

## FM-1 District Schedule

### 1 Intent

The intent of this Schedule is to enhance the small-scale residential character of the Fairview Slopes neighbourhood by encouraging retention of the existing houses and permitting new low-profile residential development which may include some compatible commercial, light industrial, and ancillary uses, designed to optimize the amenities inherent in the topography and location of this Central Area neighbourhood.

### 2 Outright Approval Uses

**2.1** Subject to all other provisions of this By-law and to compliance with the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

#### **2.2 Uses**

**2.2.A** • Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:

- (a) no accessory building exceeds 3.7 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 4.6 m in height;
- (b) all accessory buildings are located in the rear yard and in no case are less than 1.5 m from a flanking street;
- (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 35 percent of the minimum rear yard prescribed in this Schedule, or 48 m<sup>2</sup>, whichever is the greater;
- (d) not more than 80 percent of the width of the rear yard of any lot is occupied by accessory buildings.

- Accessory Uses customarily ancillary to any of the uses listed in this section.

#### **2.2.DW** [Dwelling]

- Multiple Conversion Dwelling, provided that:

- (a) no additions shall be permitted;
- (b) no housekeeping or sleeping units shall be created;
- (c) the number of dwelling units is limited to two; and
- (d) no development permit shall be issued until the requisite permits required by other by-laws that relate to design, construction and safety of buildings are issuable.

- Multiple Dwelling consisting of five or fewer dwelling units
- One-Family Dwelling.
- Rooming House.
- Two-Family Dwelling.

#### **2.2.I** [Institutional]

- Community Care Facility – Class A, subject to the regulations and relaxations that apply to a one-family dwelling.

### 3 Conditional Approval Uses

**3.1** Subject to all other provisions of this By-law, including section 3.3.3, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, including such other conditions as it may decide, provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

### **3.2 Uses**

3.2.A • Accessory Uses to any of the uses listed in this Schedule.

3.2.C [Cultural and Recreational]

- Club, provided that no commercial activities are carried on and the use does not adversely impact residential uses.
- Community Centre or Neighbourhood House.
- Library in conjunction with a Community Centre.
- Park or Playground.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this Schedule.
- Infill
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
  - (a) before making a decision the Development Permit Board shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
  - (b) building additions resulting in a total floor space ratio greater than 0.6 shall be in keeping with the character of the building.
- Multiple Dwelling consisting of six or more dwelling units if:
  - (a) its development does not require the demolition or change of use or occupancy of one or more rental housing units;
  - (b) its development requires the demolition or change of use or occupancy of one or more rental housing units but does not exceed a rate of change of 0% within this District; or

(c) its development requires the demolition or change of use or occupancy of one or more rental housing units, and exceeds the rate of change within the zoning district, and the registered owner of the site enters into a housing agreement with the city, under section 565.2 of the Vancouver Charter, in which the registered owner agrees with the city to:

- (i) include in the new development on the site that number of rental housing units which equals or exceeds the number of rental housing units requiring demolition or change of use or occupancy, and to give the city security for the continued operation of such replacement rental housing units including a section 219 covenant for registration against title to the site, which housing agreement and security must be on terms and conditions satisfactory to Council, or
- (ii) provide rental housing units, or to contribute to the provision of rental housing units, in another manner or at another location, or to provide another form of affordable housing, and to give the city security for the continued operation of such replacement rental housing units or other form of affordable housing including a section 219 covenant for registration against title to the subject real property, which housing agreement and security must be on terms and conditions satisfactory to Council;

and, in this section, all references to the demolition or change of use or occupancy of one or more rental housing units are to include then existing rental housing units and rental housing units that, during the three years preceding the date of application for a development permit for a multiple dwelling, a person has demolished or in respect of which has changed the use or occupancy.

- One-Family Dwelling with Secondary Suite.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

### 3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church, subject to the provisions of section 11.7 of this By-law.
- Hospital, subject to the provisions of section 11.9.3 of this By-law.
- Public Authority Use essential in this District.
- School - Elementary or Secondary, subject to the provisions of section 11.8 of this By-law.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

### 3.2.M [Manufacturing]

- Jewellery Manufacturing.

### 3.2.O [Office]

- General Office.

## 3.2.R [Retail]

- Grocery or Drug Store.
- Liquor Store.
- Pawnshop.
- Retail Store.
- Secondhand Store
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.

## 3.2.S [Service]

- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Laundromat or Dry Cleaning Establishment.
- Repair Shop - Class B.
- Restaurant - Class 1.

## 3.2.U [Utility and Communication]

- Public Utility.

**3.3 Conditions of Use**

3.3.1 Before granting a development permit for any of the commercial uses set out in section 3.2.O, 3.2.R or 3.2.S, the Development Permit Board shall first be satisfied that they are compatible with the residential character, are at a neighbourhood scale, serve the local residential population, and that they do not exceed the maximum permissible floor space as follows:

- (a) **Sub-area 1** -- Up to 50 percent of the gross floor area, in buildings located in the area denoted by the number "1" shown on the map annexed hereto as Figure 1;
- (b) **Sub-area 2** -- Up to 15 percent of the gross floor area, or 130 m<sup>2</sup>, whichever is the less, in buildings located in the area denoted by the number "2" shown on the map annexed hereto as Figure 1;
- (c) **Sub-area 3** -- Up to 100 percent of the gross floor area, in buildings located in the area denoted by the number "3" shown on the map annexed hereto as Figure 1;
- (d) **Heritage Buildings** -- Up to 100 percent of the gross floor area, in buildings designated by Council as Heritage Buildings, subject to such building being renovated to the satisfaction of the Development Permit Board;
- (e) **Existing Residential Buildings** -- Up to 50 percent of the gross floor area or 700 m<sup>2</sup>, whichever is the less, in residential buildings existing prior to December 1, 1973, subject to such building being renovated to the satisfaction of the Development Permit Board.

## 4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

**4.1 Site Area** -- Not Applicable.

**4.2 Frontage** -- Not Applicable.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 10.7 m, except that in the case of a site fronting on a street running east and west, no portion of a building shall extend above an envelope formed by a vertical line measuring 7.6 m in height at the south property line and a line extended horizontally from the vertical line to intersect a line representing the maximum height.
- 4.3.2 Height shall be calculated from the building grades as established by the City Engineer. The measurement of height shall be taken at the ultimate property line at the lane.

### **4.4 Front Yard**

- 4.4.1 A front yard need not be provided.

### **4.5 Side Yards**

- 4.5.1 Side yards need not be provided.

### **4.6 Rear Yard**

- 4.6.1 A rear yard need not be provided.

### **4.7 Floor Space Ratio**

- 4.7.1 The maximum floor space ratio shall be 0.60 except as follows:
- (a) in the case of a building existing prior to December 1, 1973, and approved for entirely residential use, the floor space may be increased by 20 percent of the existing floor space, provided that in no case shall the maximum floor space ratio exceed 1.0 and the increase in floor space is for residential use only;
  - (b) in the case of any development the Development Permit Board may permit an increase in the permitted floor space ratio from 0.60 to any figure up to and including 1.5, providing it first considers all applicable policies and guidelines adopted by Council, the nature and size of the site, the adequacy of open space, overall design and the provision of amenities which would result in community benefits.
- 4.7.2 The following shall be included in the computation of floor space ratio:
- (a) all floors, including earthen floor, having a minimum ceiling height of 1.2 m, both above and below ground level, to be measured to the extreme outer limits of the building;
  - (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.
- 4.7.3 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies or sundecks, and any 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 off-street parking and loading, the taking on or discharging of passengers, bicycle storage, 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:
  - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
  - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length.
- (d) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) areas of undeveloped floors which are located
  - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m.
- (f) basement and cellar areas in a building existing prior to June 18, 1956, and approved for entirely residential use;
- (g) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (h) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and
- (i) with respect to exterior:
  - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
  - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),
 the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009.

A registered professional must verify that any exterior wall referred to in subsection (ii) of this section meets the standards set out therein.

- 4.7.4 In computing the floor space ratio, site area shall be measured to the rear property line on sites where there has been no dedication for lane purposes or the ultimate centre line of the lane on sites where land has been dedicated for lane purposes.
- 4.8 Site Coverage -- Not Applicable.**
- 4.9 [Deleted -- see Parking By-law.]**
- 4.10 Horizontal Angle of Daylight -- Not Applicable.**
- 4.11 Vertical Angle of Daylight -- Not Applicable.**
- 4.12 Dedication of Land for Lane Development**
  - 4.12.1 Applications for development of a site which does not abut a lane shall be required to dedicate to the City up to a maximum of 3.1 m at the rear of the site for lane purposes, as determined by the City Engineer.

4.12.2 Where dedication is made, it shall be deemed not to reduce the site area for the purpose of calculating floor space ratio.

## 5 Relaxation of Requirements

**5.1** The Development Permit Board may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event exceed the maximum prescribed in section 4.3.1 nor shall the floor space exceed the 33⅓ percent of the gross floor area of the principal use.

Figure 1, Part 1

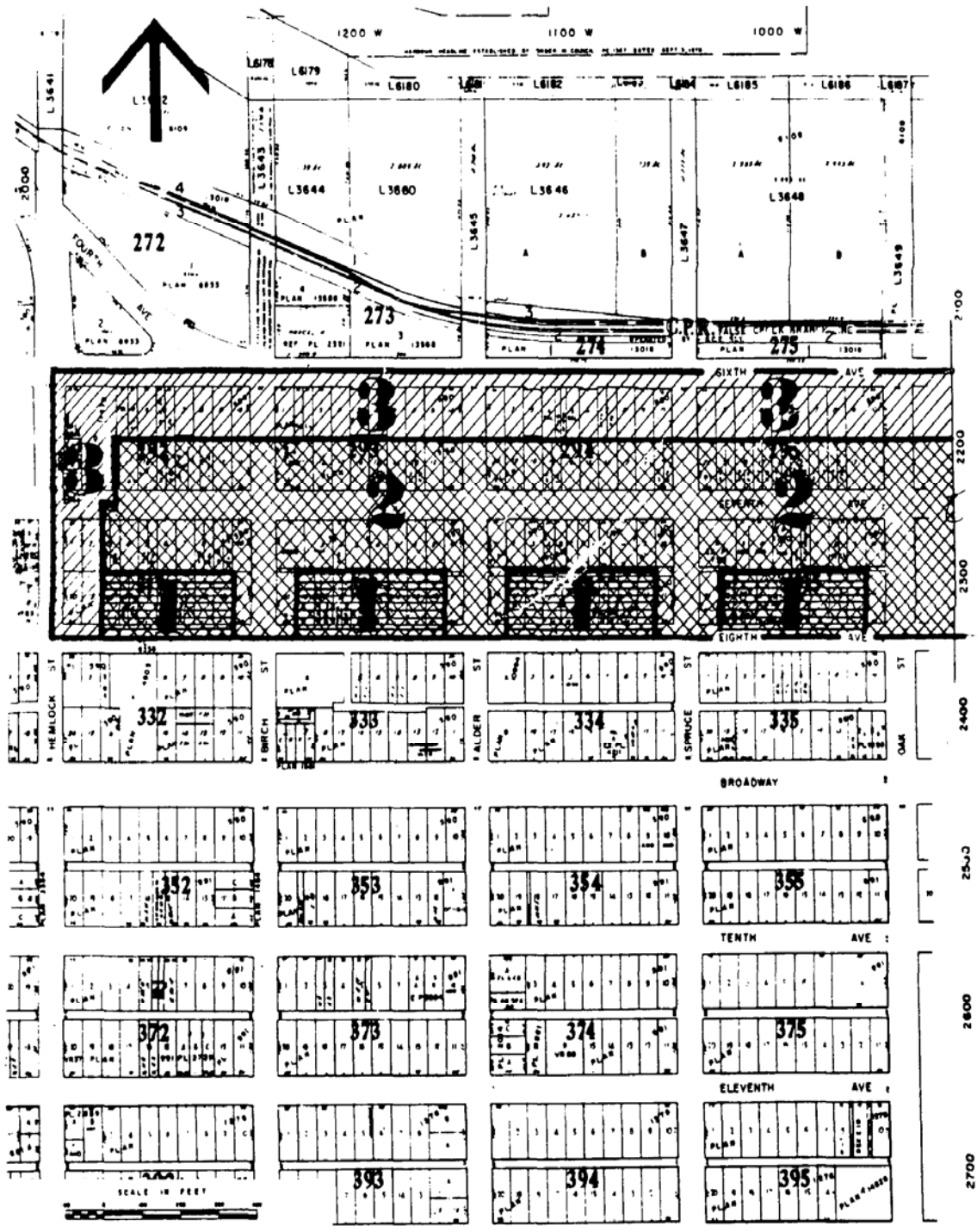
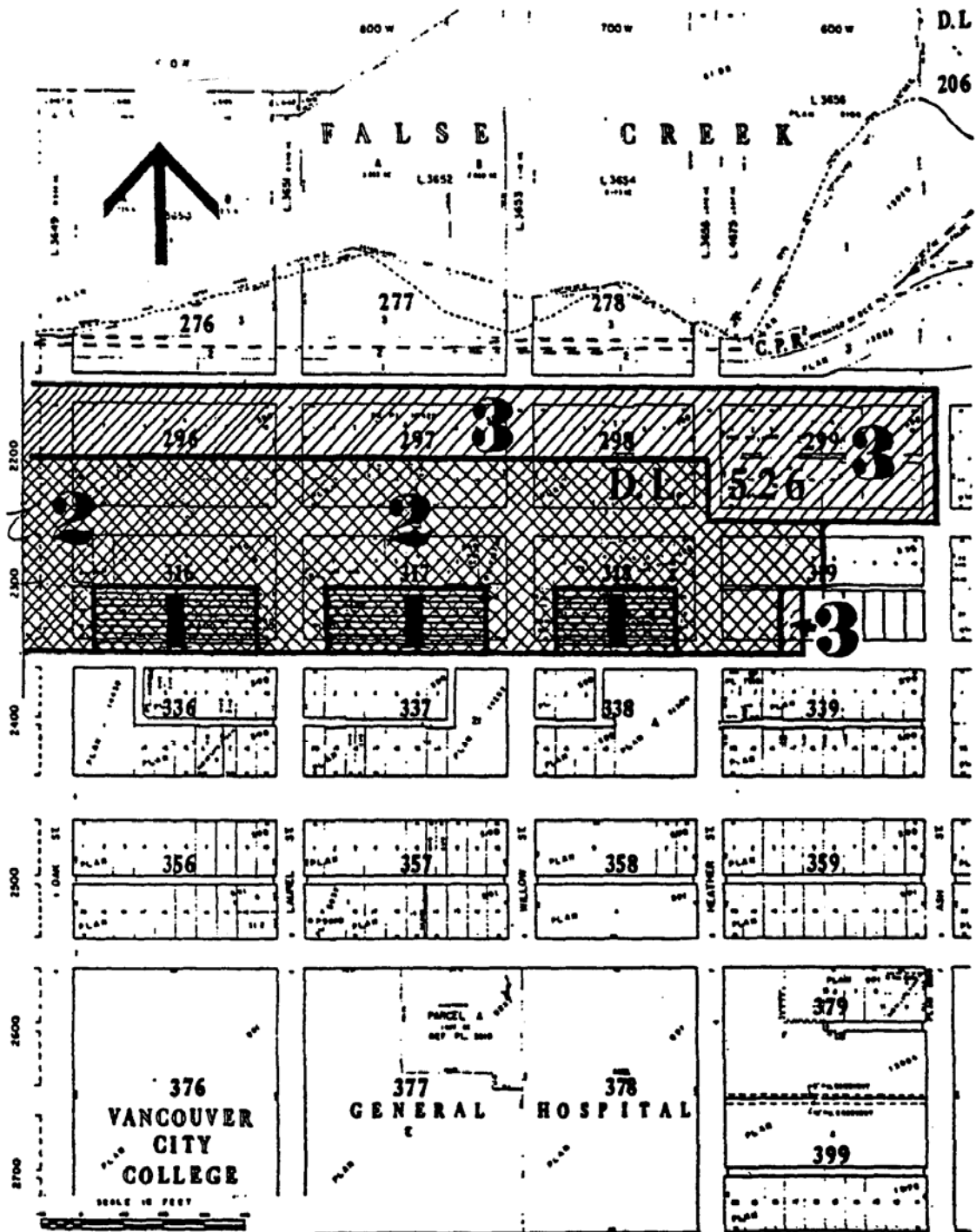


Figure 1, Part 2



- 5.2** The Development Permit Board may relax, subject to approval of Council, the maximum permissible floor space for commercial uses as established in section 3.3.1 with respect to development on consolidated sites, which, by virtue of their size and location, comprise land in two or more Sub-areas as illustrated in Figure 1 provided that:
- (a) any relaxation shall be confined to the transfer of the permitted commercial floor space of one Sub-area to other Sub-areas;
  - (b) the Board considers the overall quality of the development, the surrounding developments and potential for redevelopment both within the FM-1 District and other zoning districts that are adjacent to the consolidated site, surrounding traffic patterns, and the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
  - (c) there shall be no transfer of permitted floor space across future lanes, irrespective of existing property consolidation.
- 5.3** The Development Permit Board may relax, subject to approval of Council, the maximum height of a building as established in section 4.3.1 with respect to any development provided that the Board takes into account the following:
- (a) the height, bulk, location and overall design of the building and its effects on the site, surrounding buildings and streets, and views;
  - (b) the amount of open space and the effects of overall design on the general amenity of the area;
  - (c) peculiarities of the site with respect to traffic, surrounding developments, topography, the potential for development both within the FM-1 District and other zoning districts that are adjacent to the site, and other factors not characteristic of the FM-1 District; and
  - (d) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the compatibility of the development with adjacent buildings.