

## Section 10 General Regulations

### 10.1 Number of Buildings on Site

The placing of more than one principal building on any one site shall not be permitted, except as otherwise provided for by this By-law.

[See, for example, section 3.2.1(b)]

### 10.2 Sites with Building Lines

Where a building line has been established pursuant to section 14.1, the following measurements and calculations shall be made using the building line instead of the site boundaries:

- (a) width or depth of a required yard;
- (b) depth of required setbacks for pump islands and canopies in Full Serve and Split Island Gasoline Stations;
- (c) depth of a site for the purpose of yard reductions pursuant to section 11.2 of section 11.

### 10.3 Land not Abutting a Street

Where an area of land does not abut a street and therefore is not defined as a site, development may be permitted by the Director of Planning if, in his opinion, the land is, or is likely to be, satisfactorily provided with the public utilities and services necessary for the development.

### 10.4 Principal Pedestrian Access

Except in the case of an approval pursuant to section 10.3 above, the principal pedestrian access to every principal building and separate use shall be directly from a street.

### 10.5 Frontage Determination

The frontage of any site having more than one boundary on a street shall be:

- (a) where street boundary lengths are equal, as determined by the Director of Planning;
- (b) in the case of a corner site, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning;
- (c) where a site is composed of more than one lot, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning.

### 10.6 Development in Required Yards

#### 10.6.1 General Prohibition

No building or development shall be permitted in any required yard, except as otherwise provided for by this By-law or the Parking By-law.

#### 10.6.2 Yards for Other Developments

No portion of required yard or required open space for any development shall be provided from any yard or open space already required for any other development.

### 10.6.3 Underground Development

No development shall be permitted beneath the normal finished grades of a required yard without the prior approval of the Director of Planning who shall, in the exercise of his discretion, have due regard to:

- (a) the effect on the amenity in the neighbourhood;
- (b) the adjoining topography; and
- (c) the design treatment of the open portions of the site;

and shall be satisfied that the proposed development is unlikely to adversely affect the possible widening or future development of streets and lanes.

### 10.6.4 Accessory Building -- Rear Yard

No accessory building shall be located closer than 6.0 m to the rear line of any site which adjoins without the intervention of a lane the front or side yards of a site in an R district, except that the Director of Planning may approve a lesser distance where in his opinion no unduly adverse effect on adjoining sites is likely to be created.

## 10.7 Projections into Required Yards

### 10.7.1 The following features shall be permitted in any required yard:

- (a) steps, except that no steps shall be permitted in any side yard except an exterior side yard;
- (b) eaves, gutters, sills and chimneys or other similar projections as determined by the Director of Planning, if they do not project more than 540 mm, measured horizontally, into a required yard;
- (c) balconies on multiple dwellings, if:
  - (i) they do not project more than 1.2 m into a required yard and in no case are closer than 2.1 m to an interior side property line; and
  - (ii) the safety railing does not extend more than 1 070 mm above the floor of the balcony;
- (d) canopies, if:
  - (i) they are cantilevered;
  - (ii) they do not project more than 1.2 m measured at right angles to the face of the building; and
  - (iii) they are not located closer than .3 m measured horizontally from any window of a habitable room where any part of such window is located below the level of the canopy;
- (e) bay windows, if:
  - (i) they do not project more than 540 mm into the required yard;
  - (ii) the bottom outside edge of the bay is not less than 300 mm above the floor level;
  - (iii) the area contained within the bay window projection is not used for any purpose other than to provide light and ventilation;
- (f) fixed external shading devices, if:
  - (i) they are, in the opinion of the Director of Planning, suitably designed and located in a position that provides solar rejection;
  - (ii) they are cantilevered; and
  - (iii) they do not project more than 1.2 m measured at right angles to the face of the building; and
- (g) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

### 10.7.2 The following additional features may project into rear yards only:

- (a) open fire escapes;

- (b) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

**10.8 Exclusions from Regulations of Daylight Access and Angle Controls**

The following features are excluded from regulations of daylight access and angle controls:

- (a) steps;
- (b) eaves, gutters, sills and chimneys;
- (c) balconies, if:
  - (i) they do not project more than 1.2 m into the area controlled by daylight angles; and
  - (ii) the safety railing does not extend more than 1 070 mm above the floor of the balcony.
- (d) canopies over entrances to buildings, subject to the same conditions as set out in section 10.7.1(d);
- (e) safety railings, if they are not over 1 070 mm in height;
- (f) bay windows, if:
  - (i) they do not project more than 540 mm into the area controlled by daylight angle; and
  - (ii) the bottom outside edge of the bay is not less than 300 mm above the floor level.
- (g) any other features, including vent shafts or mechanical equipment which, in the opinion of the Director of Planning, are similar to any of the features listed above.

**10.9 Exclusions from Limitations on Building Length**

The following features are excluded from any limitations to the maximum length of buildings or portions of buildings for the purpose of view obstruction:

- (a) eaves, gutters, sills, safety railings and chimneys;
- (b) balconies, subject to the same conditions as in section 10.8(c) above;
- (c) canopies over entrances to buildings, subject to the same conditions as set out in section 10.7.1(d) above;
- (d) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

**10.10 Height of Building**

**10.10.1 Measurement**

The height of a building shall, unless otherwise specified in a district schedule to this by-law, be measured as the vertical distance that the building extends above the base surface.

**10.10.2 Exclusion from Base Surface**

Where the existing grade of a site is higher than the base surface and the Director of Planning is satisfied that the existing grade is compatible with the existing grade of the adjoining sites or the general topography of the area, height of building may be measured from a surface determined by joining the existing grade at all points around the perimeter of the proposed building. The Director of Planning may, if he deems necessary, require the applicant to furnish a plan of survey in accordance with section 4.1.3 of this By-law.

**10.10.3 Exclusion from Existing Grade**

Where the existing grade of a site is lower than the base surface, building height may be measured from the base surface provided the Director of Planning is satisfied that the proposed finished grade is compatible with the existing grade of the adjoining sites or the general topography of the area. The Director of Planning may, if he deems necessary, require the applicant to furnish a plan of survey in accordance with section 4.1.3 of this By-law.

## 10.11 Relaxation of Limitations on Building Height

### 10.11.1 Height Increases for Buildings

The Director of Planning may, at his discretion, permit a greater height than otherwise permitted for the following items if, except for the items set out in subsection (d), they do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawings and do not, in total, cover more than 10 percent of the roof area on which they are located as viewed from directly above:

- (a) architectural appurtenances such as towers, turrets, and cupolas, provided:
  - (i) no additional floor area is created; and
  - (ii) no protrusion extends more than 1.1 m above the height limitation;
- (b) mechanical appurtenances such as elevator machine rooms;
- (c) chimneys;
- (d) access and infrastructure required to maintain green roofs or urban agriculture, or roof-mounted energy technologies including solar panels and wind turbines, provided that the Director of Planning considers:
  - (i) their siting and sizing in relation to views, overlook, shadowing, and noise impacts, and
  - (ii) all applicable policies and guidelines adopted by Council; and
- (e) items similar to any of the above.

### 10.11.2 Relaxation for a Decorative Roof

The Development Permit Board may, for any building higher than 30.5 m, permit a decorative roof, which may include items referred to in section 10.11.1, to exceed the maximum height otherwise specified in this By-law, provided that:

- (a) the Board is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances;
- (b) the roof does not add to the floor area otherwise permitted; and
- (c) the Board first considers all applicable policies and guidelines adopted by Council.

## 10.12 Demolition of a Building <sup>[1]</sup>

10.12.1 Except as exempted by the provisions of section 5, no person shall carry out any construction, engineering or other operation in, on, over or under any land which will result in the demolition of a building without first obtaining a development permit for the demolition from the Director of Planning.

10.12.2 Except as set out in section 10.12.3, where development necessitates the demolition of existing residential rental accommodation, no development permit shall be issued for the demolition unless and until a development permit for the new development has been issued.

The development permit for the new development shall not be issued unless and until all building permits for the new development and a building permit for the demolition are issuable.

10.12.3 The following cases of residential rental accommodation are exempted from the provisions of section 10.12.2:

- (a) where located in RA-1, or any C, M or I district;
- (b) where located in a building damaged or destroyed by fire to the extent of 60 percent or more of its value above the foundations, as determined by the City Building Inspector;

<sup>[1]</sup> [refer also to Appendices L and M of this By-law]

- (c) where located above a commercial use and where the residential rental accommodation does not predominate in terms of floor space;
- (d) where located in a building deemed by the City Building Inspector to be beyond re-use or rehabilitation for residential purposes;
- (e) where located in a building deemed by the City Building Inspector to be appropriate for demolition because of hazard to public health or safety;
- (f) where located in a multiple dwelling in which units are individually owned in accordance with the Condominium Act and no fewer than 75 percent of them are owner-occupied;
- (g) where located in a multiple dwelling consisting of a co-operative tenure established prior to legislation permitting condominium ownership; or
- (h) where located in a building deemed by City Council to be appropriate for demolition because the premises are a nuisance.

10.12.4 Except as set out in sections 10.12.6 and 10.12.7, where development necessitates the demolition of (a) a building listed on the Heritage Register or (b) a residential building located in the RS-1, RS-1S, RS-3, RS-3A, RS-5, RS-5S, RS-6, and RS-7 or FSD District no development permit shall be issued for the demolition unless the Director of Planning is satisfied that all applicable policies and guidelines adopted by Council have been met, and until a development permit for the new development has been issued. The development permit for the new development shall not be issued unless and until all building permits for the new development and a building permit for the demolition are issuable.

10.12.5 Except as set out in sections 10.12.6 and 10.12.7, where development necessitates the demolition of a building listed as an “A” Evaluation Group heritage building in the Heritage Register and located in the RM-5, RM-5A, RM-5B, RM-5C, RM-6 or DD District, in addition to the provisions of section 10.12.4, no development permit shall be issued for the new development until the Director of Planning is satisfied with a calculation of density bonus provided by the applicant in accordance with the applicable policies and guidelines adopted by Council.

10.12.6 A building deemed by the City Building Inspector to be appropriate for demolition because of hazards to public health or safety is exempt from the provisions of sections 10.12.4 and 10.12.5.

10.12.7 A building deemed by City Council to be appropriate for demolition because the premises are a nuisance is exempted from the provisions of sections 10.12.4 and 10.12.5.

**10.13 Relocation of a Building**

Where an existing building is:

- (a) relocated onto a different site; or
- (b) located elsewhere within the same site;

it shall conform with all the regulations of the district in which it is located.

**10.14 Double Fronting Site -- Design Approval**

The siting and design of all buildings on a double fronting site located in any district except an M or I district shall require the approval of the Director of Planning.

**10.15 Living Accommodation Below Finished Grade**

10.15.1 Living accommodation may be permitted below finished grade, subject to the following:

- (a) the floor must be no more than 0.8 m below the finished grade of the adjoining ground, except that if the Director of Planning, on the advice of the Chief Building Official, is satisfied about:

- (i) the provision of adequate damp proofing, lighting, ventilation, heating and secondary access, the Director of Planning may increase this dimension to 1.5 m, or
- (ii) in the case of a one-family dwelling or a one-family dwelling with secondary suite, the same considerations as (i) above and the overall relationship of the resulting living accommodation to the surrounding grade, the Director of Planning may increase this dimension to 1.83 m;
- (b) in the case of a multiple dwelling that has its existing utility, recreational or storage areas below finished grade, a minimum of 20 percent of the floor area below finished grade shall be retained for such uses, except that the Director of Planning may allow a lesser amount where he is satisfied that adequate utility, recreational and storage space is provided elsewhere in the building.

10.15.2 Storage rooms shall be excluded from the provisions of section 10.15.1.

10.15.3 Recreation rooms and bedrooms in a one-family dwelling, two-family dwelling, multiple conversion dwelling, or laneway house, bathrooms, utility rooms and workshops shall be excluded from the provisions of section 10.15.1(a), except that no bedroom shall be permitted having a floor 1.5 m or more below the finished grade of the adjoining ground.

## **10.16 Fences**

10.16.1 For the purposes of this section, the term “fence” shall include arbors, archways, boundary fences, gates, pergolas, screens, trellises, walls and similar structures.

10.16.2 Height shall be measured from any point on the ground level of the site at the structure or fence line.

10.16.3 A fence or similar structure shall be permitted in a required yard or on the boundaries of a required yard provided it does not exceed 1.9 m in height.

10.16.4 Notwithstanding section 10.16.3, a fence or similar structure shall be permitted in a required front yard or on the boundaries of a required front yard located in the C-1 District or any R district provided it does not exceed 1.2 m in height.

10.16.5 Where a fence is erected or placed above a common boundary retaining wall or within 1.0 m of a common boundary retaining wall, the maximum permissible height shall be reduced by half the height of the retaining wall.

10.16.6 The Director of Planning may, at his discretion, permit a fence or similar structure which does not comply with sections 10.16.3, 10.16.4, and 10.16.5; however, in the case of a relaxation of the height limitations of this section, the Director of Planning shall first notify such property owners as he deems necessary.

## **10.17 Boats, Vehicles, Equipment or Materials in Residential and Commercial Districts**

10.17.1 No boat, boat trailer, truck, bus or similar vehicle shall be placed or parked on any site in an R district except for the following:

- (a) one truck with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) one boat not exceeding 4.9 m in length, together with its accessory boat trailer;
- (c) trucks temporarily involved in servicing the premises;
- (d) such boats or vehicles as may be approved by the Director of Planning where he considers that they will not have an unduly detrimental effect on the site or adjacent properties.

- 10.17.2 No equipment or materials shall be stored in an R or C district except where:
- (a) otherwise permitted by section 11.10 of section 11 or as an accessory use pursuant to this By-law;
  - (b) temporarily required for the construction, repair, servicing or maintenance of the premises;
  - (c) approved by the Director of Planning where he considers that an unduly detrimental effect is not created on the site or adjacent properties.

**10.18 Birds and Animals** [See Health By-law No. 6580]

- 10.18.1 Buildings or runs for the shelter or accommodation of birds or animals in any districts except RA-1 shall be located no closer than 9.1 m from any dwelling and 18.3 m from the front line of the site and, as accessory buildings, shall conform with all other applicable provisions of this By-law.

**10.19 Sleeping Units**

- 10.19.1 No sleeping unit shall contain any sink or cooking facilities.
- 10.19.2 Every sleeping unit shall include a main habitable room having a floor area of not less than 9.7 m<sup>2</sup>.
- 10.19.3 There shall not be less than one hand basin provided for every three sleeping units, but in no case shall such basins be located in public hallways, at least one water closet for every ten sleeping units, and at least one bathing unit for every twelve sleeping units.
- 10.19.4 No person shall use or permit to be used any sleeping unit for a period of less than one month unless such unit forms part of a hotel.

**10.20 Housekeeping Units**

- 10.20.1 No housekeeping unit shall be used or occupied by more than one family;
- 10.20.2 Every housekeeping unit shall have a floor area of not less than 13.4 m<sup>2</sup>, or a floor area of not less than 11.1 m<sup>2</sup> if the unit is occupied by not more than one person only and adequate lounge facilities are provided on the premises.
- 10.20.3 There shall be provided within the housekeeping unit a separate and properly ventilated kitchen or kitchenette equipped with a sink and cooking facilities.
- 10.20.4 There shall not be less than one complete bathroom unit for every three housekeeping units, provided that where the housekeeping units have single occupancy the provisions of section 10.19.3 shall apply.
- 10.20.5 No person shall use or permit to be used any housekeeping unit for a period of less than one month unless such unit forms part of a hotel.

**10.21 Dwelling Units**

- 10.21.1 No dwelling unit shall be used or occupied by more than one family, but it may also be used to keep a maximum of two boarders or lodgers, or five foster or eight daycare children.

10.21.2 The floor area of each:

- (a) dwelling unit, except for a secondary dwelling unit, must be at least 37 m<sup>2</sup>; and
- (b) secondary dwelling unit must be at least 26 m<sup>2</sup>;

measured from the inside of all outer walls, except that if the Director of Planning is satisfied that the design and location of the unit provides satisfactory living accommodation, having regard to the type of occupancy proposed, the Director of Planning may permit a floor area no less than:

- (c) 29.7 m<sup>2</sup> for dwelling units except secondary dwelling units; and
- (d) 19 m<sup>2</sup> for secondary dwelling units.

10.21.3 There shall not be less than one complete bathroom unit, comprising one water-closet, one hand wash-basin and one bathtub or shower, contained within each dwelling unit.

10.21.4 There shall not be more than one kitchen contained within a dwelling unit.

10.21.5 All rooms of a dwelling unit shall remain accessible from within that dwelling unit.

10.21.6 No person shall use or permit to be used any dwelling unit for a period of less than one month unless such unit forms part of a hotel or is used for bed and breakfast accommodation.

## **10.22 Limitation on Retail Use**

10.22.1 Wherever the words “retail store”, “retail or business establishment”, “retailing”, “convenience commercial”, or similar use descriptions which imply the sale of merchandise as a permitted use, appear in this By-law or in any By-law passed pursuant to this By-law, such permitted use shall not include a Liquor Store without the approval of the Director of Planning or the Development Permit Board, as the case may be.

10.22.2 Any retail store shall be permitted to use up to a maximum of 2.5 m<sup>2</sup> of floor area of premises for the retailing of:

- (a) used electronic equipment, including, but not limited to, audio or video equipment or accessories, computers, printers or fax machines, or
- (b) two or more of the following types of used merchandise: bicycles, sports equipment, luggage, jewellery, cameras, musical equipment or tools; provided that this floor area shall be clearly demarcated and readily visible and accessible to the public.

## **10.23 Prohibition of Nuclear Weapons**

No person shall use or occupy land and no development permit shall be issued for the manufacture, distribution or storage of a nuclear weapon or any component thereof.

## **10.24 Maximum Number of Vehicles on a Site**

Where a provision of the Parking By-law prescribes a maximum number of off-street parking spaces for a site, no person shall park or place, or permit to be parked or placed, a greater number of vehicles on that site than the maximum number of off-street parking spaces prescribed, except that this section shall not apply to businesses licensed for the sale or rental of motor vehicles.

## **10.25 Murals**

10.25.1 The Director of Planning may permit a mural in any district, provided that he first considers:

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

**10.26 Limitation on Commercial, Retail or Service Uses**

- 10.26.1 Wherever “commercial”, “commercial uses”, or “service uses” appear in this By-law or in any by-law passed pursuant to this By-law, such permitted use shall not, unless otherwise specifically provided by this By-law, include a **Body-rub Parlour** as defined in section 2 of this By-law.
- 10.26.2 Wherever “commercial”, “commercial uses”, “retail”, “retail uses”, or “drive-through service” appear in this By-law or in any by-law passed pursuant to this By-law, such permitted use shall not, unless otherwise specifically provided by this By-law, include a Liquor Store as defined in section 2 of this By-law.
- 10.26.3 Wherever “restaurant” appears in this By-law or in any by-law passed pursuant to this By-law, such permitted use shall not, unless otherwise specifically provided by this By-law, include a **Lounge** as defined in Liquor Control and Licensing B.C. Reg. No. 244/2002, deposited August 12, 2002, pursuant to the Liquor Control and Licensing Act.

**10.27 Antennae**

- 10.27.1 Except as exempted by the provisions of section 5.15, no person shall erect an antenna, including a satellite dish, without first obtaining a development permit from the Director of Planning.
- 10.27.2 The Director of Planning may permit in any district, antennae including satellite dishes used for the transmission or reception of radio, television, satellite, microwave or related communications together with related masts, mechanical equipment and mechanical rooms, whether or not they are ancillary to the principal use on the site, and may permit such antennae at a greater height than otherwise permitted by this by-law provided that:
  - (a) he is satisfied the antennae will not have an unduly detrimental effect on the site or adjacent properties, having particular regard to visual impact; and
  - (b) before granting approval he notifies such adjacent property owners or persons he deems necessary.

**10.28 Exclusions from Floor Space Ratio**

Floor space excluded from a computation of floor space ratio pursuant to this By-law shall not be put to any use other than that which justified the exclusion.

**10.29 Adult Retail Store**

- 10.29.1 Premises used as an adult retail store shall not be issued a permit for an arcade and premises used as an arcade shall not be issued a permit for an adult retail store.
- 10.29.2 Adult retail stores shall be restricted to a maximum floor area of 278 m<sup>2</sup> and a maximum premise frontage of 7.6 m.
- 10.29.3 Any development permit issued for an adult retail store shall be limited in time to 3 years.

**10.30 Pawnshop and Secondhand Store**

- 10.30.1 Any development permit issued for a pawnshop or secondhand store shall be limited in time to one year.

**10.31 Casinos and Bingo Halls**

- 10.31.1 Wherever the words “commercial”, “commercial uses”, “social, recreational and cultural” and “cultural and recreational uses” appear in this By-law or any other by-law passed pursuant to this By-law, such permitted use shall not, unless otherwise specifically provided by this By-law or any other by-law passed pursuant to this By-law, include a Casino - Class 1 or a Bingo Hall as defined in section 2 of this By-law.
- 10.31.2 No person shall use or occupy land for the purpose of and no development permit shall be issued for a Casino - Class 2 except as expressly allowed under this By-law.

**10.32 Seniors Supportive or Assisted Housing**

- 10.32.1 All residential units shall contain a three piece bathroom.
- 10.32.2 All housing projects shall provide meal service and 24 hour on site emergency response assistance.
- 10.32.3 For the purposes of calculating FSR, common areas such as the communal dining room, and common areas on the main floor and residential floors are not excludable. Only common space provided in excess of what is required in the guidelines can be considered as an exclusion within the maximum 10 % amenity exclusion.

**10.33 Farmers’ Market**

- 10.33.1 Any development permit issued for Farmers’ Market shall be limited in time to one year.

**10.34 Exterior walls in CD-1 districts**

- 10.34.1 Despite anything to the contrary in any CD-1 by-law listed in the CD-1 (Comprehensive Development) District Schedule, computation of floor space ratio or floor area is to exclude, 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.

- 10.34.2 A registered professional must verify that any wall referred to in section 10.34.1(ii) meets the standards set out therein.

**10.35 Secondary dwelling units**

- 10.35.1 Each secondary dwelling unit must include at least one complete bathroom unit, comprising one water-closet, one hand wash-basin, and one bathtub or shower.
- 10.35.2 Each secondary dwelling unit must include no more than one kitchen.