burnaby. (B/L No. 11032-99-12-13)

"CLUB OR LODGE" means a building or establishment used by an association or organization for fraternal, social or recreational purposes which may include limited private sleeping unit accommodation without private cooking facilities, and which shall be operated for the use of club members and their guests only.

"COMMERCIAL VEHICLE" means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the appropriate municipal or provincial laws or regulations.

"CONFORMING BUILDING OR USE" means any building or use which conforms with all the regulations of the Bylaw, or of any amendment thereto, for the zoning district in which such building or use is located.

"COUNCIL" means the Council of the City of Burnaby. (B/L No. 11032-99-12-13)

"COURT" means an open space unoccupied from the ground upwards or from an intermediate floor upwards, located on the same lot at the building which it serves, enclosed on three or more sides by the exterior walls of such building.

"CRAWL SPACE" means the space at or below natural grade between the underside of the joists of the floor next above and the floor slab on the ground surface below, having a vertical clear height less than 1.2 m (3.9 ft.). (B/L No. 9663-91-12-16)

"CURB LEVEL" means the level of the established curb in front of the building, measured at the centre of such front. When no curb has been established, the City Engineer may establish such curb level or its equivalent, for the purpose of this Bylaw. (B/L No. 11032-99-12-13)

"CYBER CENTRE" means a commercial establishment that has available for the use of its patrons six or more computer terminals or other electronic devices that provide or are capable of providing access to the internet or other computer network system, but does not include a school, college, university or other educational institution or a public library. (B/L No. 11380-02-08-26)

"DECK, COVERED" means a roofed deck that is not cantilevered, projects from a wall of a building, is accessible from the interior of a building and, except for a guard rail, is not enclosed. (B/L No. 9663-91-12-16)

"DEPTH, PRINCIPAL BUILDING" means for a principal building, the horizontal distance between the point of the building nearest the front lot line and the point of the building nearest the rear lot line (or in the case of a through lot, the other front lot line), excluding the following projections:

- a) belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, up to 900 mm (2.95 ft.) in length;

- b) bay windows up to 900 mm (2.95 ft.) in length; and
- c) balconies, canopies, sunshades, open porches, verandas and sundecks, including supporting structures, up to 1.2m (3.94 ft.) in length.

(B/L No. 12942-11-06-20)

"DEVELOPMENT" means a change in the use of any land, building or structure for any purpose, and shall include the carrying out of any building, engineering, construction or other operation in, on, over or under land, or the construction, addition, or alteration of any building or structure.

"DISCOTHEQUE" means an establishment which provides music and dancing facilities for patrons 13 to 18 years of age inclusive. Such an establishment may also include facilities for the consumption of food and non-alcoholic beverages, a game area, as well as ancillary office and storage spaces. (B/L No. 7130-77-11-14)

"DISPLAY YARD" means an open area used for the display of new or used passenger automobiles, motor vehicles, trailers, trucks, truck trailers, equipment, machinery or boats in operable condition, which are continually available for sale or rental, and where no repair work is done except of a minor incidental nature. A display yard shall also include an open area where samples of the finished products can be assembled or constructed from the materials (new only) available for sale on the premises may be displayed.

"DORMITORY UNIT" means a building in which sleeping units are provided and/or rented for occupancy by students and/or staff members affiliated with a college, hospital, private school, religious order, rest home, university or similar institution, and which is regulated by such institution. A dormitory unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units which are provided.

"DRIVE-IN BUSINESS" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such business is carried on and where normally the customer remains in the vehicle for service, but shall not include car washing establishments, drive-in restaurants, drive-in theatres or gasoline service stations. (B/L No. 5791-70-11-09)

"DRIVE-IN RESTAURANT" means an eating establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such establishment is located, and where the customer is permitted or encouraged, either by the design of the restaurant facilities or by service and/or packaging procedures, to:

- (a) remain in his vehicle for service and for consuming the food which is purchased, or
- (b) leave his vehicle to purchase food and is given the choice of either consuming the food in his vehicle or within the drive-in restaurant building. (B/L No. 5791-70-11-09)

"DWELLING, DUPLEX" means a two-family dwelling wherein the two dwelling units are placed one above the other. (B/L No. 7477-80-03-10)

"DWELLING, MULTIPLE FAMILY" means any building consisting of three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family only. (B/L No. 7087-77-09-26)

"DWELLING, ROW HOUSING" means one dwelling unit in a block of at least two side-by-side dwelling units, each sharing a party wall with the neighbouring unit and each unit located on a separate lot that is not a strata lot. (B/L No. 11032-99-12-13)

"DWELLING, SEMI-DETACHED" means a two-family dwelling wherein the two dwelling units are placed side by side. (B/L No. 7477-80-03-10)

"DWELLING, SINGLE FAMILY" means any building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence by one family only. Such a dwelling may include a secondary suite, subject to the Accessory Use provisions of Section 3 of this Bylaw. (B/L No. 13258-14-01-27)

ADWELLING, TOWNHOUSE@ means one of two or more dwelling units, 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. (B/L No. 11032-99-12-13)

"DWELLING, TWO FAMILY" means any building divided into two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence by one family only. (B/L No. 7087-77-09-26)

"DWELLING UNIT" means one or more habitable rooms constituting one self-contained unit with a separate entrance, and used or intended to be used for living and sleeping purposes for not more than one family and containing not more than one kitchen or one set of cooking facilities. (B/L No. 13258-14-01-27)

"ELEVATION, FRONT AVERAGE" means the average elevation of the natural grade along the exterior of the building facing the front lot line. (B/L No. 9663-91-12-16)

"ELEVATION, REAR AVERAGE" means the average elevation of the natural grade along the exterior of the building facing the rear lot line or, for a through lot, the other front lot line. (B/L No. 9663-91-12-16)

"FAMILY" means

- (a) persons related by blood, marriage, adoption or foster care, or

- (b) a group of not more than three unrelated non-transient persons living together as a single non-profit group in a dwelling unit and using common cooking facilities

and excludes boarders, lodgers and servants but includes a person living alone.
(B/L No. 10398-96-08-26)

"FAMILY CHILD CARE CENTRE" means an in-home operation licensed under the Community Care Facility Act to provide family child care. (B/L No. 10753-98-06-15)

"FLOOR AREA, GROSS" means the total area of all the floors measured to the extreme outer limits of the building in accordance with the regulations set out in section 6.20.
(B/L No. 9663-91-12-16)

"FLOOR AREA RATIO" means the figure obtained when the gross floor area of all buildings on a lot less the exclusions permitted in accordance with section 6.20 is divided by the area of the lot.
(B/L No. 9663-91-12-16)

"GAMING FACILITY" means any place that is customarily or regularly used for bingo or other games of chance or mixed chance and skill, excluding games of chance played on slot machines, pursuant to a licence issued by the British Columbia Gaming Commission or by such other person or authority as the Province of British Columbia may specify for the purpose of licensing gaming activities. (B/L No. 10708-98-04-06)

"GAMING HOUSE" means any place, including a social club, that is customarily or regularly used for bingo or other games of chance or mixed chance and skill, including games of chance played on slot machines, and for which a licence has been issued by the British Columbia Gaming Commission or by such other person or authority as the Province of British Columbia may specify for the purpose of licensing gaming activities. (B/L No. 10708-98-04-06)

"GARAGE, PRIVATE" means a detached accessory building or a portion of a principal building used solely for the parking or temporary storage of private motor vehicles and in which there are no facilities for repairing or servicing such vehicles.

"GASOLINE SERVICE STATION, CONVENTIONAL" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed by an attendant for the customer and may include the sale of automobile accessories, automobile repair services and motor vehicle inspections. A self-serve facility for the dispensing of motor fuels and lubricants by the customer may also be provided as an accessory use on the site, but shall be limited to one pump island only. Pressurized air service for vehicle tires and water service for vehicle radiators shall be provided at all times without charge for customer use.
(B/L No. 11888-05-04-11)

"GASOLINE SERVICE STATION, SELF-SERVE" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed

- (a) primarily by the customer from self-serve pumps; and
- (b) by an attendant on behalf of the customer from at least one dual sided full serve pump, that offers all grades of fuel that are offered at the self-serve pumps, between the hours of 7:00 a.m. and 11:00 p.m. or, where the service station is open for business for less than 16 hours a day, during the whole time that it is open for business, on each day that it is open for business;

and may include the sale of automobile accessories, automobile repair services and motor vehicle inspections. Pressurized air service for vehicle tires and water service for vehicle radiators shall be provided at all times without charge for customer use. (B/L No. 11888-05-04-11)

"GRADE OR GRADE LEVEL, NATURAL" means, for the purpose of measuring the height of a building or determining a basement or cellar, the ground level adjacent to the exposed wall of a building, with no adjustment having been made to the existing undisturbed ground level except for a minor slope equalization as approved by the Building Inspector.

(B/L No. 9663-91-12-16)

"GROUP HOME" means a residential care facility for not more than six persons in care that is operated in a private single family dwelling on a residential lot and licensed under the *Community Care Facility Act*. (B/L No. 12679-09-09-14)

"HABITABLE ROOM" means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom or kitchen.

"HEIGHT" means the vertical dimension of a building or structure measured in accordance with section 6.4. (B/L No. 9663-91-12-16)

"HOME OCCUPATION" means an occupation or profession that is incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling and includes:

- (a) the office or studio of a person engaged in business, art, health, crafts or instruction,
- (b) the keeping of not more than two boarders or lodgers in each dwelling unit,
- (c) the operation of a family child care centre, (B/L No. 13063-12-05-14)
- (d) the operation of a child care facility for not more than 10 children in a single family dwelling where care is provided by persons resident in the dwelling and not more than one non-resident employee. The maximum of 10 children includes any preschool children of the resident.

(B/L No. 13063-12-05-14)

"HOSPITAL" means a non-profit institution (operated for the reception and treatment of persons suffering from physical illness or disability) which has been designated as a hospital under the Hospital Act, but does not include private hospitals, nursing or convalescent homes.

"HOSPITAL, PRIVATE" means a house in which two or more patients, other than the spouse, parent or child of the owner or operator thereof, are living at the same time, and including a nursing home or convalescent home, but does not include a hospital as defined in this Bylaw or a hospital licensed under the Mental Hospitals Act.

"HOTEL" means a building in which there are more than six sleeping units wherein accommodation without private cooking facilities is provided for transient lodgers, and having a public dining room or cafe.

"HOTEL, ALL SUITE" means a building intended to provide comprehensive services including a restaurant, conference and banquet facility, lounge, recreational amenities and accommodation for transient lodgers wherein the accommodation is primarily suites that contain minor cooking facilities that do not exceed the following, namely, a two-burner cook top, a microwave oven, a sink and a small refrigerator. (B/L No. 10473-96-11-04)

"HOTEL, MOTOR" means a building in which there are more than six sleeping units wherein accommodation without private cooking facilities is provided, occupied or intended to be occupied primarily by transient motorists, and having a public dining room or cafe. Each sleeping unit shall be self contained with its own bathroom with a water closet, wash basin and bath or shower and having its own parking space conveniently located on the lot.

"INDUSTRIAL FUELLING INSTALLATION" means a building or land used or intended to be used for the sale of motor fuel and lubricants for use only in industrial equipment or commercial vehicles. (B/L No. 8560-86-06-23)

"IN-LAW SUITE" means one or more habitable rooms used for living and sleeping purposes by relatives of the owner or tenant pursuant to a licence issued by the Building Department the continued use of which is subject to section 911 of the Local Government Act. (B/L No. 13258-14-01-27)

"JUNIOR ONE-BEDROOM UNIT" means a one bedroom living unit in a category B supportive housing facility having a floor area of less than 46m² (495.16 sq. ft.). (B/L No. 11591-03-09-29)

"JUNK YARD" means an area outside of an enclosed building where junk, waste, used building materials, used industrial materials, scrap metal, used discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard shall not be construed to include establishments for the sale, purchase, or storage of used furniture, used cars in operable conditions, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

"KENNEL" means any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or 5 or more cats are or are intended to be trained, cared for, bred, boarded or kept for any purpose whatsoever, and shall include any building or part thereof in which 2 or more dogs are kept for breeding purposes. For the purpose of this definition dogs and cats under the age of 4 months shall be excluded. (B/L No. 9276-89-12-18)

"LANDSCAPING" means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials as used in landscape architecture.

"LANE" means a public thoroughfare or way which affords only secondary means of access to a lot, at the side or rear.

"LEARNING CENTRE" means an establishment providing supplementary education or tutorial services, but does not provide accredited education courses. (B/L No. 12690-09-10-05)

"LICENSEE RETAIL STORE" means a store licensed under the provisions of the *Liquor Control and Licensing Act* to sell liquor for off-premises consumption and includes an agency store established under the provisions of the *Liquor Distribution Act*. (B/L No. 11883-05-04-11)

"LIQUOR LICENCE ESTABLISHMENT" means an establishment selling or dispensing liquor for which a liquor primary licence or a liquor primary club licence is required under the Liquor Control and Licensing Act. (B/L No. 11517-03-05-12)

"LIQUOR STORE" means a government liquor store, a government beer store or a government wine store established under the provisions of the *Liquor Distribution Act*. (B/L No. 11883-05-04-11)

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Registry Office, and having a principal frontage upon a public street or place.

"LOT AREA" means the total horizontal area within the lot lines of a lot.

"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) terraces;
- (f) balconies;
- (g) uncovered swimming pools; and

- (h) parking areas that are:
 - (i) underground, or
 - (ii) open-sided and roofless. (B/L No. 8737-87-05-25)

"LOT DEPTH" means the shortest distance between the centre of the front lot line and the centre of the rear lot line or, in the case of a pie shaped lot or irregular lot with more than four sides, the shortest distance between the centre of the front lot line and the point at which the two side lot lines or the furthest point at which two rear lot lines intersect, or in the case of a through lot, the line joining the centre points of the two front lot lines.
(B/L No. 9663-91-12-16)

"LOT WIDTH" means the mean horizontal distance between side lot lines measured at right angles to the lot depth.

"LOT CORNER" means a lot at the intersection or junction of two or more streets.

"LOT, INTERIOR" means a lot other than a corner lot.

"LOT, THROUGH" means a lot abutting two parallel or approximately parallel streets.

"LOT LINE, FRONT" means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front line if the adjacent lots front on the same street, except that only one front lot line need be provided. In the case of a through lot, the lot lines abutting two parallel or approximately parallel streets shall both be considered as front lot lines. (B/L No. 5310-68-07-08)

"LOT LINE, REAR" means the lot line opposite to, or in the case of an irregularly shaped lot, the lot lines more or less facing the front lot line. (B/L No. 9663-91-12-16)

"LOT LINE, SIDE" means a lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and a public street in the case of a corner lot of which one or both ends intersect a front lot line.

"LUNCH BAR" means an eating establishment where cold lunches packed in containers, cold wrapped sandwiches, beverages or foods obtained from coin operated compartments are sold to the public for consumption either on or off the premises. (B/L No. 7103-77-10-03)

"MANUFACTURING OR PROCESSING" includes those operations which are a necessary part of, and clearly related to, the production of the articles or goods specified. For the purposes of this Bylaw, the term "manufacturing" may also include repairing of the items specified.

"MAUSOLEUM" means a building or structure used or intended to be used for the entombment of human remains or cremated remains and that extends vertically by more than 0.35m (1 ft.), at any point, above the lower of

(a) the natural grade, or

(b) the finished ground level at the base of the exposed wall of the building or structure.

(B/L No. 11941-05-08-29)

"MEDICAL MARIHUANA" means marihuana produced for medical use pursuant to a licence issued under the *Marihuana for Medical Purposes Regulations* to the *Controlled Drugs and Substances Act*. (B/L No. 13261-14-01-27)

"MINI-WAREHOUSE" means a completely enclosed building or series of completely enclosed buildings consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for the storage of residential, recreational, or commercial oriented goods. (B/L No. 7005-77-04-04)

"MOBILE HOME" means a single family dwelling, factory built as a unit or units, suitable for year round occupancy, and capable of being drawn or moved from place to place.

(B/L No. 6176-72-12-04)

"MOBILE HOME LOT" means an area of land located within a mobile home park occupied or intended to be occupied by one mobile home. (B/L No. 6176-72-12-04)

"MOBILE HOME PARK" means a parcel of land on which are installed or intended to be installed, two or more mobile homes. (B/L No. 6176-72-12-04)

"MOBILE RETAIL CART" means a cart having maximum ground coverage of 3.72 m² (40 sq.ft.) that is capable of being moved by one person and is intended for use as a temporary location for the retail of goods or services. (B/L No. 10155-95-01-23)

"MOTEL OR AUTO COURT" means a group of two or more detached or semi-detached buildings, providing separate sleeping or dwelling units, occupied or intended to be occupied primarily by transient motorists, and each sleeping unit being self contained and having its own bathroom with a water closet, wash basin and bath or shower.

"MOTOR VEHICLE INSPECTIONS" means inspection facilities that are licensed by the Motor Vehicle Branch and facilities that are not so licensed; but does not include facilities where the principal use is motor vehicle emission inspection. (B/L No. 9530-91-02-25)

"MULTI-FAMILY FLEX-UNIT" means a strata titled apartment or townhouse dwelling unit that has a gross floor area of not less than 74 m² (796.5 sq.ft.) and contains a defined area for potential rental accommodation, which area:

(a) is not less than 24m² (258.3 sq.ft.) and not more than 35 per cent of the gross floor area of the

apartment or townhouse dwelling unit in which it is located;

- (b) is not a separate strata lot;
- (c) contains a secondary kitchen area with a compact range or microwave oven and built-in cooktop, compact refrigerator, sink, counter, cabinets, and venting; and contains at least one closet, and a bathroom with a toilet, sink, and bathtub or shower;
- (d) is wired for independent telephone connection prior to occupancy and remains so; and
- (e) has a separate lockable entrance door providing direct access to the exterior of the dwelling unit.

(B/L No. 11462-03-01-20)

"NON-CONFORMING BUILDING OR USE" means any building or use which does not conform with all the regulations of the Bylaw, or any amendment thereto, for the zoning district in which such building or use is located.

"NON-RESIDENTIAL" when used with reference to a building, structure or use, means designed, intended or used for purposes other than those of a residential use building.

"OUTDOOR GARDEN SHOP" means an open area used for the display and retail sale of bedding plants, flowers, nursery stock or Christmas trees, but does not include commercial nurseries or greenhouses. (B/L No. 9780-92-10-13)

"OUTDOOR PRODUCE SHOP" means an open area that is attached to and on the same site as a grocery store or produce shop and is used for the display and retail sale of fruit and vegetables. (B/L No. 9780-92-10-13)

"PARKING AREA" means an open area of land, other than a street, used for the parking of vehicles of clients, customers, employees, members, residents or tenants.

"PARKING GARAGE" means a building the principal use of which is the parking or storage of vehicles and which is available to the public or as an accommodation to clients, customers or employees. (B/L No. 5170-67-06-26)

"PARKING SPACE" means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work area.

"PAWNSHOP" means an establishment used for the loaning of money on the security and deposit of personal property. (B/L No. 11725-04-05-10)

"PAYDAY LOAN AND SIMILAR SERVICES" means the business of

- (a) making or offering to make payday loans (as defined in and regulated under the Businesses Practices and Consumer Protection Act of British Columbia); or

- (b) cashing or offering to cash cheques or other negotiable instruments for a fee or for less than the face value of the cheque or instrument;

carried on or undertaken by a person or other entity that is not governed by the Bank Act or Trust and Loan Companies Act of Canada or the Financial Institutions Act or Mortgage Brokers Act of British Columbia.

(B/L No. 13495-15-09-14)

"PERSON" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

"PRINCIPAL USE" means the main purpose for which land, buildings or structures are ordinarily used.

"RECREATIONAL VEHICLE" means a structure or vehicle that

- (a) is used or designed to be used for living or sleeping purposes
- (b) is designed or intended to be mobile on land, and
- (c) is either self-propelled or towed by a motor vehicle and includes a camper, travel trailer, motor home, converted bus or other vehicle and tent trailer. A recreational vehicle shall not be considered to be a dwelling unit. (B/L No. 8379-85-07-29)

"RECREATIONAL VEHICLE PARK" means a parcel of land used or intended to be used for the parking of recreational vehicles on a transitory basis, and includes all buildings or structures thereon. (B/L No. 8379-85-07-29)

"RECREATIONAL VEHICLE SPACE" means an area of land located within a recreational vehicle park occupied or intended to be occupied by one recreational vehicle. (B/L No. 8379-85-07-29)

"RESIDENTIAL USE BUILDING" means a dwelling, boarding, lodging or rooming house; dormitory unit. (B/L No. 11888-05-04-11)

"RESTAURANT" means an eating establishment where food is sold to the public for immediate consumption within the premises, but where no provision is made for the consuming of food in motor vehicles which are parked on the site. (B/L No. 5791-70-11-09)

"RETAIL " in relation to a sale means a sale to a purchaser for purposes of consumption or use and not for resale, and Aretail store@ means a building where goods, wares, merchandise, substances, articles or things are sold at retail and are stored in quantities sufficient only to service that store, but a reference to Aretail store@ does not include any retail outlet otherwise classified or defined in this Bylaw. (B/L No. 10395-96-07-22)

"RIDING ACADEMY" means a stable for the housing of horses for hire or for a private riding

club.

"ROOF, FLAT" means a roof on a building that has one or more roof surfaces that have a pitch of less than 4 in 12 and cover an area greater than 20 percent of the area of all roof surfaces as measured in plan view. (B/L No. 9663-91-12-16)

"ROOF, SLOPING" means a roof on a building that has one or more roof surfaces that have a pitch of 4 in 12 or greater and cover an area at least equal to 80 percent of the area of all roof surfaces as measured in plan view. (B/L No. 9663-91-12-16)

"SALES CENTRE, RESIDENTIAL" means a building used for the marketing of residential dwelling units in a newly constructed and unoccupied multi-family residential development or in a multi-family residential development under development. (B/L No. 12452-08-06-16)

"SCHOOL, COMMERCIAL" means an adult education institution that has not more than twenty-five percent of the students, to a maximum of fifty, who are under the age of eighteen years and enrolled in secondary education courses. (B/L No. 10732-98-04-06)

"SCHOOL, PRIVATE" means a school, other than a public school, where academic subjects are taught to elementary and secondary students. (B/L No. 10732-98-04-06)

"SCHOOL, PUBLIC" means a place of instruction, other than a commercial, trade or self-improvement school, maintained at public expense pursuant to the School Act. (B/L No. 10732-98-04-06)

"SCHOOL, SELF-IMPROVEMENT" means:

- (a) a school that provides training or instruction in dance, drama, music, art, self-defence or other similar disciplines; or
 - (b) a learning centre.
- (B/L No. 12690-09-10-05)

"SCHOOL, TRADE" means a school other than a private or public school that offers training in a manual, mechanical or technical trade in an industrial setting that involves the use of industrial equipment or materials. (B/L No. 10732-98-04-06)

"SCREENING" means a continuous fence, wall, 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.

"SECONDARY SUITE" means an accessory dwelling unit fully contained within a single family dwelling. (B/L No. 13258-14-01-27)

"SECOND-HAND STORE" means an establishment where more than ten per cent of the floor area is used for the purchase and sale of:

- (a) used electronic equipment, including audio or video equipment and accessories, computers and computer equipment and accessories; or

- (a.2) used gold, silver or other precious metals; or
(B/L No. 12976-11-09-12)

- (b) two or more of the following types or classes of used goods, wares or merchandise:
 - (i) bicycles;
 - (ii) sports equipment;
 - (iii) jewelry;
 - (iv) cameras and camera equipment;
 - (v) musical instruments and equipment;
 - (vi) compact discs (CDs) or digital video discs (DVDs), or both;
 - (vii) tools;
 - (viii) electronic office equipment, including photocopiers and fax machines;

but does not include:

- (c) an antique and collectible store;

- (d) an establishment where used goods, wares and merchandise are sold by a society, charity or other organization that operates on a not-for-profit basis;

- (e) an establishment where all of the used goods, wares and merchandise offered for sale have been acquired by donation or purchased from societies, charities or other organizations that operate on a not-for-profit basis; or

- (f) an establishment that sells goods, wares or merchandise on consignment.
(B/L No. 11725-04-05-10)

"SETBACK" means the required minimum distance between a building or use and each of the respective property lines.

"SHOPPING CENTRE" means a group of retail stores in one or more buildings designed as an integrated unit.

"SLEEPING UNIT" means one or more habitable rooms used or intended to be used for sleeping, or sleeping and living purposes, but not including a sink or cooking facilities. A bathroom containing a water closet, wash basin and a bath or shower may be shared.

"SLOT MACHINE" means a slot machine as defined in the Criminal Code of Canada on January 1, 1998, but shall not include an electronic machine programmed to allow personal play whereby a person is able to play bingo against a computer or to play e-tabs or e-scratches generated by a computer. (B/L No. 11791-04-10-18)

"STORAGE YARD" means an area outside of an enclosed building where contractors' or

construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether a principal or an accessory use. A storage yard shall not be construed to include an automobile wrecking yard, a display yard or a junk yard.

"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. A basement shall be considered as a storey. (B/L No. 7477-80-03-10)

"STOREY, HALF" means a storey under a gable, hip, gambrel or shed roof having a gross floor area not more than fifty percent of the gross floor area of the storey immediately below, and includes a roofed deck that is an extension of the topmost storey. (B/L No. 8737-87-05-25)

"STREET" means a public highway, road or thoroughfare which affords the principal means of access to abutting lots.

"STREET CANOPY" means a structure that is attached to a building by a cantilever, is not part of the building and consists of a lightweight rigid frame covered by a stretched fabric membrane. (B/L No. 8737-87-05-25)

"STRUCTURE" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences and walls that are less than the maximum fence height permitted in any district.

"STUDIO UNIT" means a dwelling unit having no room used or intended to be used solely as a bedroom. (B/L No. 11032-99-12-13)

"SUNDECK" means a roofless deck that is not cantilevered, projects from a wall of a building, is accessible from the interior of the building and, except for a guard rail, is not enclosed. (B/L No. 8737-87-05-25)

"SUPPORTIVE HOUSING FACILITY" means a housing facility that

- (a) contains two or more living units, each of which is occupied or intended to be occupied by not more than two persons, at least one of whom is fifty-five years of age or older;
- (b) contains common amenity spaces and dining facilities for the residents;
- (c) provides at least one meal a day for the residents; and
- (d) provides continuous monitoring of the residents and on-site emergency medical response.

>supportive housing facility, Category A= means a supportive housing facility in which the living units do not contain a kitchen or cooking facilities.

>supportive housing facility, Category B= means a supportive housing facility in which the living

units contain a kitchen or cooking facilities.
(B/L No. 11153-00-11-06)

"TAXI DISPATCH OFFICE" means an office from which taxis are dispatched by radio to pick up fares and where related office functions may be carried on, but excluding the servicing and outside parking or storage of taxis on the lot. (B/L No. 5752-70-08-24)

"TAXI SERVICE CENTRE" means an establishment from which taxis may be dispatched to pick up fares and where the servicing and outside parking or storage of taxis may be carried on in addition to related office functions. (B/L No. 5752-70-08-24)

"TERRACE" means a paved, planted or constructed area that is not more than 600mm (1.97 ft.) above the adjacent finished ground level. (B/L No. 8737-87-05-25)

"TRAILER" means any structure or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

"TRUCK TERMINAL" means a building or property used as an origin or destination point for the loading, unloading, assembling or transferring of goods transported by truck, or which provides containerized freight handling facilities or rail-truck services, and where the local pickup, delivery and transitory storage of goods is incidental to the primary function of motor freight shipment, provided, however, that any lot where trucking is the principal use and which operates any vehicles in excess of single unit, single axle, 13,600 kg GVW (29,982.36 lbs. GVW) (Gross Vehicle Weight) shall be considered for the purpose of this Bylaw, as a truck terminal. (B/L No. 5884-71-09-20)

"UNDERGROUND PARKING" means an area that

- (i) contains parking spaces and associated driveways and manoeuvring aisles,
- (ii) is located within a building, and
- (iii) has its roof or the finished floor next above it not more than 800mm (2.62 ft.) above the adjacent finished grade. (B/L No. 9185-89-05-29)

"USABLE OPEN SPACE" means a compact, level unobstructed area or areas available for safe and convenient use by all the building's occupants, having no dimension of less than 6.0m (19.69 ft.) and no slope greater than 10 percent, providing for greenery, recreational space and other leisure activities normally carried on outdoors. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and required front yards, and roof areas unless otherwise permitted in this Bylaw.

"USE" means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged or intended, or for which it is occupied or maintained.

"UTILITY CORRIDOR" means a parcel or assemblage of parcels of land forming a linear tract that contains or is intended to contain as the principal use one or more of the following:

- (a) overhead electrical transmission lines and support structures;

- (b) underground electrical transmission lines;
- (c) underground sewer or water lines;
- (d) underground telecommunications infrastructure;
- (e) other underground infrastructure.
(B/L No. 13408-15-01-19)

"WHOLESALE" establishment means a building where goods, wares, merchandise, substances, articles or things are sold in bulk to retailers or to businesses, institutions or government agencies for their own use or for resale. (B/L No. 10395-96-07-22)

"YARD, FRONT" means that portion of the lot, extending from one side lot line to the other, between the front line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line. In the case of a through lot there shall be two such front yards.

"YARD, REAR" means that portion of the lot, extending from one side lot line to the other, between the rear line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear line of the lot and the parallel line.

"YARD, SIDE" means that portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.