

## **INTRODUCTION**

1.     (1)     This Bylaw is made pursuant to the University Endowment Land Act.  
  
          (2)     The Schedules attached to this Bylaw form part of this Bylaw.
2.     This Bylaw applies to the area defined as follows: District Lot 140 and that part of Lot 6494, shown on Plan 11469, Group 1, New Westminster District. This area shall be known as the "University Endowment Lands".
3.     The Manager referred to in this Bylaw is the Manager of the University Endowment Lands or his designated representative. The Inspector is the Manager or his designated representative.  
  
          (1)     The Manager is granted the authority to enforce this Bylaw.  
  
          (2)     The Manager or his representative shall have the right of entry and may enter onto any land or into any building at all reasonable hours in order to inspect the same and to ascertain whether the provisions of applicable Bylaws are being or have been carried out. Except in an emergency that threatens life or property, or if invited by the property owner or his authorized representative, the Manager or his representative shall provide at least 24 hours notice before entering onto any private land or into any private building.

Any person interfering with or obstructing the entry of the Manager or his representatives onto any such land or into any such building, to which said entry is made or attempted pursuant to the provisions of an applicable Bylaw shall be deemed to be guilty of an infraction of the Bylaw.

- (3) In the granting or refusal of applications or permits, and in the granting of relaxations or the imposition of conditions, due regard shall be given to the spirit and intent of the Bylaw.

## **DEFINITIONS**

- 4. Definitions of words and phrases used in this Bylaw that are not included in the list of definitions in this section shall be as defined in the National Building Code and related documents or shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw.

- (1) "accessory building" means:

- (a) a building, the use of which is ancillary to that of the principal building situated upon the same site, but does not include an additional dwelling unit,  
OR

- (b) a building, the use of which is ancillary to the use being made of the land upon which it stands.

- (c) and except for a cabana, an accessory building shall not contain a toilet, bath or shower facilities.

- (2) "accessory use" means:

- (a) a use which is ancillary to the principal building, or use of the principal building, situated on the same site, or

- (b) a use which is ancillary to the principal use being made of the site upon which such accessory use is located.

(3) "Advisory Planning Committee" means the committee established pursuant to Policy 3.2 of the Community Plan Bylaw for University Hill.

(4) Aamenity space@ means a self-contained unit, with kitchen and washroom facilities.

a) Aresidential amenity space@ means the use of premises by the residents for meetings, recreation (swimming pool, fitness facility, jacuzzi, sauna),

and

social functions, or other similar uses but, not sleeping accommodation.

b) Acommunity village space@ means the use of the premises by the UEL Ratepayers Association, the UEL Tenants Society or other groups approved by the UEL Ratepayers Association or the Tenants Society for community meetings, or other similar uses but, not for sleeping accommodation.

(5) "attached" means that the structural support for a structure is provided by another structure to the extent that the attached structure would not be capable of safely supporting itself if the other structure was removed or where the adjoining walls are pierced by a common opening.

(6) "Area" means:

(a) "Area A" means the SF 1 district bounded by Chancellor Boulevard, the easterly property line of properties on the east side of Acadia Road, University Boulevard and Wesbrook Crescent/Mall.

(b) Area B" means the SF 1 district bounded by Chancellor Boulevard on the south and Marine Drive on the north and the easterly property line of properties on the east side of Acadia Road.

- (c) "Area C" means the SF1 district bounded by the City of Vancouver on the north and east, Tasmania Road on the west and University Golf Course on the south.
- (7) ABalcony@ means a cantilevered deck that projects from a building and that except for a guard rail is not enclosed.
- (8) "Basement" means a space between two floors, with the floor of the storey above being located less than 4 feet above the average grade.
- (9) ABay 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.
- (10) "bed and breakfast accommodation" means the use of a dwelling unit as temporary accommodation for tourists or transients where the room rate includes breakfast provided on the premises.
- (11) "boarding-house" means a building containing sleeping-rooms, where lodging and meals for three or more persons are provided for compensation pursuant to previous arrangements or agreements, but does not include a hotel or a special needs residential facility.
- (12) "building" means any structure designed, erected, or intended for the support, enclosure, or protection of persons or property, the use of which requires permanent location on the ground (when a building is divided into separate parts by unpierced fire walls extending from the ground up, each part shall be deemed a separate

building).

- (13) "building envelope" means the three dimensional shape within which a building may be located, as determined by this Bylaw.
- (14) "child day care facility" means a facility providing a child minding, nursery school, child group day care, specialized day care, kindergarten or out-of-school day care, but does not include the provision of day care for a maximum of five children in a dwelling unit.
- (15) "community centre" means any building used for purposes of community assembly which are approved by the manager.
- (16) "Community Plan" means the Community Plan Bylaw for University Hill that is adopted pursuant to the University Endowment Land Act.
- (17) "corner site" means a site at the intersection or junction of two or more streets, or of a street and a lane which is not less than 20 feet in width.
- (18) "family" means one or more individuals living as a household and in the case of persons unrelated by blood, marriage, or other law, shall not exceed three in number, but shall not include boarders, lodgers or foster or day-care children or groups of persons comprising a monastery, seminary, convent or similar religious group.
- (19) "floor space ratio" means the figure obtained when the area of the floors of the buildings on a site is divided by the area of the site.
- (20) "fraternity or sorority house". See lodging house.

- (21) "front yard" means a yard extending across the full width of the site from the front line of the site to the front wall of the building. In the case of a corner site, an irregularly shaped lot, or a through site, the front yard shall be the yard with the largest required setback; if the required setbacks are equal, the front yard shall be designated by the manager.
- (22) Afull service restaurant@ means a facility, located in the CD-1 District, whose sole business is to provide fresh and/or prepared foods to customers seated within its premises. No more than 15 percent of its business is to be derived from take-out orders without the prior approval of the manager of the University Endowment Lands.
- (23) "garage" means a building, or part thereof, used or intended to be used for the shelter, storage, or repair of automobiles.
- (24) "gasoline service station" means a building or land used or equipped to be used for the retail sale of motor fuels and lubricants but does not include a gasoline self-service station, and may include as accessory uses the sale of automotive accessories and other merchandise and such minor repairs to motor vehicles as muffler installing, brake relining, carburetor and ignition servicing, wheel balancing, front end realignment, and similar servicing.
- (25) "grade, average" means the sum of the average of the lessor of natural or finished grade at each side of the structure divided by the number of sides of the structure.
- (26) "grade, natural" means the level of ground undisturbed by human action, or where there is evidence of disturbance by human action, the level of ground as determined

by the Building Inspector.

- (27) Agrade, finished@ means the final ground elevation around the perimeter of the building after development but excluding:

(a) light wells providing they do not:

- i) extend more than 36 inches from the building;
- ii) exceed in length 25% of the length of the wall.

(b) basement stairs in side yards providing they do not:

- i) extend more than 48 inches from the building;
- ii) exceed 15 feet in length.

(c) sunken patios or basement stairs in rear yards providing they do not:

- i) exceed an area of 150 sq. ft.;
- ii) extend more than 10 feet from the building;
- iii) exceed a length of 15 feet along the wall;
- iv) are not located on the same side of the of the building as a depressed vehicle access.

- (28) Agrocery market@ means a single shopping facility, of at least 5,000 square feet, whose primary business is to offer fresh produce, fresh and/or frozen deli-meats, packaged goods, canned goods. baked goods and dairy products. The amount of floor area dedicated to the sale of candy, canned/bottled beverages, take-out foods, newspapers and magazines would not exceed 10 percent of the total floor area.

OR

a combination of speciality food retailers offering one or more of the grocery store type items listed above. The combination of stores must at least provide a good selection of baked goods, fresh produce, dairy products, deli-meats and condiments.

- (29) "half storey" means a story under a gable, hip, or gambrel roof, the wall-plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such storey.
- (30) "height of buildings" means the vertical distance between the highest point of the building --excluding antennae, chimneys and similar appurtenances --- and the average grade.
- (31) "highest point"- In a single-family district means:
  - (a) the highest point of a flat roof;
  - (b) the highest point of a mansard roof;
  - (c) the mean height level between a point eight feet above the top floor and the ridge of a gable, hip or gambrel roof. A flat portion of a gable, hip or gambrel roof can not cover more than 10 percent of the roof area viewed directly from above.
- (32) "home occupation" means a craft or occupation conducted as an accessory use subordinate to the principal residential use of a dwelling unit.
- (33) "hotel" means a building occupied as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 15 sleeping-rooms and with no provision for cooking in any room so occupied.
- (34) "housekeeping unit" means a room or rooms provided with sleeping and cooking facilities.
- (35) "interior site" means a site other than a corner site.



- (36) "institution of a religious, philanthropic, or charitable character" means a building used by a group registered under the Society Act to further the spiritual, moral or physical improvement of others, but does not mean a church, a hospital or a special needs residential facility or a building used purely for administrative purposes.
- (37) "irregularly shaped lot" means a lot that is not approximately rectangular or square in shape or a lot that has a larger frontage than depth.
- (38) "lane" means a public way which affords only a secondary means of access to a site at the side or rear.
- (39) "lodging house" means a building containing sleeping-rooms, where lodging for three or more persons is provided for remuneration and with no provision for cooking in any such sleeping-room and a dwelling existing at the time of the passing of this Bylaw, in which housekeeping rooms are provided, but does not include a hotel or a special needs residential facility.
- (40) "Manager" means a person appointed by the Minister pursuant to the University Endowment Land Act and the Community Plan Bylaw for University Hill to administer the Land Use, Building and Community Administration Bylaw and the Community Plan Bylaw.
- (41) "multiple dwelling" means any building, divided into two or more dwelling units, which is occupied or intended to be occupied as the home or residence of two or more families living independently of one another.
- (42) "nonconforming use" means a use of a building or land which does not conform with

the prescribed use regulations of the district in which it is situated.

- (43) Anon full-service restaurant@ means a facility, located in the CD-1 District, with limited or no seating whose primary business is to sell fresh or prepared foods which require little or no kitchen preparation. The majority of its business would be derived from over-the-counter sales.
- (44) AOpen@ means that the portion of a deck or balcony facing the street or rear property line shall be open or protected by guard rails the height of which shall not exceed the minimum specified in the building code.
- (45) "parking space" means a permanently surfaced space for the parking of one standard-sized automobile either outside or inside a building or structure, but does not include manoeuvring aisles, driveways and other areas providing access to the space.
- (46) "principal" means the essential nature or basic and determined characteristic as applicable to any building structure or use.
- (47) "Professional Designer" means an Architect or a Professional Engineer registered in the Province of British Columbia.
- (48) "private garage" means a garage accessory to a dwelling on the same building site.
- (49) "Ratepayers Association" means the Association referred to in the Community Plan Bylaw.
- (50) "rear line of the building" means the extended line of the wall of the building (or any projecting portion of the building, except steps, sills, belt courses, cornices, eaves, and fire-escapes) which faces the rear line of the site or lot.

- (51) "rear yard" means a yard extending across the full width of the site from the rear line of the building to the rear line of the site.
- (52) Aresidential storage space@ means floor area within or accessory to a dwelling unit, used to store personal items such as recreation equipment, tires, barbeques, suitcases, miscellaneous household articles and similar items, but does not include floor area for clothes closets, linen closets, or kitchen or bathroom cupboards.
- (53) "servant" means a person in the full-time employ of a family for the purposes of providing domestic services and who may live in the same housekeeping unit as the employer.
- (54) "side yard" means a yard extending from the front yard to the rear yard and measured between the side line of the site or lot and the side line of the building, or any projection thereof (see "yard").
- (55) "single-family dwelling" means a separate building designed exclusively for one family and containing only one kitchen or food preparation area.
- (56) "site area" means the area defined by the total exterior boundary of a site.
- (57) "site or 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.
- (58) "site or lot lines" means the lines bounding a site or lot.

- (59) ASite Coverage@ means the percentage of the site covered by buildings and structures, based on the projected area of the outside of the outermost walls of all buildings including accessory buildings and covered decks and patios; but excluding steps, eaves not exceeding 36 inches, and decks or portions of decks built above ground level not exceeding a height of 2 feet above the higher of natural or finished grade below such deck.
- (60) "special needs residential facility" means:
- (a) a community care facility licensed under the Community Care Facility Act of British Columbia,
  - (b) a Child Welfare Facility which has more than 5 children in the care of the Superintendent of Child Welfare,
  - (c) a Group Living Facility which has more than 5 persons in any of the following categories:
    - i) physically disabled persons.
    - ii) mentally retarded persons.
    - iii) persons with a drug or alcohol problem.
    - iv) persons under the legal custody of the Crown.
    - v) persons in emergency or crisis situations.
- (61) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not mean or include a basement or cellar.
- (62) "structure" means any residence, building, fence, machinery, equipment, ornaments, or other man-made or manufactured items.

- (63) "through site" means a site having a frontage on two parallel, or approximately parallel, streets.
- (64) "yard" means a part of the lot or site which is unoccupied and unobstructed by buildings.

## **APPEAL**

- 5. (1) Any person who considers that any refusal to issue a permit, or any refusal to grant approval of an application, or any order issued to him under this Bylaw will cause him undue hardship shall have a right of appeal to the Minister.
- (2) Any person who considers that action on any permit granted is likely to materially affect the value of property owned or leased by him under a registered lease shall have a right of appeal to the Minister.
- (3) Any person exercising the right of appeal to the Minister shall file with the Manager, a written notice of appeal. The appellant shall therein give an address to which all notices may be mailed. The notice of appeal shall be submitted to the Manager within 10 days of the refusal or issuance of the permit in question, in the form prescribed by the Manager.
- (4) The Minister may reject an appeal, if in his opinion, the grounds for appeal:
  - (a) are not clearly stated; or
  - (b) are frivolous or petty.

- (5) (a) If the issuance of a Building Permit is appealed to the Minister pursuant to Section 5 (2), the Manager shall notify the building permit holder, who shall take no action with respect to the building permit until the Minister rules on the appeal.
  - (b) If the issuance of a Development Permit is appealed to the Minister pursuant to Section 5(2), the Manager shall take no action with respect to a building permit application for the proposed development or use until the Minister rules on the appeal.
- (6) Where he considers it advisable, the Minister may refer the matter of the appeal to the Advisory Planning Committee for comment and may decide that there will be a hearing in respect of the appeal and shall then set a date for such hearing. Not less than one week's notice of the said hearing shall be forwarded by registered mail to the appellant, posted to the address given in the said notice of appeal, and also to such other persons as the Minister may deem necessary.
- (7) The Minister will provide a ruling on the appeal within 30 days of receiving written notice of appeal and such ruling shall be final and binding.

#### **NON-CONFORMING USE**

- 6. (1) A building or use shall be non-conforming if it does not conform with the prescribed regulations of the Land Use District in which it is situated.
- (2) A building or use shall be deemed to conform with the requirements of the Land Use District in which it is situated if the building or use conforms with the terms of a Development Permit which authorized any alteration in the requirements or if an

alteration of the Bylaw has been made.

- (3) Non-conforming uses shall be subject to Section 911 of the Local Government Act.

### **PENALTY**

7. (1) Where any requirement of this Bylaw is not carried out or a prohibited action is taken, and the offence is not immediately rectified by the party concerned when so notified by the Manager, the Manager may take remedial action and charge the cost to the offender, which charge shall become collectable and registrable against the property.
- (2) Any person who violates any provision of this Bylaw, shall be guilty of an offence and shall be liable on summary conviction to a penalty as indicated in Schedule 2.

### **COMMUNITY ADMINISTRATION**

8. Before adopting or amending a bylaw that pertains to any portion of University Hill, the Minister will refer the proposed bylaw or amendment to the Directors of the Ratepayers Association and to the Advisory Planning Committee.
9. An up-to-date copy of all Bylaws in force in the University Endowment Lands shall be available for inspection at the Manager's office during its normal business hours.

### **DEVELOPMENT PERMITS**

10. (1) A Development Permit must be obtained, prior to the commencement of any construction, alteration, excavation, or fill, by any person wishing to:

- (a) erect or alter any dwelling or accessory building that would be outside the allowable building envelope in the SF-1 Land Use District;
- (b) erect, demolish or alter the building envelope as defined in Section 51 (1) in a multiple dwelling structure in the MF-1 or MF-2 Land Use Districts;
- (c) obtain approval for any Conditional Approval Use in any Land Use District;
- (d) obtain approval for a variance in the accessory building regulations for an irregularly shaped lot in the SF-1 or SF-2 Land Use Districts, pursuant to Section 64(5).
- (e) obtain approval for alteration of the height or yard regulations in the SF-1 or SF-2 Land Use Districts, pursuant to Section 63(2) or Section 69.
- (f) obtain approval for projections into the front yard of lots in the MF-1 Land Use District, pursuant to Section 75(2), or in the MF-2 Land Use District, pursuant to Section 89(2).
- (g) obtain approval for alteration of the yard regulations in the MF-1 Land Use District, pursuant to Section 82.
- (h) obtain approval for an increase in maximum building height in the C Land Use District, pursuant to Section 102(2).
- (i) obtain approval for a variance of the regulations for accessory buildings in the C Land Use District, pursuant to Section 111 (1).
- (j) obtain approval for the outdoor display of retail goods in the C Land Use District, pursuant to Section 111 (2).
- (k) obtain approval for the construction of a structure for weather protection that extends beyond the property line of a lot in the C Land Use District, pursuant to Section 111(3).
- (l) erect, demolish or replace a commercial building in the Commercial Land Use District.
- (m) erect, demolish or replace a building in the Comprehensive District (CD-1).



- (n) erect, demolish or replace an institutional building in the Institutional and Public Use District.
- (2) An application for a Development Permit shall be made in the manner prescribed in Schedule 11 and shall be accompanied by the fee prescribed in Schedule 2.
- (3) Notwithstanding the issuance of a Development Permit, all other permits or approvals required by these Regulations must be obtained prior to the commencement of any construction, alteration, excavation, or fill.
- (4) Any Development Permit issued shall be void 6 months after the date of issue, unless the development authorized by the permit has meanwhile been commenced, or the Development Permit has been extended, or a building permit for the development has been issued and is unexpired.
- (5) Any Development Permit issued shall be void 24 months after the date of issue unless the development authorized by the permit has been completed in full compliance with all conditions attached to the Development Permit.
- (6) The Manager may allow an extension or extensions of the periods specified in Sections 10(4) and 10(5) if, in the Manager's opinion, the extension is warranted by the circumstances.
- (7) No Building Permit issued for any purpose for which a Development Permit is required shall be valid unless a Development Permit has been issued.
- (8) The Manager shall conduct a preliminary technical review of the Development Permit application. If the application is complete and the proposed development complies with all applicable Bylaws, the Manager shall accept the application for

consideration.

- (9) Upon accepting the Development Permit application for consideration, the Manager shall notify the applicant.
- (10) After being notified that the application has been accepted pursuant to Section 10(8), the applicant will cause to be erected, at the applicant's expense, a sign or signs on the property that is the subject of the application. The size and format of the sign(s) shall be determined by the Manager. The applicant shall advise the Manager, in writing, that the sign has been erected.
- (11) Upon confirming that the sign has been erected, the Manager shall notify in writing the owners of properties adjacent to, or across a street or lane from, the property that is the subject of the application, and any other property owners that the Manager deems may be affected, that the application has been received. The notice shall describe the nature of the proposed application. Notice shall be considered to have been given four days after mailing for the purposes of Section 10(12) (a) and Section 53(2).
- (12) If the Development Permit application is for any of the purposes described in Section 10(1) (b), through 10(1) (l), the Manager shall:
  - (a) accept written comments on the application from any person, whether or not they received written notice, up to 30 days from the date of notification pursuant to Section 10(11),
  - (b) refer the Application to the Advisory Planning Committee, together with written comments received pursuant to Section 10(12) (a),

- (c) accept written comments and recommendations from the Advisory Planning Committee up to 30 days from the date the application was referred to the Committee, pursuant to Section 10(12) (b),
  - (d) after giving due consideration to any recommendations of the Advisory Planning Committee, and to potential impacts of the proposed development on other properties, decide whether to approve or reject the application. If he approves the application, the Manager shall issue a Development Permit.
- (13) If the Development Permit application is for the construction or alteration of a dwelling or accessory building in the SF-1 Land Use District that would be outside the allowable building envelope, then the Manager shall follow the procedure in Sections 53, 54 and 55 of this Bylaw.
- (14) If an applicant fails to comply with any of the requirements of this Bylaw, the Manager shall not approve the application.

## **BUILDING PERMITS**

11. (1) No building or structure shall be erected contrary to this Bylaw.
- (2) There shall not be erected, constructed, located or made on any site within the University Endowment Lands any structure or other improvement, or any addition thereto or alteration thereof, nor shall any removal, demolition, fill or excavation be commenced, unless and until a building permit has first been obtained and a period of ten days has elapsed from the date of issuance of the building permit, provided

that no appeal has been filed pursuant to Section 5.

- (3) No Tenant improvements shall be made to any structure unless a building permit has first been obtained and a period of 10 days has elapsed from the date of issuance.
  - (4) Where development necessitates the demolition of existing residential rental accommodation within the MF-1 Multiple Dwelling District, no building permit shall be issued for the demolition unless and until:
    - (a) a Development Permit authorizing the new development has been issued;
    - (b) notice of the proposed demolition, and the notice of the end of the tenancy agreement to the tenant, shall not be issued unless and until the Development Permit has been issued; and
    - (c) all tenants have vacated the building voluntarily or six months have elapsed since notice of the proposed demolition has been given to all tenants.
12. (1) To apply for a building permit, there shall be submitted to the Manager at the Administration Office of the University Endowment Lands an application in triplicate, including plans and specifications, as required by the Manager.
- (2) If the allowable building envelope for a building or structure is defined by Section 51, the application for a building permit shall include a statement carrying the seal of a Registered Architect or Professional Engineer certifying, or, if the house has been designed by a person other than a registered architect a statement, that the building envelope(s) defined by the plans and specifications submitted pursuant to Section 12

does not deviate from the allowable building envelope(s) defined by Section 51;

- (3) If a Development Permit has been issued pursuant to Section 53, the application for a building permit shall include a statement carrying the seal of a Registered Architect or Professional Engineer certifying, or, if the house has been designed by a person other than a registered architect a statement, that the building envelope(s) defined by the plans and specifications submitted pursuant to Section 12 does not deviate from the building envelope(s) approved in the Development Permit.
13. (1) Plans and specifications for buildings and structures or portions thereof, not covered by Part 9 of the current edition of the B.C. Building Code must carry the seal of a Registered Architect or a Professional Engineer.
- (2) APrior to the issuance of building permit, where the value of the permit exceeds \$20,000, the applicant shall deposit with the Manager, a certified cheque or money order, in the amount indicated in Schedule 2. This amount may be used by the Manager to defray the cost of maintaining, restoring, rebuilding or replacing any roadway, service, drainage facility, survey monuments or other municipal utilities or property which may be destroyed, damaged or otherwise impaired as a result of the carrying out of the work authorized by the permit, including the removal of all debris from municipal streets, sidewalks and boulevards, and the clean up of escaped oil products from damaged storage tanks. The damage deposit amount may be retained as security to ensure the proper performance of all other obligations with respect to the permit.

When the Manager is satisfied that no further damage to the province=s utilities or property will occur, and all other obligations with respect to the building permit have been met, any amount of the deposit remaining to the credit of the applicant together with interest accumulated from the date the deposit is received until the day before

the deposit is refunded, shall be returned to them when a letter of substantial compliance is issuable for the building to which the deposit appertains. Interest on damage deposits shall be payable at the interest rate of prime less 1 3/4%.

14. The fee or fees specified in Schedule 2 shall be payable by all applicants for permits before the issuance of any permit or permits in respect of the work for which an application is made. The fees payable for the issuance of a permit for the erection, addition, alteration, repair, removal or demolition of any building or structure, or any part thereof, shall be as indicated in Schedule 2.

#### **PLUMBING, ELECTRICAL, GAS, AND OIL PERMITS**

15.
  - (1) Before any plumbing or oil installation is begun within the University Endowment Lands there shall be submitted to the Manager the information, required by the Manager, together with the fee as indicated in Schedule 2.
  - (2) No electrical or gas installation shall begin unless all necessary permits have first been obtained from the appropriate regulatory body.
  - (3) Under no circumstances shall work commence prior to the issuance of the necessary permit.

#### **SWIMMING POOLS**

16.
  - (1) Before construction or installation of any swimming pool is commenced, an application for a permit shall be made to the Manager. Such application shall be in accordance with Schedule 9.

- (2) Accessory buildings related to a swimming pool shall comply with the Accessory Buildings regulations of the Land Use District in which the pool is situated.
- (3) Construction or installation of any swimming pool shall not commence until a permit has been issued.
- (4) The waste water shall be disposed of as set forth in Schedule 9.
- (5) All swimming pools must be fenced as set forth in Schedule 9.
- (6) The fee for the permit shall be as indicated in Schedule 2.
- (7) Where the proposed swimming pool is to be located entirely below grade, the pool may be located within the side or rear yards of the property, providing it does not come closer than a minimum of 5 feet from side or rear lot lines. Where it is proposed to locate a pool in the front yard and the pool is to be entirely below grade, the minimum set-back from the front property-line shall be 50 feet and not less than 20 feet from the side lot-line. Where the proposed swimming pool is located above grade, it must comply with applicable accessory building regulations, except that in no case shall the pool be closer than a minimum of 5 feet from side or rear lot lines. Any cabana, furnace room, or related structures above ground must comply with applicable accessory building regulations.
- (8) Swimming pools must be designed, installed and operated in conformity with the provisions of Schedule 9.

**AUTHORITY TO EXTEND, WITHHOLD, CANCEL OR SUSPEND A PERMIT**

17. (1) Except as provided in Subsection (2), a building permit shall expire and the rights of the owner under the permit shall terminate if in the opinion of the Manager:
- (a) the work authorized by the permit is not commenced within 6 months from the date the permit was issued;
  - (b) the work although commenced is not continuously and actively carried out;
  - (c) the work has been substantially discontinued for a period of 6 months.
- (2) The Manager may, on written request of the owner accompanied by the required extension fee, extend the permit for an additional 6 months provided that, in the meantime, no applicable amendments have been made to the Bylaw(s).
- (3) The Manager may withhold a permit for, or order the removal of, any structure, the existence of which is in his opinion contrary to public interest. In deciding whether or not to withhold a permit, the Manager shall consider any recommendations of the Advisory Planning Committee. The Manager in his order for removal shall name a time, not to exceed 90 days, by which such structure shall be removed, and give the reasons for requiring said removal.
- (4) A Building, Plumbing or Development Permit is non-transferable without the approval of the Manager.
- (5) The Manager may cancel or suspend a Building, Plumbing or Development Permit where the property for which the permit is issued is in violation of any other provision of this Bylaw.



- (6) Before cancelling or suspending a Building, Plumbing or Development Permit the Manager shall give to the permit holder 14 days written notice of the alleged violation or non-compliance with the Bylaw.

### **RECORDS OF PERMITS**

18. The Manager shall keep a register of all applications and permits made or issued pursuant to this Bylaw and enter therein the terms upon which a permit is issued, or the reasons for refusing the same, as the case may be, with respect to each application or permit. The register shall be available for public inspection at the Manager's office during its normal business hours.

### **BUILDING, PLUMBING, ELECTRICAL, GAS AND OIL REGULATIONS AND INSPECTIONS**

19. All buildings, swimming pools or other construction will be required to be designed and constructed in accordance with the most current Building Regulations of British Columbia.
20. Electrical installations shall be in accordance with the Electrical Safety Act and Regulations.
21. Gas installations shall be in accordance with the Gas Safety Act and Regulations of the Province of British Columbia.
22. Oil-burning installations shall be in accordance with the B.C. Fire Code for the installation of oil burning equipment.
23. Inspections are required in accordance with Schedule 8 and it is the responsibility of the

owner or the owner's representative to request the Manager to arrange for such inspections.

## **FIRE REGULATIONS AND INSPECTIONS**

24. (1) Fire regulations shall be in accordance with the British Columbia Fire Services Act. In addition, the Minister may establish a Schedule of fire safety standards (including fire code standards) for the University Endowment Lands.

## **REQUIREMENT FOR PROFESSIONAL DESIGNER**

- 25 (1) Notwithstanding any other provision contained in this Bylaw, the Manager may require as a condition precedent to the issuance of a building permit that all drawings, specifications and plot plans, or any part thereof, be prepared, sealed and signed by and the construction carried out under the supervision of a Professional Designer where the Manager determines that the site conditions, size or complexity of the proposed work warrant this requirement.
- (2) The Manager may also require the Professional Designer to confirm in writing that he has prepared the submissions in accordance with the current edition of the B.C. Building Code, and further to sign an undertaking that he will be responsible for the supervision of construction to completion.
- (3) The Manager may also require the Professional Designer to provide documents or letters of assurance in a form acceptable to the Manager.

## **SURVEY CERTIFICATE**

- 26 (1) The owner shall, after the foundation of the building has been placed and prior to constructing any portion of the building on the foundation submit to the Manager for his approval a plan prepared by a British Columbia Land Surveyor showing:

- (a) the shortest distances from the surfaces of the foundation to all parcel lines;
- (b) an elevation of the top of the finished concrete wall or in the case of a dwelling constructed on a concrete slab an elevation at the top of the concrete slab. All elevations shall be measured from geodetic datum.

## **STOP WORK ORDER**

- 27
- (1) The Manager may direct the immediate suspension or correction of all or any portion of the work on any building by attaching a notice on the building whenever it is found that the work is not being performed in accordance with the B.C. Building Code or any bylaw of the University Endowment Lands.
  - (2) The owner shall within 48 hours of attaching a notice under Section 27(1) secure the work area and the lands and premises surrounding the work area so as to make it safe in all respects.
  - (3) The owner shall not remove any notice provided for in Section 27(1) until such time as any non-compliance with the building code and bylaw has remedied.
  - (4) Subject to Section 27(2), no work other than the required remedial measures shall be carried out on the parcel of land affected by the notice referred to in Section 27(1) until the notice has been removed by the Manager.

## **DRIVEWAYS**

28. Any person wishing to construct or alter a driveway to any property must first obtain permission from the Manager. Only one driveway is permitted per property except:
- (a) properties with a minimum street frontage of 125 feet may have a second driveway;
  - (b) where a property may gain access from a lane, driveways must be located from the lane;
  - (c) a maximum of two driveways are permitted in a single family district.

## **PLANTING AND YARDS**

29. The planting of trees, shrubs, and flowers of all kinds suitable to this climate and the local contours of the ground is encouraged. However, large trees and shrubs, or any planting likely to grow up and reduce the penetration of direct sunlight on neighbouring property or limit important views from neighbouring property, must be kept cut back.
30. No tree, shrub, or other growth shall be allowed to grow where it may interfere in any way with underground or overhead services or encroach on sidewalks or roadways so as to impede pedestrian or vehicle traffic.
31. Where, in the opinion of the Manager a hedge, tree, or shrub is planted or maintained, or any garden ornament or other structure is placed or maintained, so as to interfere with an adjacent property owner in the full enjoyment of his property, the Manager may order the removal of said hedge, tree, shrub, garden ornament or other structure and may set a time-limit for such removal.

32. All setbacks shall be open and unobstructed to the sky, except for:

- (1) projections not exceeding 24 inches, of cornices, sills, belt courses and chimneys;
- (2) eaves, not exceeding 36 inches where the distance to the lot line from the projection remains at least 3 feet.
- (3) landscaping elements;
- (4) steps in front yards;
- (5) basement steps in side yards;
- (6) steps and fire-escapes in rear yards;
- (7) accessory buildings not exceeding 12 feet in height occupying not more than 30 per cent of the area of a rear yard;
- (8) structures for the support of plants and vines, such as open pergolas or trellises, and not exceeding 8 feet in height;
- (9) accessory buildings not exceeding 12 feet in height where permitted in a side yard;
- (10) colonnades, porticos, canopies and other similar structures over walkways and entrances, where permitted in front yards.

- (11) Bay windows in Area A and Area C may intrude into the front and rear yard setback providing they:
  - a) do not exceed 75% of the width of the room;
  - b) have a maximum depth of 24 inches; and
  - c) do not extend continuously for 2 storeys.
- (12) Light wells, if the light wells do not extend more than 36 inches into the required side yards.

#### **GRADING, FENCES AND TENNIS COURTS**

- 33. (1) Before grading of the lot, or the erection of any fences or walls, a plan or sketch of same showing the proposed general layout with elevations and details of fencing and walls shall be approved by the Manager. Except as provided for in Section 34, no fence or wall shall be greater than 6 ft. in height at any point, and along a side lot-line for a distance from the street equal to the required front yard and along a front lot-line the fence or wall shall not be greater than 4 ft. in height at any point.
  - (2) Notwithstanding the foregoing, no fence or similar structure in the required front yard shall exceed 4 ft. in height.
34. Where a fence is constructed around a tennis court, the maximum height of such fence shall not exceed 10 ft. above the playing surface of the tennis court. The fencing material and any material attached to it must have the appearance of being virtually transparent when viewed from any site boundary and any planted material or growth that may reduce this transparency must be kept cut back. Tennis courts may not be artificially illuminated and may not be located in a front yard.

35. On any corner site on which a front yard is required by this Bylaw, no wall, fence, hedge, or other structure shall be erected to a greater height than 3.5 feet along each street from a distance from the corner equal to the depth of the required front yard, and no hedge, shrub, or other growth shall be maintained within such required front-yard space so as to obstruct vision clearance to traffic.

## **SEWERS**

36. The sanitary sewers in the University Endowment Lands Area, having been designed and constructed with a view to carrying sanitary sewage only, the connection thereto of rain-water leaders, drains, sumps, etc. is prohibited. All surface drainage, roof water, and ground water must be otherwise disposed of, preferably by connection to the storm sewer where the grade thereof permits, or to a rockpit. A connection fee as indicated in Schedule 2, will be charged for each 4-inch sewer connection (either sanitary or storm-water), and full cost for larger-size connections, payable in advance.

When storm or sanitary sewer systems are designed to be a pumped system, an owner must submit a letter, under the seal of a British Columbia Registered Professional Engineer, certifying that the Engineer has designed and inspected the pumped system and that the pump and drainage system complies with good engineering practice.

## **WATER SERVICES**

37. The standard size of water service in the University Endowment Lands is three-quarter inch diameter. When new water service is desired, the applicant shall pay the fee indicated in Schedule 2. If a service larger than the standard is required, such service, if feasible, will be installed from the supply main to the property-line upon the applicant agreeing to pay the full cost thereof.



## **HOME OCCUPATIONS**

38. (1) No person other than a member of the family residing on the premises shall be engaged in a home occupation on the premises.
- (2) No products or material shall be sold from or within the dwelling unit.
- (3) There shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use.
- (4) No products or materials shall be stored outside of the dwelling unit, building or accessory building.
- (5) No offensive noise, odour, vibration, smoke, heat, light or other objectionable effect shall be produced as a result of the home occupation.

## **BUSINESS LICENCE**

39. (1) No business shall operate from premises within the University Endowment Lands until a Business Licence has been issued for the business by the Manager.
- (2) No business licence shall be issued by the Manager for any business which does not fully comply with all applicable Bylaws and Regulations.
- (3) The fees for business licenses shall be as set out in Schedule 2.

- (4) The fee for any Business Licence issued after July 01, in any year, shall be one half of the respective fee provided for in Schedule 2.

#### **OTHER RESTRICTIONS**

40. Except on parcels or lots which have been designated for multi-family development, not more than one dwelling for one family, shall be erected on any one parcel or lot, and no residence, building or parcel of land may be partitioned, subdivided, or let with the intent or purpose that any parts there of shall be used or occupied, nor shall the same be used or occupied by more than one family.
41. No part of any building in a Single Family Dwelling District shall be used for the purpose of accommodating a secondary housekeeping unit.
42. No water from any pond, stream, watercourse, ditch or culvert shall be diverted or drained, nor shall the water flow be interfered with in any way without written consent from the Manager.
43. The restrictions and stipulations contained herein shall not in any way be interpreted as a release from any of the obligations or liabilities imposed by statute or the common law on owners or tenants of property, or from any of the restrictions embodied in the agreements of sale or leases.
44. The limitation in respect to the height of buildings specified in this Bylaw shall not apply to the domes and spires of churches, providing the same do not exceed 10 per cent of the area of the main building.

## **LAND USE DISTRICTS**

45. (1) For the purposes of this Bylaw, the area contained within the boundary of the Community Plan is divided into the following Land Use Districts:
- (a) Single Family Dwelling District (SF-1).
  - (b) Single Family Dwelling District (SF-2).
  - (c) Multiple Dwelling District, Low-Rise (MF-1).
  - (d) Multiple Dwelling District, High-Rise (MF-2).
  - (e) Local Commercial District (C).
  - (f) Institutional District (I).
- (2) The boundaries of these Land Use Districts are shown on Schedule 1.
- (3) A person wishing to request a change in a Land Use District may make application to the Minister in accordance with Schedule 11.

## **SF-1: SINGLE FAMILY DWELLING DISTRICT**

### **INTENT**

46. The intent of SF-1 is to maintain the single-family character of the neighbourhoods in this District, by maintaining the general scale, image and quality prevalent in each neighbourhood, and to provide the opportunity for community consultation regarding any proposed significant changes in the neighbourhood.

### **OUTRIGHT APPROVAL USES**

47. Subject to all other provisions of this Bylaw, the uses listed in Section 48 shall be permitted in this District.
48. Uses
- (a) Single family dwellings.
  - (b) Accessory buildings customarily ancillary to single-family dwellings.
  - (c) the keeping of not more than two roomers, boarders, or lodgers.

### **CONDITIONAL APPROVAL USES**

49. Subject to all other provisions of this Bylaw, the Manager may approve any of the uses listed in Section 50, including such conditions as he may decide, provided that before making a decision he:
- (a) considers the intent of the Bylaw, and the recommendations of the Advisory Planning Committee; and
  - (b) notifies such property owners and residents he deems may be affected.

50. Conditional Uses

- (a) parks and playgrounds.
- (b) home occupations.

**ALLOWABLE SIZE AND LOCATION OF SINGLE FAMILY DWELLINGS AND ACCESSORY BUILDINGS**

**ALLOWABLE BUILDING ENVELOPE**

51. (1) Subject to the provisions of Sections 54 and 55, and unless a Development Permit is obtained, the allowable building envelope for a single family dwelling and accessory buildings shall be defined as:

Subject to Section 52, the three dimensional surface formed by the exact shape, location and elevation of the dwelling unit and accessory buildings that existed on the site as of the date this bylaw is enacted plus an additional 3 feet measured horizontally from each applicable point on the exterior walls, porches, sun decks, and stairways of the dwelling unit and accessory buildings, and an additional 1 foot measured vertically from each applicable point on the roof, porch, sun deck and stairway. The measurements shall be the perpendicular distance from the applicable surface.

- (2) unless a Development Permit is obtained, any renovation or changes to the existing dwelling or accessory buildings or any construction of a new dwelling or accessory buildings must be fully contained within the allowable building envelope and must fully comply with all applicable Bylaws.

- (3) not withstanding 51(2) an accessory building less than 100 square feet in floor area does not require a Development Permit providing it fully complies with all other applicable Bylaws.

#### **DEFINING THE ALLOWABLE BUILDING ENVELOPE**

- 52. (1) For the purpose of defining the allowable building envelope for Section 51, each owner of a single-family dwelling in this District may provide a drawing prepared and stamped by a British Columbia Land Surveyor or a Professional Engineer or a Registered Architect, showing the location, elevation and shape of the dwelling and all accessory buildings that existed on the site as of July 1, 1989.
- (2) For properties for which no drawing is provided for the purposes of Section 52(1) the drawings and plans on file in the Manager's office for existing structures shall be presumed to be correct and shall be used for the purpose of defining the allowable building envelope for Section 51.

#### **ALTERATION OF THE ALLOWABLE BUILDING ENVELOPE**

- 53. (1) An application may be made to the Manager for a Development Permit to construct a single family dwelling or accessory building that is outside the allowable building envelope defined in Section 51, or for which a building envelope cannot be defined using Section 51.
- (2) The Manager shall accept written statements of objection to the application from any person, whether or not they received written notice, up to 30 days from the date of notification pursuant to Section 10(11). The statements of objection shall clearly state the reasons for the objection.

- (3) If the Manager receives no written statements pursuant to Section 53(2), he shall issue a Development Permit.
- (4) If the Manager receives any written statements pursuant to Section 53(2), the Manager shall notify the applicant.
- (5) (a) If requested by the applicant, the Manager shall convene a meeting to which he will invite the applicant, the applicant's designer and any persons who submitted a written statement of objection pursuant to Section 53(2).

The purpose of this meeting will be to review the proposed development and to identify and, if possible, resolve any concerns

regarding size, style, architectural compatibility, light penetration, reduction of privacy. Any invited person who does not attend this meeting or who is not represented at this meeting by a duly authorized representative, shall be conclusively deemed to have no objections for the purposes of Section 53(5)(c), even if such person(s) subsequently files a statement(s) of objection pursuant to Section 53(5)(c).

- (b) If, as a result of a meeting convened pursuant to Section 53(5)(a), the applicant decides to modify the proposal, a new application must be submitted. The application shall be made in the manner prescribed by the Manager but it need not be accompanied by the fee prescribed in Schedule 2.
- (c) If, following the meeting, the applicant decides to proceed with the application without any modification, he must advise the Manager of his intention and the Manager will notify, in writing, the people who attended, or were represented at, the meeting. Within 10 days of the date of this notice, any notified person may give the Manager a written statement indicating that he objects to the issuance of a permit and describing the reasons for the objection. If no written statements of objection are received by the Manager, he shall issue a Development Permit.



- (6) If the applicant does not request a meeting pursuant to Section 53(5)(a), or if any written statements of objection are received by the Manager pursuant to Section 53(5)(c), the Manager shall refer the matter to the Advisory Planning Committee. The Advisory Planning Committee shall, within 30 days of the date the matter was referred to it, recommend either that the application be approved or rejected and shall explicitly state its reasons in writing.
- (7) After receiving the recommendations of the Advisory Planning Committee, and giving due consideration to:
  - (a) the recommendations of the Advisory Planning Committee;
  - (b) information provided by interested parties regarding the potential impacts of the proposed development on other properties, in terms of size, style, architectural compatibility, view, sunlight penetration, privacy, or property value, and
  - (c) the intent of the Bylaw and applicable design guidelines for University Hill single detached dwellings.

The Manager shall decide whether to approve or reject the application. If he approves the application the Manager shall issue a Development Permit.

54. Notwithstanding Section 53, no Development Permit or Building Permit shall be issued for any building that does not comply with the provisions of Sections 59 through 69.
55. If a Development Permit is issued pursuant to Section 53, for the purposes of Section 51, the allowable building envelope shall be defined as the three dimensional surface formed by the dwelling and accessory buildings approved in the Development Permit, plus an additional 3 feet measured horizontally from each applicable point on the exterior walls, porches, sundecks, and stairways of the dwelling unit and accessory buildings, and an additional 1 foot measured vertically from each applicable point on the roof, porch, sundeck and stairway. The measurements shall be the perpendicular distance from the applicable surface.

## **SF-2: SINGLE-FAMILY DWELLING DISTRICT**

### **INTENT**

56. The intent of SF-2 is to permit single family residential development in the neighbourhoods in this District.

### **OUTRIGHT APPROVAL USES**

57. (1) Subject to all other provisions of this Bylaw, the uses listed in Section 57(2) shall be permitted in this District.
- (2) Uses
- (a) single-family dwellings.
  - (b) accessory buildings customarily ancillary to single-family dwellings.
  - (c) the keeping of not more than two roomers, boarders, or lodgers.

### **CONDITIONAL APPROVAL USES**

58. (1) Subject to all other provisions of this Bylaw, the Manager may approve any of the uses listed in Section 58 (2), including such additional conditions as the Manager may decide, provided that before making a decision he:
- (a) considers the intent of the Bylaw and the recommendations of the Advisory Planning Committee; and
  - b) notifies such adjacent property owners and residents he deems may be affected.

(2) Conditional Uses

- (a) churches and accessory buildings customarily ancillary to churches, that existed as of the date this regulation is enacted.
- (b) parks and playgrounds.
- (c) home occupations.

SITE AREA

59. The minimum site area for a lot in a Single Family Land Use District shall be equal to the site area that existed as of the date this regulation is enacted or as subsequently altered by the transfer of a portion of a site to the Province of B.C. In areas not in a Single Family Land Use District as of the date this regulation is enacted, the minimum site area for a single family residential lot shall be as shown on the relevant plan in Schedule 5.

HEIGHT

60. The height of a principal building shall not exceed two storeys nor 25 feet.

FRONT YARD

61. (1) A front yard with a depth of not less than that shown on the relevant map in Schedule 5 shall be provided.
- (2) On through or corner sites, the front yard shall be the yard with the largest setback shown in Schedule 5. Where it is not possible to identify the front yard using this method, the front yard shall be the yard designated as the front yard by the Manager.

- (3) Covered porches shall be permitted to project into the front yard setback a maximum of 5 feet provided that:
  - a) such a projection is limited to 30% of the width of the building;
  - b) the porch shall be open or protected by guard rails the height of which shall not exceed the minimum specified in the B.C. Building Code;
  - c) the porch is located at the basement or first storey;
  - d) the roof height does not exceed 12 feet measured from the porch floor.
- (4) Bay windows in Area A and Area C may intrude into the front and rear yard setback providing they:
  - a) do not exceed 75% of the width of the room;
  - b) have a maximum depth of 24 inches; and
  - c) do not extend continuously for 2 storeys.

#### SIDE YARD

- 62. (1) A side yard with a width of not less than that shown on the relevant map in Schedule 5 shall be provided on each side of the principal building.
- (2) On a corner site a portion of the principal building may extend into the exterior side yard providing:
  - a) the extension is located no closer to the front of the building than the lesser of 30 feet or the required front yard setback;
  - b) the maximum extension cannot exceed 1/3 of the required depth of the side yard setback;

- c) the portion extending into the exterior side yard is limited to one storey.
- d) the extension does not extend into the required rear yard setback;
- e) the exterior side yard is not reduced to less than 20 feet.

#### REAR YARD

- 63. (1) A rear yard shall be provided for each parcel as shown on the relevant map in Schedule 5.
- (2) In the case of an irregularly shaped parcel, the Manager may vary the rear yard requirement.

#### ACCESSORY BUILDINGS

- 64. (1) The use of an accessory building must be ancillary to that of the principal building but it may not include one or more dwelling units.
- (2) Accessory building(s) may be located in the rear yard and in one of the side yards providing the accessory building(s) are not less than: 5 feet from any side lot-line nor 4 feet from a rear lot-line where there is a rear lane abutting the rear lot-line nor 5 feet from a rear lot-line where there is no rear lane.
- (3) The total floor area, measured to the extreme outer limits of the building, of all accessory buildings shall not be greater than the larger of 20% of the required rear yard or 500 square feet.
- (4) Not more than 50% of the width of the rear yard may be occupied by accessory buildings.
- (5) Accessory buildings or portions thereof located in a required side yard shall not

have floor areas exceeding a total of 300 square feet.

- (6) No accessory building shall exceed 12 feet 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 extend more than 15 feet above the average grade.
- (7) In the case of an irregularly shaped lot, the Manager may vary the accessory building requirements.

#### FLOOR SPACE RATIO

- 65 (1) (a) In Area A the floor space ratio shall not exceed the lesser of .27 of the site area or 4200 square feet;
- (b) In Area B, if the site area is:
  - (i) less than 19,700 square feet the floor space ratio shall not exceed the lesser of .27 of the site area or 4925 square feet;
  - (ii) between 19,701 square feet and 35,000 square feet the floor space ratio shall not exceed the lesser of .25 of the site area or 7,000 square feet;
  - (iii) greater than 35,001 square feet the floor space ratio shall not exceed the lesser of .20 of the site area or 9,000 square feet.
- (c) In Area C the floor space ratio shall not exceed the lesser of .35 of the site area or 2650 square feet.
- (2) The following shall be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 4 feet to be measured to the extreme outer limits of the building.
  - (b) stairways, fire escapes, elevator shafts and other features which the Manager considers similar, to be measured by their gross cross-sectional areas included in the measurements for each floor at which they are located.
  - (c) where the distance from a floor to the floor above or where there is no floor above to the top of the roof joists exceeds 12 feet, an amount equal to the area of the floor below the excess height.
- (3) The following shall be excluded in the computation of floor space ratio:
- (a) open balconies, open sundecks, and any other appurtenances which, in the opinion of the Manager are similar to the foregoing;
  - (b) covered balconies, covered sundecks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing, provided that the total area of these exclusions does not exceed eight percent of the permitted floor area;
  - (c) where floors are used for off-street parking and loading or uses which, in the opinion of the Manager are similar to the foregoing, those floors or portions thereof not exceeding 24 feet in length so used which:
    - (i) are located in an accessory building and any portions of a principal building which comply with the accessory building regulations, or
    - (ii) are within a portion of the principal building which does not



otherwise comply with the accessory building regulations, up to a maximum of 600 square feet.

- (d) 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 4 feet, and to which there is no permanent means of access other than a hatch.
- (e) Basements, cellars, and other spaces below floor surfaces located less than 4 feet above average grade.

#### SITE COVERAGE

- 66. (1) The maximum site coverage for all buildings shall be:
  - (a) In Area A, 25% of the site area;
  - (b) In Area B, 25 % of the site area;
  - (c) In Area C, 35% of the site area.

#### OFF-STREET PARKING AND SIGNS

- 67. (1) Off-street parking shall be provided and maintained in accordance with the provisions of Schedule 3.
- (2) Any signs in this District must conform with the provisions of Schedule 4.

#### BUILDING DEPTH

- 68. The distance between the front and rear of a principal building shall not exceed 75 feet. Accessory buildings are exempt from this requirement.

#### ALTERATION OF REGULATIONS

69. The Manager may alter the height, yard and building depth provisions of this District where, due to conditions peculiar to the site, the existing building or to the proposed development, literal enforcement would result in unnecessary hardship, provided that:
- (a) he first considers applicable design guidelines for University Hill single detached dwellings;
  - (b) he notifies such adjacent property owners and residents he deems may be affected;  
and
  - (c) in no case shall the height be increased to more than 35 feet;
  - (d) he considers the existing building depth.

## **MF-1: MULTIPLE DWELLING DISTRICT**

### **INTENT**

70. The intent of MF-1 is to permit medium density residential development, including townhouses and low-rise apartment buildings, and to encourage underground parking and limited site assembly through floor area bonus incentives.

### **OUTRIGHT APPROVAL USES**

71. (1) Subject to all other provisions of this Bylaw, the uses listed in Section 71 (2) shall be permitted in this District.
- (2) Uses:
- (a) Multiple dwelling;
  - (b) Accessory Buildings customarily ancillary to any of the uses listed in this Section;
  - (c) Accessory Uses customarily ancillary to any of the uses listed in this Section.

### **CONDITIONAL APPROVAL USES**

72. (1) Subject to all other provisions of this Bylaw, the Manager may approve any of the uses listed in Section 72 (2), including such additional conditions as he may decide, provided that before making a decision he:
- a) considers the intent of the Bylaw and the recommendations of the Advisory Planning Committee; and

- b) notifies such adjacent property owners and residents he deems may be affected.

(2) Conditional Uses

- (a) Bed and Breakfast Accommodation.
- (b) Boarding or Lodging House.
- (c) Child Care Facility.
- (d) Church.
- (e) Club or Lodge (fraternal), provided that no commercial activities are carried on.
- (f) Community Centre.
- (g) Park or Playground.
- (h) Parking Area ancillary to a principal use on an adjacent site.
- (i) Public Authority Building or Use essential in this District.
- (j) Public Utility.
- (k) School (public or private)
- (l) Social Service Centre operated by a non-profit society.
- (m) Special Needs Residential Facility
- (n) Accessory Buildings customarily ancillary to any of the uses listed in this Section.
- (o) Accessory uses customarily ancillary to any of the uses listed in this Section.

#### SITE AREA

73. The minimum site area for a multiple dwelling or rooming house shall be 7,000 square feet.

#### HEIGHT

74. The height of a building shall not exceed four storeys nor 45 feet, provided that no portion of the building shall extend more than 48 feet above the average grade.

#### FRONT YARD

75. (1) A front yard with a minimum depth of 20 feet shall be provided.
- (2) At the discretion of the Manager, colonnades, porticos, canopies and other similar structures over walkways and entrances may project into the required front yard.

#### SIDE YARDS

76. (1) A side yard with an average width of 15 feet shall be provided on each side of the principal building, but in no case shall the side yard be less than 5 feet.
- (2) In the case of a corner site, the exterior side yard shall not be regulated by Section 76(1) but shall be 20 feet in width.

## REAR YARD

77. (1) A rear yard with a minimum depth of 30 feet shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane up to a maximum reduction of 10 feet.
- (2) Where the principal building or any portion thereof abutting the rear yard is 30 feet or less in width and is located 25 feet or more from an adjoining site, it may extend up to 10 feet into the required rear yard.
- (3) Where the principal building or any portion thereof abutting the rear yard is 50 feet or less in width and is located 25 feet or more from an adjoining site, and where the average distance from the building to the rear property line is 35 feet taken across the full width of the site, the building or that portion thereof may extend up to 10 feet into the required rear yard.

## ACCESSORY BUILDING

78. (1) The use of an accessory building must be ancillary to that of the principal building, but it may not include one or more dwelling units.
- (2) No accessory building shall exceed 12 feet 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 extend more than 15 feet above the average grade.
- (3) All accessory buildings shall be located in the rear yard and in no case shall an

accessory building be located less than the width of the required side yard from a flanking street;

- (4) The total floor area, measured to the extreme outer limits of the building, of all accessory buildings shall not be greater than 30 percent of the minimum rear yard prescribed for this District.

#### FLOOR SPACE RATIO

79. (1) The maximum floor space ratio shall be 1.00 provided, however, that this amount may be increased as follows:
  - (a) where the area of a site exceeds 12,000 square feet and the frontage of such site is 80 feet or more, an amount equal to 0.25 may be added.
  - (b) where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building), an amount equal to .20 multiplied by the ratio of the number of parking spaces provided which are completely under cover to the total number of required parking spaces may be added, but in no case shall this increase exceed a figure of 0.20.
- (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;
  - (b) stairways, fire escapes, elevator shafts and other features which the Manager considers similar, to be measured by their gross cross sectional areas and included in the measurements for each floor at which they are located.
- (3) The following shall be excluded in the computation of floor space ratio:
  - (a) uncovered balconies, uncovered sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing;
  - (b) covered balconies, covered sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing, provided that the total area of these exclusions does not exceed eight percent of the permitted floor area;
  - (c) floors or portions thereof which are located at or below grade and which are used for off-street parking and loading, heating and mechanical equipment, or uses which, in the opinion of the Manager, are similar to the foregoing, provided that a parking space does not have a length of more than 24 feet for the purpose of exclusion from the floor space ratio computation;
  - (d) floors or portions thereof which are located above grade and which are used for off-street parking provided that:
    - (i) the parking spaces are located in an accessory building or buildings



- situated in the rear yard; and
- (ii) a parking space does not have a length of more than 24 feet for the purpose of exclusion from floor space ratio computation;
- (e) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Manager is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (f) 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 4 feet, and to which there is no permanent means of access other than a hatch.

#### SITE COVERAGE

80. Except where the principal use of the site is a parking area, the maximum site coverage for any portion of the site used as parking area shall be 30 percent.

#### OFF-STREET PARKING, LOADING SPACES AND SIGNS

81. (1) Off-street parking and loading spaces shall be provided and maintained in accordance with the provisions of Schedule 3.
- (2) Any signs in this District must conform with the provisions of Schedule 4.

#### ALTERATION OF REGULATIONS

82. The Manager may alter the yard provisions of this District where, due to conditions peculiar to the site or an existing building, literal enforcement would result in unnecessary hardship, provided that:

- (a) he first considers applicable design guidelines for University Hill multi-family residential development;
- (b) he notifies such adjacent property owners and residents he deems may be affected;  
and
- (c) in no case shall the yard requirements be reduced to less than 60 percent of the amount specified in this District.

## **MF2: MULTIPLE DWELLING DISTRICT**

### **INTENT**

83. The intent of MF-2 is to permit medium-density residential development, including low-rise and high-rise apartment buildings and to encourage a higher quality of parking, open space and daylight access through floor area bonus incentives.

### **OUTRIGHT APPROVAL USES**

84. (1) Subject to all other provisions of this Bylaw, the uses listed in Section 84 (2) shall be permitted in this District.
- (2) Uses
- (a) Multiple Dwelling.
  - (b) Accessory Buildings customarily ancillary to any of the uses listed in this Section.
  - (c) Accessory Uses customarily ancillary to any of the uses listed in this Section.

### **CONDITIONAL APPROVAL USES**

85. (1) Subject to all other provisions of this Bylaw, the Manager may approve any of the uses listed in Section 85(2) including such additional conditions as he may decide, provided that before making a decision he:
- (a) considers the intent of the Bylaw, and the recommendations of the Advisory

Planning Committee; and

- (b) notifies such adjacent property owners and residents as he deems may be affected.

(2) Conditional Uses

- (a) Ambulance Station.
- (b) Bed and Breakfast Accommodation.
- (c) Boarding or Lodging House.
- (d) Child Care Facility.
- (e) Church.
- (f) Club/ Lodge (fraternal), provided that no commercial activities are carried on.
- (g) Community Centre.
- (h) Hospital, including a conversion from an existing building but not including a mental or animal hospital.
- (i) Institution of a religious, philanthropic or charitable character.
- (j) Park or Playground.
- (k) Parking Area ancillary to a principal use on an adjacent site.
- (l) Public Authority Building or use essential in this District.
- (m) Public Utility.
- (n) School (public or private)
- (o) Social Service Centre operated by a non-profit society.
- (p) Special Needs Residential Facility
- (q) Accessory Buildings customarily ancillary to any of the conditional uses listed in this Section.
- (r) Accessory uses customarily ancillary to any of the uses listed in this Section.

SITE AREA

86. The minimum site area for a multiple dwelling or rooming house shall be 20,000 square feet.

#### FRONTAGE

87. Not applicable

#### HEIGHT AND LENGTH

88. (1) On any site the maximum height of a building shall be 135 feet, provided, however, that where any portion or portions of a building extend more than 48 feet above the average grade, neither the length nor the width of any such portion or portions combined shall exceed an amount equal to 25 percent of the sum of the average depth of the site and the average width of the site.
- (2) For the purposes of Section 88, where it is proposed to erect a building in two or more parts (towers), a site may be interpreted as two or more sites as the case may be, provided that the area of each site created is 25,000 square feet or more, and parts of the building (towers) are not less than 80 feet apart.

#### FRONT YARD

89. (1) A front yard with a minimum depth of 20 feet shall be provided.
- (2) At the discretion of the Manager, colonnades, porticos, canopies and other similar structures over walkways and entrances may project into the required front yard.

## SIDE YARDS

90. (1) A side yard with an average width of 15 feet shall be provided on each side of the principal building, but in no case shall the side yard be less than 5 feet.
- (2) In the case of a corner site, the exterior side yard shall not be regulated by Section 90(1) above but shall be 20 feet in width.

## REAR YARD

91. A rear yard with a minimum depth of 30 feet shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane up to a maximum reduction of 10 feet.

## ACCESSORY BUILDINGS

92. (1) The use of an accessory building must be ancillary to that of the principal building, but it may not include one or more dwelling units.
- (2) No accessory building shall exceed 12 feet 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 extend more than 15 feet above the average grade.
- (3) All accessory buildings shall be located in the rear yard and in no case shall an accessory building be located less than the width of the required side yard from a flanking street.
- (4) The total floor area, measured to the extreme outer limits of the building, of all accessory buildings shall not be greater than 30 percent of the minimum rear yard

prescribed for this District.

#### FLOOR SPACE RATIO

93. (1) The maximum floor space ratio shall be 1.25 provided, however, this amount may be increased as follows:
- (a) where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building), an amount equal to .20 multiplied by the ratio of the number of parking spaces provided which are completely under cover to the total number of required parking spaces may be added, but in no case shall this increase exceed a figure of 0.20;
  - (b) Where the site coverage is 50 percent or less, an amount equal to 0.012 may be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.
- (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;
  - (b) stairways, fire escapes, elevator shafts and other features which the manager considers similar, to be measured by their gross cross -sectional areas and included in the measurements for each floor at which they are located.

(3) The following shall be excluded in the computation of floor space ratio:

- (a) uncovered balconies, uncovered sun decks, and any other appurtenances which in the opinion of the Manager, are similar to the foregoing;
- (b) covered balconies, covered sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing, provided that the total area of these exclusions does not exceed eight percent of the permitted floor area;
- (c) floors or portions thereof which are located at or below grade and which are used for off-street parking and loading, heating and mechanical equipment, or uses which, in the opinion of the Manager, are similar to the foregoing, provided that a parking space does not have a length of more than 24 feet for the purpose of exclusion from the floor space ratio computation;
- (d) floors or portions thereof which are located above grade and which are used for off-street parking provided that:
  - (i) the parking spaces are located in an accessory building or building situated in the rear yard; and
  - (ii) a parking space does not have a length of more than 24 feet for the purpose of exclusion from floor space ratio computation;
- (e) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Manager is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (f) 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 4 feet, and to which there is no permanent means of access other than a hatch.

#### SITE COVERAGE

94. Except where the principal use of the site is a parking area, the maximum site coverage for any portion of the site used as parking area shall be 30 percent.

#### OFF-STREET PARKING, LOADING SPACES AND SIGNS

95. (1) Off-street parking and loading spaces shall be provided and maintained in accordance with the provisions of Schedule 3.
- (2) Any signs in this District must conform with the provisions of Schedule 4.

#### VERTICAL ANGLE OF DAYLIGHT

96. (1) In the case of buildings over 48 feet in height, no part thereof shall project above lines extending over the site at right angles from:
- (a) all points along the ultimate centre line of any street in front of the site and inclined at an average angle of 25 degrees to the horizontal;
- (b) all points along the rear boundary line of the site or the ultimate centre line of the lane where one has been dedicated, and inclined at an average angle of 25 degrees to the horizontal;

- (c) all points along any interior side boundary of the site at ground level and inclined at an average angle of 30 degrees to the horizontal;
  - (d) in the case of a corner site, all points along the ultimate centre line of the flanking street or lane and inclined at an average angle of 25 degrees to the horizontal.
- (2) For the purpose of computing the average angles of daylight on each side of the site, each angle shall be multiplied by the length of the applicable portion of the building or site over which such angle applies, and the sum of these products (angle times length applicable) shall be divided by the total length of the corresponding site boundary.

## **C: COMMERCIAL DISTRICT**

### **INTENT**

97. The intent of this District is to provide for a wide range of commercial activities and services that require central locations to serve nearby neighbourhoods and the University of B.C. non-resident day population.

### **OUTRIGHT APPROVAL USES**

98. (1) Subject to all other provisions of this Bylaw and to compliance with Section 98(3) and all other applicable Regulations, the uses listed in Section 98(2) shall be permitted in this District.
- (2) Uses
- (a) Accessory Buildings customarily ancillary to any of the uses listed in this Section.
  - (b) Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to Section 98 of this Bylaw, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use, and all accessory uses are located within the principal building.
  - (c) Appliance Repair Shop.
  - (d) Barber Shop or Beauty Parlour.
  - (e) Business School.

- (f) Clinic or Office for medical, dental or similar purposes, including associated laboratory facilities, but not including any such use where the principal services rendered are related to drug or alcohol detoxification or rehabilitation.
- (g) Financial Institution.
- (h) Laundromat or Dry Cleaning Establishment with a floor area not exceeding 3,000 square feet.
- (i) Office.
- (j) Parking Area, subject to the provisions of Section 109 of these Regulations.
- (k) Parking Garage, subject to the provisions of Section 109 of these Regulations.
- (l) Photography Studio.
- (m) Messenger or Telegraph Service.
- (n) Radio Broadcasting and Receiving Station to facilitate the movement of vehicles on land, water or air.
- (o) Restaurant, but not including a drive-in restaurant.
- (p) Retail or Service outlets catering to the needs of neighbourhood residents and the non-resident day-time population of the University, except those specifically identified as Conditional Uses in Section 99(2).
- (q) Shoe Repair Shop.
- (r) Swimming Pool not operated by a public authority.

(3) Conditions of Use

- (a) All occupied ground floor space must be occupied by retail or service outlets (including restaurants, barber shop, beauty parlour, dry cleaner, laundromat) catering to the needs of neighbourhood residents and the non-resident day-time population of the University or financial institutions.
- (b) All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
  - a) parking and loading facilities;
  - b) restaurant;
  - c) display of flowers, plants, fruits and vegetables.

CONDITIONAL APPROVAL USES

99. (1) Subject to all other provisions of this Bylaw and all other applicable Regulations, the Manager may approve any of the uses listed in Section 99(2), subject to the conditions of Section 99(3) and including such conditions or additional regulations as he may decide, provided that before making a decision he:

- a) considers the intent of the Bylaw and the recommendations of the Advisory Planning Committee; and
- b) notifies such adjacent property owners and residents he deems may be affected.

(2) Conditional Uses

- (a) Accessory Uses to any of the uses listed in this Section.
- (b) Ambulance Dispatchers.
- (c) Animal Hospital.
- (d) Antennae and Masts for the commercial transmission and reception of radio and television signals.
- (e) Appliance Repair Shop.
- (f) Automotive Repair Shop.
- (g) Bed and Breakfast Accommodation.
- (h) Child Day Care Facility
- (i) Club or Lodge (fraternal).
- (j) Collection Agency.
- (k) Community Centre.
- (l) Dwelling Units in conjunction with any of the uses listed in this section except that no portion of the first storey of a building to a depth of 35 feet from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion.
- (m) Gasoline Self-Service Station.
- (n) Gasoline Service Station.
- (o) Electric Repair Shop.
- (p) Hall.
- (q) Health Club or Spa.
- (r) Hotel or Motel.
- (s) Jewellery Manufacturing Shop.
- (t) Liquor Store.
- (u) Lithography or Print Shop.
- (v) Pet Shop.
- (w) Public Authority Building or use.

- (x) Public Utility.
- (y) Recreational Facility, including a Bowling Alley, Racket or Ball Court, or similar facility for public use.
- (z) School (professional, vocational or trade).
- (aa) School (public or private).
- (ab) School or Academy for the teaching of drama, music, art, dance, meditation, self-defence, self-improvement and similar arts.
- (ac) Sign and Showcard Shop.
- (ad) Social Service Centre operated by a non-profit society.
- (ae) Special Needs Residential Facility.
- (af) Temporary Parking Area.
- (ag) Theatre, but not including a drive-in theatre.
- (ah) Any other use which is not specifically listed in this or any other Land use District in this Bylaw but which the Manager considers comparable in nature to the uses listed for this District, having regard to the intent of this Land Use District.
- (ai) Accessory Uses customarily ancillary to any of the uses listed in this Section.

(3) Conditions of Use

All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- a) parking and loading facilities;
- b) gasoline service station and gasoline self-service station.

SITE AREA

100. The minimum site area in this District shall be 2,000 square feet.

#### FRONTAGE

101. Not applicable.

#### HEIGHT

102. (1) The maximum height of a building shall not exceed three storeys nor 45 feet.
- (2) The Manager may permit an increase in the maximum height of a building with respect to any development, provided he first notifies such property owners and residents as he may deem to be affected and takes into account the following:
- a) the height, bulk and location of the building and its effects on the site, surrounding buildings and streets, and existing views; and
  - b) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area; and
  - c) the intent of this Land Use District and the relationship of the development with nearby residential areas.

#### FRONT YARD SETBACK

103. No front yard shall be required and, if provided, no front yard shall be used for parking.

#### SIDE YARDS AND SETBACK



104. (1) No side yard shall be required except where the site adjoins, without the intervention of a street or lane, a site located in a Residential District, in which case a side yard, not less than 10 feet in width, shall be provided on the side adjoining such Residential District.
- (2) Where a side yard is provided, although not required, the minimum width shall be 3 feet.
- (3) In the case of a corner site, a setback of 4 feet from the side property line abutting the flanking street shall be required for any parking area.

#### REAR YARD AND SETBACK

105. (1) A rear yard with a minimum depth of 10 feet shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- (2) Where any portion of a building contains residential uses, that portion shall be set back a minimum of 25 feet from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

#### ACCESSORY BUILDINGS

106. (1) The use of an accessory building must be ancillary to that of the principal building, but it may not include one or more dwelling units.
- (2) No accessory building shall exceed 12 feet 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 extend more than 15 feet above the average grade.

- (3) All accessory buildings shall be located in the rear yard.
- (4) The total floor area, measured to the extreme outer limits of the building, of all accessory buildings shall not be greater than 15 percent of the total area of the site.

#### FLOOR SPACE RATIO

- 107. (1) The floor space ratio shall not exceed 2.5 except that where any portion of a building is used for residential purposes, each square foot of that residential portion shall be counted as two and one-half square feet for the purpose of this section.
- (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;
  - (b) stairways, fire escapes, elevator shafts and other features which the manager considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- (3) The following shall be excluded in the computation of floor space ratio:
  - (a) open balconies, open sun decks, and any other appurtenances which, in the

opinion of the Manager, are similar to the foregoing;

- (b) covered balconies, covered sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing, provided that the total area of these exclusions does not exceed eight per cent of the permitted floor area;
- (c) areas of floors used for heating and mechanical equipment or uses which in the opinion of the Manager are similar to the foregoing;
- (d) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Manager is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) areas of floors below grade that are used for off-street parking or loading, provided that a parking space does not have a length of more than 24 feet for the purpose of exclusion from the floor space ratio computation.

#### SITE COVERAGE

108. Not applicable.

#### OFF-STREET PARKING AND LOADING

109. Off-street parking and loading spaces shall be provided and maintained in accordance with the provisions of Schedule 3.

## SIGNS

110. Any signs in this District must be in accordance with the provisions of Schedule 4 and should consider the provisions of applicable design guidelines for the University Hill village commercial area.

## ALTERATION OF REGULATIONS

111. (1) The Manager may alter the maximum height, floor area and location requirements for accessory buildings and accessory uses except that the altered height shall not, in any event, exceed the maximum prescribed in Section 102 and the floor space shall not exceed 33.33 percent of the gross floor area of the principal use.
- (2) The Manager may exempt an individual business or class of businesses from the use conditions of Sections 98(3) and 99(3) to permit the outdoor display of retail goods, and may include such other conditions as he deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this District including a condition that the exemption shall expire at a specific time.
- (3) The Manager may approve the construction of a canopy, awning or other structure for the purpose of weather protection that extends beyond the private property line into a public right-of-way, provided that he considers applicable design guidelines and further provided that the design of the canopy, awning or other structure and its support devices carry the seal of a Professional Engineer.

## **I: INSTITUTIONAL AND PUBLIC USE DISTRICT**

### **INTENT**

112. The intent of this District is to permit institutional and public authority uses.

### **OUTRIGHT APPROVAL USES**

113. (1) Subject to all other provisions of this Bylaw, the uses listed in Section 113(2) shall be permitted in this District.

#### **(2) Uses**

- (a) Accessory Buildings customarily ancillary to any of the uses listed in this Section.
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to Section 113(2) of this Bylaw, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use, and all accessory uses are located within the principal building.
- (c) Ambulance Station.
- (d) Child Care Facility.
- (e) Church.
- (f) Club or Lodge (fraternal), provided that no commercial activities are carried on.
- (g) Community Centre.
- (h) Hospital, including a conversion from an existing building but not including a mental or animal hospital.
- (i) Institution of a religious, philanthropic or charitable character.
- (j) Park or playground.
- (k) Parking Area ancillary to a principal use on an adjacent site.

- (l) Public Authority Building or use.
- (m) Public Utility.
- (n) School (public or private).

#### CONDITIONAL APPROVAL USES

114. (1) Subject to all other provisions of this Bylaw, the Manager may approve any of the uses listed in Section 114(2) including such conditions or additional regulations as he may decide, provided that before making a decision he:
- a) considers the intent of the Bylaw and the recommendations of the Advisory Planning Committee; and
  - b) notifies such adjacent property owners and residents he deems may be affected.
- (2) Conditional Uses
- (a) Accessory Uses to any of the uses listed in this Section.
  - (b) Animal Hospital.
  - (c) Clinic or Office for medical, dental or similar purposes, including associated laboratory facilities, but not including any such use where the principal services rendered are related to drug or alcohol detoxification or rehabilitation.
  - (d) Financial Institution.
  - (e) Hall.
  - (f) Health Club or Spa.
  - (g) Hotel or Motel.
  - (h) Parking Garage.
  - (i) Radio Broadcasting and Receiving Station to facilitate the movement of vehicles on land, water or air.
  - (j) Retail Store catering to the needs of neighbourhood residents and the non-

resident day-time population of the University.

- (k) Restaurant, but not including a drive-in restaurant.
- (l) Social Service Centre operated by a non-profit society.
- (m) Special Needs Residential Facility.
- (n) School or Academy for the teaching of drama, music, art, dance, meditation, self-defence, self-improvement and similar arts.
- (o) Offices.

(3) Conditions of Use

All commercial uses listed in this section shall be carried out wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant.

SITE AREA

115. The minimum site area in this district shall be 30,000 square feet.

FRONTAGE

116. Not applicable.

HEIGHT

117. The height of a building shall not exceed four storeys nor 45 feet provided that no portion of the building extends more than 48 feet above the average grade.

FRONT YARD

118. A front yard with a minimum depth of 40 feet shall be provided.

#### SIDE YARD

119. (1) A side yard with an average width of 15 feet shall be provided on each side of the principal building, but in no case shall the side yard be less than 5 feet.
- (2) In the case of a corner site, the exterior side yard shall not be regulated by section 119(1) above but shall be 20 feet in width.

#### REAR YARD

120. (1) A rear yard with minimum depth of 30 feet shall be provided, except that where the rear of the site abuts on lane or road, this required minimum depth shall be decreased by the lane or road width between the rear property line of the lane or road up to a maximum reduction of 10 feet.
- (2) Notwithstanding Section 120(1), for through sites abutting Western Parkway and Wesbrook Crescent, the rear of the site shall be the portion abutting Western Parkway, and a rear yard with a minimum depth of 12 feet shall be provided.

#### ACCESSORY BUILDINGS

121. (1) The use of an accessory building must be ancillary to that of the principal building, but it may not include one or more dwelling units.
- (2) No accessory building shall exceed 12 feet 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 extend more than 15 feet above the average grade.



- (3) All accessory buildings shall be located in the rear yard and in no case shall an accessory building be located less than the width of the required side yard from a flanking street;
- (4) The total floor area, measured to the extreme outer limits of the building, of all accessory buildings shall not be greater than 15 percent of the total area of the site.

#### FLOOR SPACE RATIO

- 122. The maximum floor space ratio shall be 1.25 provided, however, this amount may be increased as follows:
  - (a) where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building), an amount equal to .20 multiplied by the ratio of the number of parking spaces provided which are completely under cover to the total number of required parking spaces may be added, but in no case shall this increase exceed a figure of 0.20.
- (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;
  - (b) stairways, fire escapes, elevator shafts and other features which the Manager considers similar, to be measured by their gross cross -sectional areas and included in the measurements for each floor at which they are located.
- (3) The following shall be excluded in the computation of floor space ratio:

- (a) uncovered balconies, uncovered sun decks and any other appurtenances which in the opinion of the Manager are similar to the foregoing;
- (b) covered balconies, covered sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing, provided that the total area of these exclusions does not exceed eight percent of the permitted floor area;
- (c) floors or portions thereof which are located at or below grade and which are used for off-street parking and loading, heating and mechanical equipment, or uses which in the opinion of the Manager are similar to the foregoing, provided that a parking space does not have a length of more than 24 feet for the purpose of exclusion from the floor space ratio computation;
- (d) floors or portions thereof which are located above grade and which are used for off-street parking provided that:
  - (i) the parking spaces are located in an accessory building or buildings situated in the rear yard; and
  - (ii) a parking space does not have a length of more than 24 feet for the purpose of exclusion from floor space ratio computation.
- (e) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Manager is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (f) 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 4 feet, and to

which there is no permanent means of access other than a hatch.

#### SITE COVERAGE

123. Except where the principal use of the site is a parking area, the maximum site coverage for any portion of the site used as parking area shall be 30 percent.

#### OFF-STREET PARKING AND LOADING SPACES

124. Off-street parking and loading spaces shall be provided and maintained in accordance with the provisions of Schedule 3.

#### SIGNS

125. Any signs in this District must conform with the provisions of Schedule 4.

## **COMPREHENSIVE DISTRICT (CD-1)**

### **UEL BLOCK 97 AT THE VILLAGE@**

## **Amendment to the Land-Use, Building and Community**

## **Administration By-Law for University Hill.**

December 19, 1997

**Adopted, January 22, 1998**

**signed by Michael Farnworth**

Honourable Michael Farnworth  
Minister of Municipal Affairs & Housing

### **COMPREHENSIVE DISTRICT (CD-1)**

#### **126. INTENT**

The intent of this district is to provide for a wide range of goods and services, to maintain commercial activities and personal services that require central locations to serve the local neighbourhoods and to provide for dwelling uses designed compatibly with commercial uses. The design guidelines shall be used in conjunction with the by-law and the intent of the guidelines shall be adhered to.

## OUTRIGHT APPROVAL USES

127. (1) The shaded area shown on Schedule AA@ attached hereto, shall be more particularly described as CD-1, and the only uses permitted within the outlined area, subject to all other provisions of this by-law and to compliance with section 127(3) and all other applicable regulations permitted in this District, and the only uses for which development permits will be issued are:
- (2) Uses:
- a) Bank or Financial Institution.
  - b) Barber/Beauty Parlour.
  - c) Business School or Commercial School.
  - d) Community Village Space.
  - e) Clinic or Office for medical, dental or similar purposes, including associated laboratory facilities, but not including any such use where the principal services rendered are related to drug or alcohol detoxification or rehabilitation.
  - f) Electric Repair Shop.
  - g) Grocery Market.
  - h) Multiple Family Dwellings.
  - i) Office.
  - j) Outdoor Plaza and Courtyard.
  - k) Parking Area, subject to the provisions of section 137 of these regulations.
  - l) Photography Studio or Photograph Gallery.
  - m) Residential Amenity Space.
  - n) Full-Service Restaurant.
  - o) Retail or Service outlets catering to the needs of the local neighbourhood except those specifically identified as Conditional Uses in Section 128(2).
  - p) Shoe Repair shop.
  - q) Service Outlet for the collection and distribution of laundered or dry-cleaned

articles but, not for the treatment, cleaning or processing of such articles.

r) Tailor Shop.

(3) Conditions of Use

a) Lot 1,2,3,4,5,13&14 (Parcel I)

i) all ground floor space on Lot 1,2,3,4,5,13&14 (Parcel I), shall only be occupied by lobby space for access to upper floors or by the uses listed in sub-section (2) above, other than uses specified in sub-paragraphs (e), (h), (i) and (m), or by any uses approved in accordance with Section 128;

ii) all second floor space shall only be occupied by the uses listed in sub-section (2) above, other than the uses specified in sub-paragraph (h), or by any uses approved in accordance with Section 128.

b) Block M (Parcel II)

All ground floor space on Block M (Parcel II), shall only be occupied by lobby space for access to upper floors or the uses listed in sub-section (2) above, other than the uses specified in sub-paragraph (e), (h), (i) and (m); except for frontage

along Dalhousie Road which may also be occupied by uses (e) and (i); or other uses approved in accordance with Section 128.

c) Block N (Parcel III)

All ground floor space on Block N (Parcel III), shall only be occupied by the uses listed in sub-section (2) above, or by uses approved in accordance with

Section 128.

- d) All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
  - i) loading facilities;
  - ii) outdoor restaurant seating;
  - iii) display of flowers, plants, fruits and vegetables.
- e) All buildings within this District shall:
  - i) provide an accessible, properly ventilated, garbage holding area within the building envelope of all new developments of sufficient size to contain garbage produced by the occupants of the building.
  - ii) where a building contains more than 4 dwelling units, a recycling area of sufficient size to accommodate recyclable material produced by the occupants of the building, shall be provided within the building envelope.

CONDITIONAL APPROVAL USES

- 128. (1) Subject to all other provisions of this Bylaw and all the other applicable regulations, the Manager may approve any of the uses listed in Section 128(2), subject to the conditions of Section 128(3) and including such conditions or additional regulations the Manager may decide, provided that before making a decision the Manager:
  - a) considers the intent of the By-law, the Design Guidelines, and the recommendations of the Advisory Planning Committee; and
  - b) notifies such adjacent property owners and residents the Manager

deems may be affected.

(2) Conditional Uses:

- a) Appliance Repair Shop.
- b) Bed and Breakfast Accommodation.
- c) Bowling Alley, Pool Hall, or similar facility for public use excluding a Video Arcade.
- d) Child Day Care Facility.
- e) Collection Agency.
- f) Convenience Store.
- g) Craft Manufacturing Shop with retail sales.
- h) Health Club.
- i) Hotel.
- j) Liquor Store.
- k) Non Full-Service Restaurant (Fast Food, Take-Out).
- l) Pet Shop.
- m) Place of Worship.
- n) School (professional, vocational or trade).
- o) School (public or private).
- p) School or Academy for the teaching of drama, music, art, dance, meditation, self-defence, self-improvement and similar arts.
- q) Social Service Centre.
- r) Special Needs Residential Facility.
- s) Temporary Parking Area.
- t) U-Brew.
- u) Any other use which is not specifically listed in this or any other Land-Use District in this bylaw but which the Manager considers comparable in nature to the uses listed for this District, having regard to the intent of this Land-Use District.



(3) Conditions of Use

All conditions of section 127 (3) shall apply.

FLOOR SPACE RATIO

129. (1) a) Lot 1,2,3,4,5,13&14 (Parcel I) shall have a maximum floor space ratio of 2.5.
- b) Block M (Parcel II) shall have a maximum floor space ratio of 2.5.
- c) Block N (Parcel III) shall have a maximum floor space ratio of 2.5.

(2) The following will 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 outer limits of the glazing or where applicable to the centerline of the building walls;
- b) stairways, fire escapes, elevator shafts and other features which the Manager considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

(3) The following will be excluded in the computation of floor space ratio:

- a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Manager, are similar to the foregoing;

- b) open patios and roof gardens, provided that the Manager first approves the design of sunroofs and walls;
- c) where floors are used for off-street parking and loading, bicycle storage, heating mechanical equipment, recycling facilities, garbage holding areas or uses which in the opinion of the Manager are similar to the foregoing, those floors or portions thereof so used, which:
  - i) are at or below the average grade, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length.
- d) community village space, residential amenity space, day care facilities, to a maximum total of 5 percent of the total building floor area;
- e) areas of undeveloped floors which are located:
  - i) above the highest storey or half storey and to which there can be no permanent means of access other than a hatch; or
  - ii) adjacent to a storey with a ceiling height of less than 4 feet.
- f) residential storage space provided that where the space is provided at or above the average grade, the maximum exclusion shall be 40 square feet per dwelling unit.

#### FRONTAGE

130. (1) The maximum frontage for each ground floor commercial unit shall not exceed 25 feet except:
- a) a grocery market which may be 50 feet or;

b) any use approved by the Manager, after consulting with the Advisory Planning Committee.

(2) Where residential dwellings are located above the first floor of retail or office space, ground floor lobby frontage is limited to 20 feet.

## HEIGHT

- 131.
- (1) The maximum height on Lot 1,2,3,4,5,13&14 (Parcel I) shall not exceed 4 storeys or 45 feet but, the Manager, after consulting with the Advisory Planning Committee, may permit a maximum height of 4 storeys or 50 feet.
  - (2) The maximum height on Parcels II and III shall not exceed 6 storeys or 70 feet.
  - (3) The Manager, at his discretion, may permit a greater height than otherwise permitted for the following items if 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, cupolas, trellises and roof garden access, provided:
      - i) no additional floor area is created; and
      - ii) no protrusion extends more than 4 feet above the height limitation.
    - b) mechanical appurtenances such as elevator machine rooms;
    - c) chimneys;
    - d) items similar to any of the above.

## SETBACKS

132. (1) Street Setbacks

- a) All street front buildings shall be constructed at a setback (Build-to-Line) of 10 feet from the property line and have a frontage height of 3 storeys. Up to 50 percent of this frontage requirement may be further set back to achieve greater articulation in the facade;
- b) The fourth and fifth floors of all street front buildings shall be constructed an average of 18 feet, with no portion closer than 10 feet, from the property line;
- c) The sixth floor of all street front buildings shall be constructed an average of 26 feet with no portion closer than 18 feet from the property line;
- d) Setbacks shall not apply to areas below grade;
- e) Balconies and bay windows may intrude into the required setbacks;
- f) The Manager, after consulting with the Advisory Planning Committee may permit variances to the building setbacks to improve design articulation and building appearance.

(2) Lane Setbacks

- a) Lot 1,2,3,4,5,13&14 (Parcel I) shall have a minimum setback from Lane C of 4 feet;
- b) Block M (Parcel II) shall have a minimum setback from Lane C of 4 feet;
- c) Block N (Parcel III) shall have a minimum setback from the New

Lane of 4 feet;

- d) setbacks shall not apply to areas below grade.

#### LANES

- 133. (1) Vehicle access to Lane B to and from University Boulevard shall be closed.
- (2) Lane C shall extend from Western Parkway to Allison Road.
- (3) Lane C shall be a minimum of 20 feet wide and the new lane shall be a minimum of 24 feet wide.

#### PUBLIC EASEMENT

- 134 .Parcel 111 shall have a 20 foot north/south public easement or statutory right of way in favour of the Crown registered as a charge on the land. The easement shall be located adjacent to the western property line, a pedestrian walkway with landscaping on either side shall be required within the easement.

#### OPEN SPACE REQUIREMENTS

- 135. (1) Lot 1,2,3,4,5,13&14 (Parcel I) shall have a publicly accessible plaza no less than 1,500 square feet located at the corner of Western Parkway and University Boulevard.
- (2) Block M (Parcel II) shall have a publicly accessible plaza no less than 3,000 square feet located mid-block, on Western Parkway, adjacent to the sidewalk; and shall have a mid-block publicly accessible east/west walkway connecting the plaza to the eastern property line.

- (3) Block N (Parcel III) shall have a landscaped inner courtyard no less than 4,000 square feet located immediately east of and adjacent to the north/south easement.

#### SITE COVERAGE

- 136. (1) Lot 1,2,3,4,5,13&14 (Parcel I) shall have a maximum site coverage of 75%.
- (2) Block M (Parcel II) shall have a maximum site coverage of 65%.
- (3) Block N (Parcel III) shall have a maximum site coverage of 65%.

#### PARKING PROVISIONS

Schedule 3: Parking Requirements are not applicable in the Comprehensive District (CD-1)

- 137. (1) On-Site Parking
  - a) Residential - a minimum of 1.1 spaces for every dwelling unit and one additional space for every 2,000 square feet of gross floor area, except that no more than 2.2 spaces for every dwelling unit need be provided;
  - b) Residential Guest Parking - a minimum of 1 space for every 5 dwelling units. Residential guest parking shall be located so that it is safe convenient and easily found and shall not be limited in its use by security gates or fencing;

- c)     Retail           -     a minimum of 0.50 spaces per 1000 square feet of floor space;
- d)     Grocery Store -     a minimum of 0.40 spaces per 1000 square feet of floor space;
- e)     Office           -     a minimum of 2.00 spaces per 1000 square feet of floor space;
- f)     Restaurant     -     a minimum of 0.50 spaces per 1000 square feet of floor space.

Where floor area is used as a unit of measurement for the calculation of required parking spaces, it shall include the gross floor area of the building(s) excluding only floor space for community village space and floor space within the basement used to provide parking, including access aisles.

#### RESIDENTIAL DWELLINGS

- 138.       (1)     The minimum residential unit sizes shall be:
  - a)       One bedroom - 650 square feet;
  - b)       Two Bedroom - 850 square feet;
  - c)       Three bedroom - 1050 square feet.

#### SIGNAGE

Schedule 4: Sign Control requirements are not applicable in the Comprehensive District (CD-1)

- 139.       (1)     Signs that are not expressly permitted in this bylaw are prohibited.
- (2)     Visibility into shops from the street shall be maintained, any solid signage,

advertising or blackout panels placed against the inside surfaces of store front glazing are prohibited. Clear glass shall be used for retail store fronts.

(3) Prohibited Signs

- a) Billboards;
- b) Revolving signs;
- c) Banners, pennants, bunting, flags (other than national, provincial, municipal flags), balloons or other gas-filled inflatable devices;
- d) Roof signs;
- e) Changeable copy signs;
- f) Sandwich boards or any other temporary signs;
- g) Back-lit signs.

(4) Permitted Signs

- a) projecting signs are permitted subject to the following regulations:
  - i) minimum clearance of 8.0 feet above grade;
  - ii) maximum 6 square feet in area;
  - iii) mounted in the middle one-third of the frontage of the premises and not more than 4 feet from the building face.
- b) Signs on Awning Drops are permitted subject to the following regulations:
  - i) maximum awning drop/skirt of 16 inches in depth;
  - ii) painted on vinyl applied lettering or incised lettering with applied backing;
  - iii) no rear lighting installed under awnings; and
  - iv) no signage or graphic material on any sloped, curved or vertical portion of an awning other than on a drop, as described above.



- c) Hanging Signs are permitted subject to the following regulations:
  - i) minimum clearance of 8 feet above grade;
  - ii) maximum area 6 square feet; and
  - iii) mounted in the middle one-third of the frontage of the premises under awnings and canopies.
- d) Window Signs are permitted subject to the following regulations:
  - i) maximum area of 6 square feet;
  - ii) paper, cardboard, plastic or fabrics are not permitted for window sign construction, with the exception of cut-out vinyl surface applied to inside of glazing; and
  - iii) No back-lit signs, displays, or product machines may be visible through store windows.
- e) Building Directories are permitted subject to the following regulations
  - i) maximum area of 6 square feet; and
  - ii) located at the front entrance of building.

(5) Number of Signs

A maximum of two permanent signs are permitted per business frontage.

(6) Materials

Exposed surfaces of signs may be constructed of any material with the exception of plastic, fibreglass, plywood or particle board either painted or unfinished.

(7) Colour

Colour of signage must be coordinated with the building facade with which it is associated.

(8) Lighting

- a) Signs may incorporate front-lighting for their illumination;
- b) Limited use of rear lighting is permitted, provided it is restricted to:
  - i) individually incised plastic or glass letters or symbols mounted in a solid, opaque sign face; and
  - ii) individual halo-lit lettering or symbols mounted on a solid, opaque background;
  - iii) neon signs are permitted as a form of illuminated signage.

(9) Height

- a) Signs must be located no higher than the finished third floor level;
- b) Signs located over pedestrian areas or sidewalks shall have a minimum clearance of 8 feet above grade.

(10) Lettering

- a) The maximum permitted lettering size on any sign is 1 foot;
- b) Symbols are encouraged, depicting the nature of the business occupation.

(11) Comprehensive Sign Plan

- a) A comprehensive sign plan showing the size, type, location, and number of signs for each parcel. The design, placement and colour of the signs shall be coordinated with the architectural elements of the building and take into consideration the intent of the Design Guidelines;
- b) No permanent sign shall be placed on the parcel until a Comprehensive Sign Plan has been submitted and approved by the Manager;
- c) Prior to approving a Comprehensive Sign Plan the Manager shall consider:
  - i) conformance of the proposed signs with the bylaw and design guidelines;
  - ii) the consistency of the plan with signs on adjoining parcels; and
  - iii) the recommendation of the University Endowment Lands Advisory Planning Committee;
- d) When a Comprehensive Sign Plan is approved, all signs placed on a parcel must be in compliance with the Comprehensive Sign Plan for that parcel.

(12) Application for Sign Permit

- a) Before any person places, erects or alters a sign, that person shall make application in writing to the Manager and shall obtain a sign permit.

- b) An application shall be on a form prescribed by the Manager and shall include:
  - i) a statement by the owner confirming that they approve the application and that the proposed sign conforms with the Comprehensive Sign Plan;
  - ii) drawings to scale for each side of the sign, giving all pertinent dimensions as well as the colour scheme, materials, copy and type face, and details of surrounding framework and structural mounting details; and
  - iii) drawings to scale showing the position of the sign painted on or attached to the building or structure together with the location of any existing signs.