

**FIRST SHAUGHNESSY**  
**OFFICIAL DEVELOPMENT PLAN**  
(Adopted by By-law No. 5546, May 11, 1982)

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# First Shaughnessy Official Development Plan

## Section 1 Application and Intent

### 1.1 Application

The Official Development Plan (ODP) is intended to control and guide development in that part of the City of Vancouver which is zoned “First Shaughnessy District (FSD)”.

The ODP is intended to be used in conjunction with all applicable policies and guidelines adopted by Council. The development principles and regulations, together with policies and guidelines adopted by Council, provide the necessary guidance for the preparation of a development proposal within the FSD.

To provide appropriate guidance for the longer-term development of the First Shaughnessy area, this Plan should be reviewed from time to time to ensure that it accurately reflects Community and City goals.

### 1.2 Goals

The following goals provide the basis for the planning and development of the “First Shaughnessy District”. These goals reflect the points of view of residents and property owners as well as the broader interests of the City as a whole. They provide general planning direction and a context for private and public decision-making regarding future development by addressing social, physical, economic, cultural, architectural and historical issues related to First Shaughnessy.

The broad goals for the First Shaughnessy District are as follows:

#### *Heritage*

- To strengthen a unique architectural and historical area.
- To promote conservation and restoration of meritorious pre-1940 homes and maintenance of the estate-like image of development in accordance with design guidelines adopted by Council.
- To preserve and enhance the cultural, social, economic, architectural and historical elements of First Shaughnessy.
- To promote excellence in architectural design and construction that is compatible with the character and quality of most pre-1940 houses in the area.
- To enhance the aesthetic character, diversity and interest of the city.
- To preserve and improve the public and private streetscape.
- To build upon the heritage conservation efforts of the City as embodied in the Official Development Plan by pursuing other complementary actions.

#### *Housing*

- To retain First Shaughnessy as a predominantly single-family residential community.
- To promote and encourage continued private ownership and use of dwellings.
- To limit further subdivision to protect the character of the area.
- To reinforce the economic stability through a controlled increase in density.

#### *Circulation*

- To discourage commuter and through traffic.
- To minimize on-street parking.

#### *Community Involvement*

- To provide residents and property owners an opportunity to continue their participation in the planning and development of the area.

**1.3 Intent**

The objective of this Plan is to protect and preserve Shaughnessy’s unique pre-1940 character.

First Shaughnessy is intended to remain a low-density residential area that is predominantly single-family in character. Provision is made to allow some large pre-1940 houses and existing non-conforming uses to be redeveloped as multiple conversion dwellings. This option is intended to provide an incentive to encourage the retention and restoration of buildings that are generally not suited as one-family dwellings because of excessive floor area, layout or previous conversion to multiple residential use. Other social and public uses are also permitted in this District in locations having a lesser amount of impact on the single-family character of the area.

Provision is made to allow some infill development on sufficiently large sites that are presently developed with pre-1940 residential buildings. Infill development may include either the residential conversion of an existing accessory building or the development of a new building(s) for residential use, provided the existing pre-1940 principal building is retained on the site and restored. The intent is to encourage the conservation and restoration of old meritorious houses, preserve the traditional character of First Shaughnessy, increase the development potential of eligible large sites and discourage further subdivision in the area.

Infill buildings must complement the design of pre-1940 principal residential buildings. However, innovative design and more flexible siting is encouraged for infill buildings provided the proposed development respects the estate-like appearance of large properties, the integrity of the streetscape, and the privacy and amenity of adjacent properties.

**1.4 Development Principles**

**1.4.1 Built Form**

New principal buildings should be at least two storeys in height to provide some physical prominence to the structure as viewed in a landscaped setting.

The roof treatment in the design of new buildings should be a significant feature.

Service function aspects, such as garages and garbage storage, should not be visually prominent when viewed from the street.

The detailing of new development should reinforce the archetypal residential character of the area. Features such as roofs, windows and entranceways should be prominently developed.

All buildings should be complementary in architectural style and subordinate in size to the principal building on the site.

**1.4.2 Siting**

New principal buildings should be prominently sited as viewed from the street.

New development should present an estate image character that respects front yard setbacks, neighbouring buildings and privacy, with siting in a landscaped setting.

New development should be carefully sited to retain as many mature trees and as much of the existing topography and vegetation on the property as possible.

Infill dwellings and all accessory buildings should be carefully sited to minimize shadowing onto adjacent private outdoor areas such as patios and swimming pools.

Infill dwellings and all accessory buildings should be located to the side or rear of the principal building on the site and should also reinforce the prominent character of the principal building and the single estate image.

#### 1.4.3 Landscaping/Streetscape

The landscaping treatment should complement new development.

Landscaping should be designed to reinforce the entranceway to the development.

The long uninterrupted stretches of landscaped streetscape should be preserved.

New development should strive to create an estate-image character through landscaped screening, stone or rock walls to form an enclosure around the property.

Wherever possible, existing driveways should be retained for access purposes to preserve the existing character of the streetscape.

Site topography should generally not be altered unless to better meet design guidelines approved by Council.

#### 1.4.4 Views

The location, height and massing of new development should respect existing or potential views of the central business district, harbour or North Shore mountains from neighbouring properties and the street.

#### 1.4.5 Servicing

Off-street parking and loading should be located and designed to be unobtrusive, particularly on sites containing several dwellings where provision of underground parking should be encouraged.

New development should not further strain the adequacy of the present public sewers in handling stormwater.

### 1.5 Interpretation

The ODP is subject to interpretation by the Development Permit Board or the Director of Planning.

The goals contained in section 1, together with policies and guidelines approved by Council, represent the basic planning philosophy for the FSD.

The development principles contained in section 1.4 represent general development criteria relating to new development in the FSD. These principles are to be taken into consideration by the Development Permit Board or the Director of Planning, as the case may be.

The uses and regulations contained in sections 4 and 5, respectively, specify uses that may be permitted in the FSD, subject to regulations for floor space ratio, height, site coverage, siting, stormwater storage, topography and vegetation, and all applicable policies and guidelines adopted by Council.

The Development Permit Board, in the exercise of its jurisdiction, may relax the provisions of this Plan in any case where literal enforcement would result in unnecessary hardship. In granting any relaxation, the Board shall have regard to the intent and policies of this Plan, and such other applicable policies and guidelines adopted by Council.

The Director of Planning or the Development Permit Board, as the case may be, may relax any of the regulations and provisions of this Plan where literal enforcement would result in unnecessary hardship in carrying out any preservation, restoration and renovation of buildings or properties on the First Shaughnessy Heritage Inventory, or any heritage register that has replaced the Inventory, as adopted by Council and in effect at the time of application for relaxation under this section. Any development permit issued shall specify the heritage aspects of the building or site that merit the relaxation authorized by this section. Before granting any relaxation, the Director of Planning or the Development Permit Board shall:

- (a) consider any advice from the Vancouver Heritage Commission or any other body established by Council for this purpose defining the aspects of the building or site that give it heritage merit and advising on the proposed conservation work;
- (b) notify such adjacent property owners and tenants as deemed necessary, consider the responses received, and if there is significant objection, refer the matter to Council for advice; and
- (c) consider the provisions of this Plan and all applicable policies and guidelines adopted by Council.

**1.6 Development Permit Applications**

Development permit applications shall be made and reviewed in compliance with the provisions set out in the **Zoning and Development By-law, No. 3575**, and all provisions relating to development permits in that By-law shall apply.

Subject to all provisions of the **Zoning and Development By-law, No. 3575**, and subject to the provisions of this Official Development Plan, the Development Permit Board or the Director of Planning, as the case may be, may either approve, approve subject to conditions, or refuse applications for development permits based on a review of the related goals, development principles, regulations, and all applicable policies and guidelines adopted by Council.

**Section 2 Definitions**

**2.1** The definitions contained in section 2 of the **Zoning and Development By-law, No. 3575**, shall apply to this Plan, except as varied or supplemented by the following:

**Attic** means a space located on one or more floors, where the elevation of such floors is less than 0.6 m below the lowest elevation at which a sloping roof on the building joins an exterior wall, but does not include space located on a floor having vertical exterior walls no less than 2.1 m in height around no less than 50 percent of its perimeter.

**Landscaping** means those elements of vegetation and construction located beyond the exterior walls of a building, and includes pavement and similar surfacing materials, fences, retaining walls, hedges, trees, shrubs, lawn, water bodies, statuary and artificial lighting intended to complement any of the foregoing.

**Impervious Area** means all portions of the surface of the site covered by structures and pavement.

**Infill One-Family Dwelling** means a building consisting of only one dwelling unit and accessory uses customarily ancillary thereto, including the conversion of an existing accessory building, on a site already containing a pre-1940 principal building that will be retained.

**Infill Two-Family Dwelling** means a building consisting of only two dwelling units and accessory uses customarily ancillary thereto, including the conversion of an existing accessory building, on a site already containing a pre-1940 principal building that will be retained.

**Principal Building** means the building with the largest total floor area on the site.

**Site Coverage** means the percentage figure obtained when the projected area of the outside of the outermost walls, excluding steps, eaves, cantilevered balconies and sundecks, of all buildings on the site is divided by the site area.

## **Section 3 Uses**

### **3.1 Buildings and Uses**

The following buildings and uses may be permitted within this District, subject to the conditions and regulations contained in this Plan and any other conditions as may be prescribed by the Development Permit Board or the Director of Planning, as the case may be.

- 3.2.A
- Accessory Building customarily ancillary to any of the uses listed in this section, provided that:
    - (a) no accessory building exceeds 4.5 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 6.1 m in height;
    - (b) all accessory buildings are located in the rear yard or as otherwise approved by the Development Permit Board or the Director of Planning, as the case may be, having regard to:
      - (i) the siting of development on adjacent parcels;
      - (ii) the impact of alternate locations on the site; and
      - (iii) all applicable policies and guidelines adopted by Council, and the submission of any advisory group;
    - (c) in no case is an accessory building located less than 3 m from a flanking street and 1.5 m from an interior property line;
    - (d) the gross floor area of all accessory buildings is not greater than 25 percent of the minimum rear yard prescribed for a principal building;
    - (e) all accessory buildings on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, are provided with a setback of 7.3 m from the flanking street or as otherwise approved by the Development Permit Board or the Director of Planning, as the case may be; and
    - (f) the siting and design of accessory buildings shall complement the principal building on the site.
  - Accessory Uses customarily ancillary to any of the uses listed in this section.
- 3.2.C
- Child Day Care Facility.
- 3.2.DW
- Infill One-Family Dwelling or Infill Two-Family Dwelling, subject in either case to the following:
    - (a) the site, based on parcels comprising the site on November 7, 1980, shall contain a pre-1940 principal building;
    - (b) the existing principal building shall not be relocated on the site from its location on November 7, 1980 except that approval may be given to relocate the principal building where it is demonstrated, to the satisfaction of the Director of Planning, that:
      - (i) the proposed siting will maintain an estate image character;

- (ii) the proposed setbacks are consistent with or will not adversely affect development on adjoining sites;
  - (iii) the proposed siting respects existing mature landscaping; and
  - (iv) the building foundation will be reconstructed to maintain the architectural character and integrity of the building;
- (c) where the gross floor area of the basement, first and second storeys of the principal building is equal to or less than 543 m<sup>2</sup>, the maximum number of infill dwelling units permitted on any site shall be calculated according to the following table:

<b>Number of Infill Dwelling Units</b>	<b>Minimum Site Area Required</b>
1	2 137 m <sup>2</sup>
2	3 066 m <sup>2</sup>
3	3 995 m <sup>2</sup>
4	4 924 m <sup>2</sup>

- (d) where the gross floor area of the basement, first and second storeys of the principal building exceeds 543 m<sup>2</sup>, the maximum number of infill dwelling units permitted on any site shall be calculated according to the following table:

<b>Minimum Site Area Required</b>	<b>Number of Infill Dwelling Units</b>
$\frac{x}{0.45} + 929 \text{ m}^2$	1
$\frac{x}{0.45} + 1\ 858 \text{ m}^2$	2
$\frac{x}{0.45} + 2\ 787 \text{ m}^2$	3
$\frac{x}{0.45} + 3\ 716 \text{ m}^2$	4

where “x” is the gross floor area of the principal building, measured in m<sup>2</sup>, of the basement, first and second storeys

- (e) for the purpose of computing gross floor area in accordance with (c) and (d) above, all floor area existing prior to January 1, 1940 and included in floor space ratio pursuant to section 4.1, shall, except for areas to be used for off-street parking, be included as existing floor area regardless of its demolition or alteration for exclusion from floor space ratio calculations, subsequent to May 11, 1982;
- (f) the siting and design of new infill development shall complement the pre-1940 principal building on the site;
- (g) a new infill one-family or infill two-family dwelling shall be located to the rear or the side of an existing principal building;
- (h) an infill one-family or infill two-family dwelling shall provide a setback of no less than 9 m from the principal building and any other infill one-family or infill two-family dwellings on the site;
- (i) each dwelling unit in an infill development not being a conversion of an existing accessory building, shall have a minimum gross floor area of 93 m<sup>2</sup>.

- (j) the maximum gross floor area for an infill one-family or infill two-family dwelling shall be the lesser of 279 m<sup>2</sup> or 50 percent of the gross floor area of the basement, first and second storeys of the principal building, to a minimum of 186 m<sup>2</sup>;
- (k) approval of a development permit application shall be subject to the owner of the site entering into an agreement with the City to register a covenant against the title of the land to ensure that no portion of the existing pre-1940 principal building on the site shall be demolished without prior approval of Vancouver City Council;
- (l) issuance of a development permit shall be subject to:
  - (i) the existing principal building being first developed as a one-family dwelling or a multiple conversion dwelling in accordance with section 3.2.DW and regulations applicable thereto; and
  - (ii) completion, to the satisfaction of the Director of Permits and Licenses, of no less than 50 percent of the value of restoration improvements to the existing principal building in order to preserve, protect and enhance it; and
- (m) before making a decision, the Development Permit Board or the Director of Planning, as the case may be, shall:
  - (i) consider the quality and livability of the proposed units, particularly those created through conversion of an existing accessory building;
  - (ii) consider the effect of the infill development on the preservation of a singular estate image and adjacent properties;
  - (iii) consider the nature and value of proposed restoration improvements to the existing principal building and the adequacy thereof respecting the intent of this Plan; and
  - (iv) consider the submission of any advisory group, property owner or tenant.
- Multiple Conversion Dwelling resulting from the conversion of a principal building which was in existence prior to January 1, 1940, where the gross floor area of the basement, first and second storeys, both prior to November 7, 1980 and at the time of application, is equal to or exceeds 650 m<sup>2</sup>; or the further conversion of a non-conforming use in existence prior to November 7, 1980, subject in either case to the following:
  - (a) the maximum site coverage for the principal building existing on November 7, 1980 shall be 35 percent, based on the parcels comprising the site on November 7, 1980;
  - (b) additions to principal buildings shall not exceed 33 percent of the gross floor area of the basement, first and second storeys combined, existing on November 7, 1980;
  - (c) additions shall be in keeping with the character of the existing principal building and shall not result in site coverage of all buildings on the site exceeding 25 percent;
  - (d) the multiple conversion dwelling shall have a resultant gross floor area of no less than 650 m<sup>2</sup> in the combined basement, first and second storeys;
  - (e) the existing principal building shall not be relocated on the site from its location on November 7, 1980 except that approval may be given to relocation of the principal building where it is demonstrated, to the satisfaction of the Director of Planning, that:
    - (i) the proposed siting will maintain an estate image character;
    - (ii) the proposed setbacks are consistent with or will not adversely affect development on adjoining sites;
    - (iii) the proposed siting respects existing mature landscaping; and
    - (iv) the building foundation will be reconstructed to maintain the architectural character and integrity of the building;
  - (f) dwelling units only shall be permitted in any multiple conversion dwelling;
  - (g) the maximum number of dwelling units permitted in a multiple conversion dwelling, computed by dividing the gross floor area (expressed in square meters) of the basement, first and second storeys of the principal building by 167 and rounded down to the next whole number, shall in no case exceed 4;
  - (h) the average gross floor area for each dwelling unit in a multiple conversion dwelling shall not be less than 167 m<sup>2</sup> and in no case shall a dwelling unit have less than 93 m<sup>2</sup> in gross floor area;

- (i) a dwelling unit shall not have more than 50 percent of its gross floor area in the basement or more than 66 percent of its gross floor area in the attic of a multiple conversion dwelling;
- (j) wherever possible, dwelling units shall be located at or near grade to provide direct ground access to each unit except that approval may be given to placing units one above the other where it is demonstrated, to the satisfaction of the Director of Planning, that direct ground access for each unit is either impractical or will adversely affect the character of the building;
- (k) for the purpose of calculating floor space ratio, all floor area in a principal building existing prior to January 1, 1940 and included in floor space ratio pursuant to section 4.1, shall, except for areas to be used for off-street parking, be included as existing floor area regardless of its demolition or alteration for exclusion from floor space ratio calculations, subsequent to May 11, 1982;
- (l) approval shall be subject to the owner(s) entering into an agreement with the City to register a covenant against the title of the land to ensure that no portion of the existing pre-1940 principal building on the site shall be demolished without prior approval of Vancouver City Council; and
- (m) issuance of a development permit shall be subject to completion, to the satisfaction of the Director of Planning, of no less than 50 percent of the value of restoration improvements to the existing principal building in order to preserve, protect and enhance it; and
- (n) before making a decision the Development Permit Board or the Director of Planning, as the case may be, shall:
  - (i) consider the quality and livability of the resulting units;
  - (ii) consider the effect of the conversion on the appearance of the principal building, adjacent properties and the character of the area;
  - (iii) consider the nature and value of proposed restoration improvements to the existing principal building and the adequacy thereof respecting the intent of this Plan; and
  - (iv) consider the submission of any advisory group, property owner or tenant.

- One-Family Dwelling.
- Seniors Supportive or Assisted Housing.

- 3.2.I
  - Community Care Facility – Class A.
  - Community Care Facility – Class B.
  - Group Residence.
- 3.2.O
  - Office for a consulate, on a site which abuts West 16th Avenue, King Edward Avenue, or Granville Street.
- 3.2.P
  - Public Authority Building or Use essential in this district.
  - Public Utility essential in this district.
- 3.2.R
  - Farmers’ Market
- 3.2.S
  - Bed and Breakfast Accommodation, subject to the following:
    - (a) a maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit;
    - (b) the provision of Bed and Breakfast Accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers; and
    - (c) the operator of the Bed and Breakfast Accommodation shall reside in the dwelling unit.
- 3.2.Z
  - Any other use which the Development Permit Board or the Director of Planning, as the case may be, considers comparable in nature to the above having regard to the intent of this Plan.

**Section 4 Regulations**

**4.1 Floor Space Ratio**

4.1.1 The floor space ratio shall not exceed 0.45, subject to the following:

- (a) for a principal building existing prior to April 18, 1991, but not existing prior to January 1, 1940, the floor area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey which has a floor surface located 6.52 feet or more above finished grade shall not exceed a floor space ratio of 0.25 plus 139 m<sup>2</sup>; and
- (b) in all other cases, except for a principal building existing prior to January 1, 1940, for the principal building the floor area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey which has a floor surface located 4 feet or more above finished grade shall not exceed a floor space ratio of 0.25 plus 139 m<sup>2</sup>; and
- (c) for all infill one-family or two-family dwellings the floor area shall not exceed a floor space ratio of 0.30, subject to the following:
  - (i) where the gross floor area of the principal building, including the basement, first and second storeys only, is equal to or less than 543 m<sup>2</sup>, site area for infill dwelling floor space ratio calculation shall be total site area minus 1 208 m<sup>2</sup>;
  - (ii) where the gross floor area of the principal building, including the basement, first and second storeys only, exceeds 543 m<sup>2</sup>, site area for infill dwelling floor space ratio calculation shall be computed as follows:

$$\begin{array}{rcl} \text{site area for infill} & & \text{total} \\ \text{floor space ratio} & = & \text{site} \\ \text{calculation} & & \text{area} \end{array} - \frac{\mathbf{x}}{\mathbf{0.45}}$$

where “x” is the gross floor area of the basement, first and second storeys of the principal building, measured in m<sup>2</sup>; and

- (iii) the Development Permit Board or the Director of Planning, as the case may be, may assign a lesser maximum floor space ratio for infill one-family and infill two-family dwellings where it is deemed necessary to achieve exemplary design, protect the livability of adjacent properties, or to preserve the estate image character of the property.

4.1.2 The following shall be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 4 feet, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

4.1.3 The following shall be excluded in the computation of floor space ratio:

- (a) open balconies, open-sided verandahs, canopies, open porte-cochere, and other appurtenances which in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface;

- (d) where floors are used for off-street parking and loading, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, provided that:
  - (i) they are located within a principal building, an infill one-family or infill two-family dwelling;
  - (ii) they are situated below living accommodation or other floor areas included in the calculation of floor space ratio;
  - (iii) points of vehicular access are not visible from the street;
  - (iv) any ramp providing vehicular access is located and designed to preserve the maximum amount of existing site topography and mature landscaping; and
  - (v) where located within an existing principal building, the building foundation will be reconstructed to maintain the architectural character and integrity of the building;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (f) the area of exterior walls that exceeds 152 mm to a maximum exclusion of 152 mm, as recommended by a Building Envelope Professional to control building envelope leaks, and:
  - (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
  - (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,
  - (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
  - (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional,
 except that this section is not to apply to exterior walls in existence before May 31, 2011; and
- (g) above grade floor area built as open to below, designed in combination with venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation, to a maximum exclusion of one percent of permitted floor area.

4.1.4 Floor space excluded pursuant to section 4.1.3 shall not be put to any use other than that which justified the exclusion.

**4.2 Height**

4.2.1 The maximum height of an infill one-family or infill two-family dwelling shall be the lesser of 7.6 m or 2 storeys and the maximum height of all other building shall be the lesser of 10.7 m or 2-1/2 storeys.

**4.3 Site Coverage**

4.3.1 Except as regulated below or elsewhere in section 4, the maximum site coverage shall be 35 percent.

4.3.2 The maximum site coverage for a site having an infill building or buildings, whether infill one-family or infill two-family dwellings, shall be as indicated in the following table:

<b>Number of Infill Buildings</b>	<b>Maximum Site Coverage</b>
1	30%
2 or more	25%

#### **4.4 Front Yard**

4.4.1 A front yard with a minimum depth of 9 m shall be provided.

#### **4.5 Side Yards and Setback**

4.5.1 A side yard with a minimum width of 4.5 m shall be provided on each side of a principal building.

4.5.2 An infill one-family dwelling or infill two-family dwelling shall be set back no less than 4.5 m from a side property line, except that the Director of Planning may permit a lesser setback in the case of an existing accessory building being converted to residential use, and may require a greater setback where it is deemed necessary to protect the livability of the adjacent property.

#### **4.6 Rear Yard and Setback**

4.6.1 A rear yard with a minimum depth of 10.7 m shall be provided for a principal building.

4.6.2 An infill one-family dwelling or infill two-family dwelling shall be set back no less than 4.5 m from a rear property line, except that the Director of Planning may permit a lesser setback in the case of an existing accessory building being converted to residential use, and may require a greater setback where it is deemed necessary to protect the livability of the adjacent property.

#### **4.7 Siting**

4.7.1 In approving an application, the Development Permit Board or the Director of Planning, as the case may be, shall first be satisfied that the proposed development is sited so as to preserve the maximum amount of existing site topography and landscaping, having regard to:

- (a) the intent of this Official Development Plan;
- (b) all applicable policies and guidelines adopted by Council;
- (c) the submission of any advisory group, property owner or tenant;
- (d) the existing topography and landscaping consisting of mature vegetation as fully described on plans or drawings submitted by the applicant, proposed alterations or removals, and siting alternatives which may have been examined;
- (e) siting alternatives for the proposed development which may allow for greater retention of existing site topography and landscaping; and
- (f) the degree to which proposed landscaping or topographic alterations will enhance the siting of the proposed development and prominence of the principal building.

#### **4.8 Stormwater Storage**

4.8.1 No permit shall be issued for any development which:

- increases the impervious area of a site as of May 11, 1982, by more than one percent of the site area; or
- creates a community care facility, group residence, a multiple conversion dwelling, an infill one-family dwelling or an infill two-family dwelling;

until the property owner has entered into a covenant or other instrument satisfactory to the Director of Legal Services to ensure compliance with the following, prior to undertaking the development:

- (a) a stormwater storage system shall be constructed on the site which:
  - (i) provides a minimum storage capacity equal to the depth of 15 millimeters over the entire site; and
  - (ii) includes a device to restrict the maximum stormwater flow from the site into the public sewer to 17.5 litres per second per hectare;

- (b) the stormwater storage system shall be designed and inspected by a Professional Engineer registered in the Province of B.C. who shall certify that the system is designed and constructed in accordance with the minimum standards set out in clause (a) above;
- (c) maintenance of the stormwater storage system shall be the responsibility of the property owner;
- (d) the property owner shall enter into a release and indemnity agreement with the City, to the satisfaction of the Director of Legal Services, regarding the stormwater storage system; and
- (e) the property owner shall acknowledge that he has received a copy of the stormwater storage system design guidelines approved by Council for this area.

