

UNIVERSITY ENDOWMENT LANDS

LAND USE AND DEVELOPMENT BYLAW XXX, 2010

DRAFT

Adopted: _____

**A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT
OF REAL PROPERTY
WITHIN THE UNIVERSITY ENDOWMENT LANDS**

DRAFT 3.3

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UNIVERSITY ENDOWMENT LANDS

BYLAW NO. XXX, 2010

A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT OF REAL PROPERTY WITHIN THE UNIVERSITY ENDOWMENT LANDS

WHEREAS the *University Endowment Land Act* authorizes the Minister to enact bylaws respecting the use of land, buildings, and structures;

NOW THEREFORE the Minister in open meeting assembled enacts as follows:

DIVISION 100 • SCOPE

101 • TITLE

This Bylaw may be cited for all purposes as "University Endowment Lands Land Use and Development Bylaw No. XXX, 2010".

102 • PURPOSE

The principal purpose of this Bylaw is to regulate land use and development within the University Endowment Lands for the benefit of the community as a whole.

103 • APPLICATION

- (1) This Bylaw shall apply to the area defined as: District Lot 140 and that part of Lot 6494, shown on Plan 11469, Group 1, New Westminster District.
- (2) No *land*, water surface, *building* or *structure* shall be used or occupied, and no *building* or *structure* or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, except as otherwise provided for in this Bylaw, the *University Endowment Land Act*, or the *Local Government Act*.
- (3) 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.

104 • MANAGER OF THE UNIVERSITY ENDOWMENT LANDS

- (1) The *Manager* is granted the authority to enforce this Bylaw.
- (2) The *Manager* or his/her 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/her 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/her 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.

105 • COMMUNITY ADMINISTRATION

- (1). Before adopting or amending a bylaw that pertains to any portion of the University Endowment Lands, the *Minister* will refer the proposed bylaw or amendment to the *Community Advisory Council* and to the *Advisory Design Panel*.
- (2) 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.

DIVISION 200 • DEFINITIONS

In this Bylaw:

- **accessory building or structure** means a *building* or *structure* detached from the *principal building* on separate foundations located on a *lot*, the use of which *building* or *structure* is incidental and ancillary to the *principal permitted use* of the *land*, *buildings* or *structures* located on the same lot;
- **accessory use** means a use combined with, but clearly incidental and ancillary to, the *principal permitted uses* of *land*, *buildings* or *structures* located on the same *lot*;
- **Advisory Design Panel** means the committee established pursuant to Policy 4.1 of the University Endowment Lands *Official Community Plan*;
- **accessory boarding use** means an *accessory use* of one or more sleeping units contained within a *dwelling unit* for the accommodation of no more than two persons not being members of the *family* occupying the *dwelling unit*;
- **accessory suite** means a separate *dwelling unit* which is completely contained within a *principal building* containing a bathroom, sleeping and living areas, and cooking facilities and areas, and is of a size that is clearly incidental to the size of the *principal dwelling unit*;
- **amenity space** means a self-contained unit, with kitchen and washroom facilities.
 - a) "residential 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) "community village space" means the use of the premises by the University Endowment Lands, the Community Advisory Council or other groups approved by the UEL or the Community Advisory Council for community meetings, or other similar uses but, not for sleeping accommodation;
- **alter** means any change to a *building* or *structure* that would result in an increase in *floor space*;
- **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;
- **Area** means:
 - (a) "Area A" means the SF-A 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-B 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 SF-C district bounded by the City of Vancouver on the north and east, Tasmania Road on the west and University Golf Course on the south.
- (d) "Area D" the area bordered by University Boulevard, Agronomy Road, Toronto Road and Wesbrook Mall and includes Block F;
- **balcony** means a projection from the second or higher *storey* of a *building*, and except for a guard rail, is not enclosed;
- **basement** means a space between two floors, with the floor of the *storey* above being located 1.2 meters or less above the *average grade*, except where a *building* constructed prior to May 31, 1989, in which case it means a space between two floors, with the floor of the *storey* above being located 1.8 meters or less above the *average grade*;
- **bay window** means a projection from the wall of a *building* that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor structure;
- **bed and breakfast** means an *accessory use* of a *dwelling unit* in which bedrooms are rented to paying customers on an overnight basis with no more than one meal served daily and before noon;
- **breezeway** means a connection between a *principal building* and an *accessory building* that is not heated or insulated and cannot be used to connect two separate components of a *principal building*;
- **building** means any *structure* designed, erected, or intended for the support, enclosure, or protection of persons or property;
- **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;
- **community centre** means any *building* used for purposes of community assembly;
- **Community Advisory Council** means the Council established to Policy 4.1 of the University Endowment Lands *Official Community Plan*;
- **derelict vehicle** means a car, boat, truck or similar vehicle that has not been licensed for a period of one (1) year and is not enclosed within a *structure* or *building*;
- **development** means the carrying out of any *building*, engineering, construction or other operation in, on, over or under *land* or water, or the construction, addition or alteration of any *building* or *structure*;
- **dwelling unit** means one or a set of habitable rooms used or intended to be used for the residential accommodation of one *family* and containing only one set of cooking facilities;

- **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;
- **family day care** means the use of a *dwelling unit* for the care of not more than seven (7) children, licensed under the *Community Care Facility Act*;
- **fence** means a type of screening or divider consisting of a *structure* that is used to form a boundary or enclose an area, but excludes hedges, trees and other types of natural vegetation;
- **floor space** means the calculation pursuant to Section 402(7) of this Bylaw;
- **floor space ratio** means the figure obtained when the *floor space* of a *building* on a *parcel* is divided by the area of the *parcel*;
- **fraternity or sorority house** means *lodging house*;
- **garage** means a *building*, or part thereof, used or intended to be used for the shelter, storage, or repair of automobiles;
- **gasoline service station** means a *building* or *land* used or equipped to be used for the retail sale of motor fuels and lubricants and may include accessory retail sales;
- **grade, average** means the sum of the average of the lesser of natural or finished *grade* at each side of the *structure* divided by the sum of the length of the sides of the *structure*;
- **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 a BC Land Surveyor;
- **grade, finished** means the final ground elevation around the perimeter of the *building* after development but excluding where permitted:
 - (a) light wells providing they do not:
 - i) extend more than 1.5 meters from the *building*; and
 - ii) exceed in length 25% of the length of the wall.
 - (b) *basement* stairs providing they do not:
 - i) extend more than 1.2 meters from the *building*; and
 - ii) exceed 4.6 meters feet in length.
 - (c) sunken patios providing they do not:
 - i) exceed an area of 14 square meters;
 - ii) extend more than 3 meters from the *building* ;
 - iii) exceed a length of 4.6 meters along the wall; and
 - iv) exist on the same side of the of the *building* as a depressed vehicle access;
- **grocery market** means a single shopping facility, of at least 464.7 square meters, whose primary business is to offer fresh produce, fresh and/or frozen meats, packaged goods, canned goods. baked goods and dairy products. The amount of *floor space* dedicated to the sale of candy, canned/bottled beverages, take-out foods, newspapers and magazines shall not exceed 10%

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

- **half storey** means a *storey* under a gable, hip, or gambrel roof, the wall-plates of which on at least two opposite exterior walls are not more than 0.6 meters above the floor of such *storey* and does not exceed 66% of the *storey* immediately below;
- **height of buildings** means the vertical distance between the highest point of the *building* and the *average grade*;
- **highest point** means:
 - (a) the highest point of a flat roof;
 - (b) the highest point of a mansard roof;
 - (c) the midpoint between a point 2.4 meters 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% of the roof area viewed directly from above;
- **highway** includes a public street, road, path, lane, walkway, trail, bridge, viaduct, thoroughfare and any other way, but specifically excludes private rights of way on private property;
- **home occupation** means a craft or occupation conducted as an *accessory use* subordinate to the *principal use* of a *dwelling unit*;
- **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;
- **horticulture** means the use of *land* for growing grass, flowers, ornamental shrubs and trees;
- **impervious surface** means a surface above or below grade that promotes run off of precipitation instead of infiltration into the subsurface;
- **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;
- **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;
- **junk yard** means any *building* or *land* used for the wrecking, salvaging, dismantling or disassembly of vehicles, vehicle parts, vehicle frames or vehicle bodies;
- **land** means real property without improvements, has the same meaning as in the *Assessment Act*, and includes the surface of water;

- **lane** means a public way which affords only a secondary means of vehicular access to a *lot* at the side or rear more than 3.0 meters but less than 10 meters in width;
- **line of 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;
- **line of building, front** means the line of *building* which faces the *front lot line*;
- **line of building, rear** means the line of *building* which faces the *rear lot line*;
- **line of building, side** means the line of *building* which faces the *side lot line*;
- **loading space** means a space for the loading or unloading of a vehicle, either outside or inside a *building* or *structure*, but specifically excludes maneuvering aisles and other areas providing access to the space;
- **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*;
- **lot** means the same as *parcel*;
- **lot area** means the area defined by the total exterior boundary of a *lot*;
- **lot, corner** means a *lot* at the intersection or junction of two or more streets, or of a street and a *lane* which is not less than 6.0 meters in width;
- **lot coverage** means the percentage of a *lot* 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 covered patios; but excluding steps, eaves not exceeding 0.9 meters, and decks or portions of decks built above ground level not exceeding a height of 0.6 meters above the higher of *natural* or *finished grade* below such deck;
- **lot, interior** means a *lot* other than a *corner lot*;
- **lot lines** means the lines bounding a *lot*;
- **lot line, exterior side** means the *lot line* or lines not being the *front* or *rear lot line*, common to the *lot* and a street;
- **lot line, front** means the *lot line* common to the *lot* and an abutting street. Where there is more than one *lot line* abutting a street, the shortest of these lines shall be considered the front lot line except for those *lots* that are otherwise designated on Schedule B. In the case of a *panhandle lot*, the *front lot line*, for the purpose of determining setback requirements, is at the point where the access strip ends and the *lot* widens;
- **lot line, interior side** means a *lot line* not being a *rear lot line*, common to more than one *lot* or to the *lot* and a *lane*;

- **lot line, rear** means the *lot line* parallel to or approximately parallel to or opposite to the *front lot line* or where the rear portion of the *lot* is bounded by intersecting *side lot lines*, it shall be as designated on Schedule B;
- **lot line, side** means the *lot line* not being a *front* or *rear lot line*;
- **lot size** means the same as *lot area*;
- **lot, through lot** means a *lot* having a frontage on two parallel, or approximately parallel, streets;
- **m** means the metric measurement distance of a meter;
- **m²** means square meters;
- **Manager** means a person appointed by the Minister pursuant to the *University Endowment Land Act*;
- **Minister** means the minister of the provincial government responsible for the *University Endowment Land Act* or his/her delegate;
- **minimum lot size** means the smallest area into which a *lot* may be subdivided;
- **minimum site area** means the size of a *lot* that is required for the development of a *permitted use*;
- **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;
- **n/a** means not applicable to this category;
- **non-conforming use** means a use of a *building* or *land* which does not conform with the prescribed use regulations of the *zone* in which it is situated;
- **new** means subsequent to the adoption of this bylaw;
- **Official Community Plan** means the Official Community Plan Bylaw for University Hill that is adopted pursuant to the *University Endowment Land Act*;
- **open** means that the portion of a deck or *balcony* facing the street or *rear lot line* shall be open or protected by guard rails the height of which shall not exceed the minimum specified in the Building Code;
- **off-street parking** means the use of *land* for the parking of vehicles other than on a *highway* including the *parking spaces* and the manoeuvring aisle;
- **outdoor storage area** means an area outside a *building* that is used for the storage of garbage containers, maintenance materials and equipment, and similar activities;
- **panhandle lot** means any *lot*, the *building* area of which is serviced and gains street frontage through the use of a relatively narrow strip of *land* which is an integral part of the *lot*, called "the access strip";
- **parcel** 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;

- **park** means public *land* used or intended for outdoor recreation purposes, and includes an archaeological, historical or natural site;
- **parking area** means a portion of a *lot* that is used to accommodate *off-street parking*;
- **parking space** means a 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;
- **parking use** means providing *parking spaces* for the temporary parking of vehicles where such use is the *principal use* of the *lot* or *building*;
- **permitted land use** means the principal permissible purpose for which *land*, *buildings* or *structures* may be used;
- **personal service establishment** means the use of a *building* where personal services are provided and goods accessory to the provision of such services may be sold and includes a barber shop, beauty salon, shoe repair shop, dry cleaning, laundromat, electrical appliance repair, upholstery, watch repair, photographer, tailor or dressmaker, and similar services;
- **premises** means the *buildings* and *structures* located on a *lot*;
- **principal building** means the *building* for the principal use of the *lot* as listed under the *permitted uses* of the applicable *zone*;
- **principal use** means the primary use of *land*, *buildings* or *structures* on the *lot*;
- **property line** means *lot line*;
- **residential storage space** means *floor space* 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 space* for clothes closets, linen closets, or kitchen or bathroom cupboards;
- **retaining wall** means a *structure* erected to hold back or support a bank of earth;
- **road** means the portion of a *highway* that is improved, designed, and ordinarily used for vehicular traffic;
- **seniors supportive or assisted housing** means the use of a *building* for residential units designed to accommodate seniors as they age including separate common areas for dining and socialization, and the provision of meals, housekeeping and personal care;
- **setback** means the required minimum horizontal distance between a *building*, *structure*, or use and each of the respective *lot lines*;
- **single-family dwelling** means a separate *building* designed exclusively for one *family* and containing only one kitchen or food preparation area;

- **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 disabled 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;
- **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;
- **strata lot** means a strata *lot* as defined by the *Strata Title Property Act*;
- **structure** means anything constructed or erected, the use of which requires its permanent location on or in the ground, or its attachment to something having a permanent location on the ground;
- **subdivision** means the division of *land* into two (2) or more *parcels*, whether by plan, apt description, words, or otherwise;
- **yard** means a part of the *lot* which is unoccupied and unobstructed by *buildings*;
- **yard, exterior side** means a yard extending from the *front yard* to the *rear yard* flanking a road and measured between the *exterior side lot line* and the *side line of building*;
- **yard, front** means a yard extending across the full width of the *lot* from the *front lot line* to the *front line of the building*;
- **yard, rear** means a yard extending across the full width of the *lot* from the *rear line of building* to the *rear lot line*, except in the case of a triangular lot in which case it shall not include any portion of the required *front yard*;
- **yard, side** means a yard extending from the *front yard* to the *rear yard* and measured between the *side lot line* and the *side line of the building*;
- **zone** means a zoning district established by the Bylaw.

DIVISION 300 • GENERAL REGULATIONS

301 • GENERAL OPERATIVE CLAUSES

- (1) No *land, building* or *structure* in any *zone* shall be used for any purpose

other than that specified for the *zone* in which it is located in accordance with the Zoning Map.

- (2) No *building* or *structure* shall be constructed, sited, moved or altered unless it complies with the General Regulations of this Bylaw and all regulations and requirements specified for the *zone* in which it is located.
- (3) No *parcel* shall be created by *subdivision* unless:
 - (a) such *parcel* is equal to or greater than the *minimum lot size* specified for the *zone* in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw; or
 - (b) the *subdivision* is for a realignment of a *lot line* and no additional *parcels* would be created.

302 • PROHIBITED USES OF LAND, BUILDINGS, STRUCTURES AND WATER

- (1) Unless a *zone* expressly provides otherwise, the following uses shall be prohibited in all *zones*:
 - (a) temporary accommodation in the form of a tent or trailer used for habitation;
 - (b) the storage of *derelict vehicles*; or
 - (c) a *junk yard*.
- (2) No part of any *single family dwelling* shall be used for the purpose of accommodating an *accessory suite*.
- (3) Except on *lots* which have been zoned for *multi-family development*, not more than one *dwelling* for one *family* shall be erected on any one *lot*, and no residence, *building* or *lot* may be partitioned, subdivided, or rented with the intent or purpose that any parts thereof shall be used or occupied by more than one *family*.

303 • NON-CONFORMING USES AND SITING OF BUILDINGS

- (1) A use shall be deemed to be a *non-conforming use* if it does not conform to the prescribed regulations of the *zone* in which it is situated.
- (2) A *building* or use shall be deemed to conform to the requirements of the *zone* in which it is situated if the *building* or use conforms to the terms of a development permit which authorized any alteration in the requirements or if an alteration of the Bylaw has been made.
- (3) *Land* and or *buildings* with *non-conforming uses* or non-conforming siting shall be subject to conditions in Section 911 of the *Local Government Act*.

304 • EXCEPTIONS TO SITING REQUIREMENTS

- (1) Where chimneys, cornices, headers, gutters, pilasters, sills, *bay windows* or ornamental features project beyond the face of a *building*, the minimum distance to an abutting *lot line* as required elsewhere in this Bylaw may be reduced by not more than 0.6 meters providing such reduction shall only apply to the projecting feature.
- (2) Where steps, eaves, sunlight control projections, canopies, or light wells project beyond the face of a *building*, the minimum distance to an abutting *lot line* as required elsewhere in this Bylaw may be reduced by not more than 1.0 meter provided that the minimum distance of the projecting feature to any *lot line* shall not be less than 1.0 meter.
- (3) Sunken patios and stairwells may be permitted within required *exterior side and rear yards* in accordance with the requirements in Section 304(8).
- (4) Notwithstanding Section 304(1), *bay windows* may project within a required *front, side, and rear yard setback* provided that the projections:
 - (a) do not exceed 35% of the length of an exterior wall of the *building* measured parallel to the *setback* line;
 - (b) have a maximum depth of 0.6 meters; and
 - (c) do not extend continuously for 2 *storeys*.
- (5) Structures for the support of plants and vines, such as *open* pergolas or trellises, may project within a required *setback* area provided they do not exceed 2.4 meters in *height*.
- (6) Siting exemptions for *accessory buildings* shall be in accordance with Section 309(3).
- (7) Covered entry porches shall be permitted to project into a *front yard setback* a maximum of 1.5 meters 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*; and
 - (d) the roof *height* does not exceed 3.66 meters measured from the porch floor.
- (8) On a *corner lot*, a portion of the *principal building* may extend into the *exterior side yard* providing:
 - (a) the maximum extension cannot exceed 1/3 of the required depth of the *exterior side yard setback*;

- (b) the portion extending into the *exterior side yard* is limited to one *storey*; and
 - (c) the *exterior side yard* is not reduced to less than 6.1 meters.
- (9) Access to an underground parking structure or *garage* may project within a required *setback* area provided that the *structure* is entirely below *finished grade*.
- (10) An underground parking structure for a commercial, *multiple family* residential, or institutional *building* may project within a required *setback* area provided that the *structure* is entirely below *finished grade*.
- (11) For purpose of parking a vehicle, a portion of a *principal building* may project within a *side yard setback* provided that the projection is no greater than 28 square meters and no wider than 3 meters.

305 • EXCEPTIONS TO HEIGHT REQUIREMENTS

The limitation in respect to the *height* of *buildings* specified in this Bylaw shall not apply to the chimneys, domes and spires of churches, and elevator and mechanical rooms, providing the same do not exceed 10% of the *lot coverage* of the *principal building*.

306 • SIZE, SHAPE AND SITING OF BUILDINGS & STRUCTURES

- (1) No more than one *principal building* may be sited on one *lot*, except as otherwise specified in this Bylaw.
- (2) No *building* or *structure* shall be constructed, reconstructed, sited, altered, or extended so as to cause any existing *building* or *structure* on the same *lot* to violate the provisions of this Bylaw.
- (3) The *interior lot line setbacks* of this Bylaw shall not apply to adjoining *strata lots* under a deposited plan pursuant to the *Strata Property Act* where there is a common wall shared by two or more units within a building.

307 • UNDERSIZED PARCELS

Parcels of *land* that are shown on a plan deposited in the Land Title Office prior to the adoption of this Bylaw, which have less than the *minimum lot size* requirement as established in the *zone* in which that parcel is situated may be used for any use permitted in that *zone*, subject to all the regulations for that *zone*.

308 • HOME OCCUPATION USE

In any zone in which a *home occupation* use is permitted, the following conditions shall be satisfied:

- (1) The activities shall be conducted entirely within the *principal building* or *accessory building* except where such activity involves horticulture or a *family day care*.
- (2) The use shall not involve the storing, exterior to the *building* or *buildings*, of any materials used directly or indirectly in the processing or resulting from the processing or any product of such craft or occupation.
- (3) The use may involve the display and the sale of a commodity that is produced on the premises, however in no case shall the retailing of the commodity be the primary *home occupation* use.
- (4) The use within the *principal building* shall occupy no more than 10% of the *floor space* of the *principal building*, up to a maximum of 30 m².
- (5) The use within one or more *accessory building* shall occupy a total of not more than 23 m².
- (6) In no case shall the aggregate *floor space* of all *buildings* used for *home occupation* use exceed 30 m² on a parcel of *land*.
- (7) There shall be nothing to indicate from the exterior of a *dwelling unit* or a *building* that it is being used for any purpose other than its principal or approved use other than one outdoor advertising sign that shall not exceed 0.1 m².
- (8) The use or occupation shall be solely operated by a person resident in the *dwelling unit* and shall not involve the employment of more than one full-time employee on the premises.
- (9) Home crafts or occupations shall not discharge or emit the following across *lot lines*:
 - (a) odorous, toxic or noxious matter or vapours;
 - (b) heat, glare, electrical interference or radiation;
 - (c) recurring ground vibration; or
 - (d) noise levels exceeding 45 decibels.
- (10) One *off-street parking space*, in addition to the parking requirement for a *principal dwelling unit*, shall be provided if there is an employee of the *home occupation* from off the premises, except for a multiple family dwelling in which case no additional parking spaces will be required.
- (11) No automobile, boat, or other machinery servicing repair is permitted as a *home occupation* use.
- (12) No *home occupation* operation shall operate without a business license.

309 • ACCESSORY BUILDINGS AND STRUCTURES

- (1) *Buildings and structures* containing an *accessory use* are permitted in each *zone*, unless otherwise specified, provided that:
 - (a) the *principal use* is being carried out on the *parcel*;
 - (b) a *building* for the purpose of the *principal use* has been constructed on the *parcel*; or
 - (c) a *building* for the purpose of the *principal use* is in the process of being constructed on the *parcel*.
- (2) An *accessory building* or *structure* shall not contain a *dwelling unit*, but may contain a toilet, bath, or shower facility.
- (3) An *accessory building* may be located within the required *rear yard* and within one of the required *side yards* providing that the *accessory building* is sited not less:
 - (a) 1.5 meters from any *interior side lot line*, except in the case of an *accessory building* that has a *floor space* of not more than 47 square meters *zone* in which case the *setback* may be reduced to 1 meter;
 - (b) 4.6 meters from an *exterior side lot line*;
 - (c) 1.2 meters from a *rear lot line* where there is a *rear lane* abutting the *rear lot line*; and
 - (d) 1.5 meters from a *rear lot line* where there is no *rear lane*.
- (4) The total *floor space* for all *accessory buildings* shall not exceed:
 - (a) a *floor area ratio* of 0.05 in SF-A;
 - (b) a *floor area ratio* of 0.05 in SF-C with every *lot* entitled to a minimum of 47 square meters of *floor space*; and
 - (c) a *floor area ratio* of 0.075 in all other zones,and in no case shall the total floor space for all *accessory buildings* exceed 140 square meters.
- (5) Notwithstanding Section 309(4), when situated within a required *side yard* for a *principal building*, an *accessory building* shall not have *floor space* exceeding a total of 28 square meters.
- (6) No *accessory building* shall exceed 3.66 meters 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 4.6 meters above the *average grade*.
- (7) A breezeway connecting a *principal building* and an *accessory building* shall be considered as *floor space* of the *principal building* and the *floor*

space within the *principal* and *accessory building* shall be calculated separately.

- (8) Notwithstanding Sections 309(1) – 304(7), the following regulations shall apply to accessory buildings as follows within the MF-1, MF-2, C, I, and CD-1 zones:

(a) within the MF-1 and MF-2 zones:

- (i) the use of an *accessory building* must be ancillary to that of the *principal building*, and may not include one or more *dwelling units*;
- (ii) no *accessory building* shall exceed 3.66 meters 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 meters above the *average grade*;
- (iii) *accessory buildings* shall only be located in the *rear yard*; and
- (iv) the total *floor space*, measured to the extreme outer limits of the *building*, of all *accessory buildings* shall not be greater than 30% of the required *rear yard*;

than 4.6

(b) within the C zone:

- (i) the use of an *accessory building* must be ancillary to that of the *principal building*, and may not include one or more *dwelling units*;
- (ii) no *accessory building* shall exceed 3.66 meters 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 meters above the *average grade*;
- (iii) *accessory buildings* shall only be located in the *rear yard*; and
- (iv) the total *floor space*, measured to the extreme outer limits of the *building*, of all *accessory buildings* shall not be greater than 15% of the required *rear yard*;

than 4.6

(c) within the I zone:

- (i) the use of an *accessory building* must be ancillary to that of the *principal building*, and may not include one or more *dwelling units*;

than 4.6

- (ii) no *accessory building* shall exceed 3.66 meters 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 meters above the *average grade*;
- (iii) *accessory buildings* shall only be located in the *rear yard*; and
- (iv) the total *floor space*, measured to the extreme outer limits of the *building*, of all *accessory buildings* shall not be greater than 15% of the required *rear yard*.

310 • ACCESSORY SUITE

- (1) An *accessory suite* shall only be permitted within the *principal dwelling unit* when permitted in the *zone* in which the *lot* is located.
- (2) Only one *accessory suite* shall be permitted per *lot*.
- (3) An *accessory suite* shall not exceed a total *floor area* of 56 square meters or 25% of the total *floor space* of the *single family dwelling* whichever is less.
- (4) The owner of a *single family dwelling* containing an *accessory suite* shall be resident of either the *principal dwelling unit* or the *accessory suite*.
- (5) The principal entrance to an *accessory suite* must be a separate exterior entrance from that of the *principal dwelling unit* and must not face the same *street* as the principal exterior entrance to the *principal dwelling unit*.
- (6) *Off-street parking* shall be provided and maintained in accordance with Division 600 of this bylaw.
- (7) An *accessory suite* must satisfy all the applicable requirements of the *BC Building Code*.

311 • OBSTRUCTION OF VISION

On a *corner lot* in any *zone* there shall be no obstruction to the line of vision between the heights of 1.0 m and 3.0 m above the established grade of a

highway (excluding a *lane*) or an access route within a strata title subdivision within the sight triangle, being a triangular area formed by extending a 6.0 meter boundary along the *lot lines* from the point of the exterior corner intersection of the *lot lines* and a line connecting these two points.

312 • FENCES AND WALLS

No *fence*, wall, or *retaining wall* shall have a *height* greater than:

(a) in the SF-A, SF-B, and MF zones:

- (i) 1.2 meters within a required *front yard* or *exterior side yard* except for a gate for a driveway and one entrance walkway in which case the maximum *height* may be 2 meters, or a trellis and pergola which may have a maximum *height* of 2.4 meters; and
- (ii) 2.0 meters within any other portion of a *lot*; and

(b) in the SF-C zone:

- (i) 1.2 meters within a required *front yard* or *exterior side yard*; and
- (ii) 2.0 meters within any other portion of a *lot*,

except in the case of a *retaining wall* required to provide access to underground parking.

313 • TENNIS COURTS AND SWIMMING POOLS

- (1) Notwithstanding Section 312, where a *fence* is constructed around a tennis court, the maximum *height* of such *fence* shall not exceed 3.0 meters 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.
- (2) A tennis court shall not be located within a *front yard*.
- (3) A tennis court shall not be artificially illuminated.
- (4) Accessory *buildings* related to a swimming pool shall comply with Section 309.
- (5) A swimming pool may be located within the *side* or *rear yards* of a *lot* provided that it is sited not less than 1.5 meters from the side or *rear lot line*.
- (6) A swimming pool may be located within a *front yard* provided that it is sited not less than 15.2 meters from the *front lot line* and not less than 6 meters from the *side lot line*.

314 • SIGNS

- (1) In a residential zone:
 - (a) no billboards, placards, advertising, or signs of any kind shall be erected or displayed on the premises or any part thereof, or in any window or door except as permitted for signs pertaining to uses permitted in a residential *zone* other than as provided in Section 314(3); and
 - (b) no window or other display in respect to the uses permitted in the *zone* shall be made nor any sign, lighted or unlighted, shown other than fixed to the *building* and not exceeding an area of 0.1 square meters, and any such sign so permitted shall bear only the name and the profession or vocation of the owner of the sign.
- (2) In an institutional zone:
 - (a) no sign, bulletin board or billboard shall be erected, other than a sign relating to the name of the owner and the type and the character of the activity conducted within the *building*, which sign shall be attached to the *building* and which does not exceed 2.8 square meters in area;
 - (b) the placement of a sign may be permitted that extends beyond the *lot line* provided that the sign:
 - i) has all supporting devices that are no lower than 2.4 meters above grade;
 - ii) carries the seal of a Professional Engineer with respect to the structural design of the sign and its support system;
 - iii) is the subject of an encroachment agreement; and
 - iv) conforms with applicable design guidelines; and
 - (c) signs must not be positioned or placed in such a way so as to substantially block pedestrian's views of signs belonging to other establishments.
- (3) In a residential or institutional zone, up to two sign-boards, not exceeding 0.6 square meters each in area, pertaining to the sale or rent of the *lot* shall be permitted to be placed upon the *lot* provided that the sign-boards are maintained in good repair and that the sign-boards are not also used for the posting of placards, advertising or other signs that are not related to the sale or rent of the property.
- (4) In a commercial zone,

- (a) no sign, bulletin board or billboard shall be erected, other than a sign relating to the name of the owner and the type and the character of the business conducted within the *building*, which sign shall be attached to the *building* and which does not exceed 0.6 square meters in area;
- (b) the placement of a sign may be permitted that extends beyond the *lot line* provided that the sign:
- i) has all supporting devices that are no lower than 2.4 meters above grade;
 - ii) carries the seal of a Professional Engineer with respect to the structural design of the sign and its support system;
 - iii) is the subject of an encroachment agreement; and
 - iv) conforms with applicable design guidelines;
- (c) signs must not be positioned or placed in such a way so as to substantially block pedestrian's views of signs belonging to other establishments;
- (d) the following signs are prohibited:
- i) billboards;
 - ii) revolving signs;
 - iii) banners, pennants, bunting, flags (other than national, provincial, municipal flags), balloons or other gas-filled inflatable devices;
 - iv) roof signs;
 - v) changeable copy signs;
 - vi) sandwich boards or any other temporary signs;
 - vii) back-lit signs;
- (e) signs on awning drops shall be subject to the following regulations:
- i) maximum awning drop/skirt of 0.4 meters 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;
- (f) hanging signs shall be subject to the following regulations:

- i) minimum clearance of 2.4 meters above grade;
 - ii) maximum area 0.6 square meters; and
 - iii) mounted in the middle one-third of the frontage of the premises under awnings and canopies;
- (g) window signs shall be subject to the following regulations:
 - i) maximum area of 0.6 square meters;
 - 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;
- (h) building directories shall be subject to the following regulations:
 - i) maximum area of 0.6 square meters; and
 - ii) located at the front entrance of *building*;
- (i) a maximum of two permanent signs shall be permitted per business frontage;
- (j) exposed surfaces of signs may be constructed of any material with the exception of plastic, fibreglass, plywood or particle board either painted or unfinished;
- (k) colour of signage must be coordinated with the building facade with which it is associated;
- (l) 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;
 - ii) individual halo-lit lettering or symbols mounted on a solid, opaque background; and
 - iii) neon signs are permitted as a form of illuminated signage;
- (m) signs shall not be located higher than the finished third floor level;

- (n) the maximum permitted lettering size on any sign is 0.3 meters; and
- (o) signs located over pedestrian areas or sidewalks shall have a minimum clearance of 2.4 meters above grade.

DRAFT 33

DIVISION 400 • ZONING DISTRICTS

401 • ZONING MAP AND DISTRICTS

- (1) For the purpose of this bylaw, the University Endowment Lands is

hereby divided into zoning districts as shown upon the plan in Schedule A of this bylaw entitled "Zoning Map" which, with all explanatory matter on it, accompanies and forms part of this bylaw.

- (2) The zoning districts, as shown on the Zoning Map, are as follows and the requirements of each zoning district schedule as set out in Division 400 of this bylaw shall be applied to areas designated on the Zoning Map with the corresponding alpha-numeric symbol:

Section	Zoning District Name	Short Form
403	Single Family Residential (Area A)	SF-A
404	Single Family Residential (Area B)	SF-B
405	Single Family Residential (Area C)	SF-C
406	Multiple Dwelling Residential 1	MF-1
407	Multiple Dwelling Residential 2	MF-2
408	Local Commercial	C
409	Institutional and Public Use	I
410	Comprehensive Development	CD-1

402 • INTERPRETATION

(1) ***Permitted Uses***

The list of uses under the heading "Permitted Uses" in each of the zoning districts set out in this Division shall be interpreted to mean the uses listed in that particular zoning district and no others shall be permitted.

(2) ***Minimum Lot Size***

The minimum size for a lot in the SF-A, SF-B, and SF-C zones shall be the minimum area of a lot that can be created for subdivision purposes.

(3) ***Maximum Number and Size***

Where a "Buildings and Structures" and a "Maximum Number and Size of Buildings and Structures" regulation applies in a zoning district, such regulation shall be interpreted as meaning that a *lot* which is designated on the Zoning Map as being regulated by that schedule shall not be occupied by:

- (a) a greater number of *dwelling units* than the number specified, and
- (b) a *building* or *structure* that exceeds the amount of *floor space* that is specified.

(4) ***Maximum Heights***

The specification of measurements for *buildings*, *structures* or *accessory buildings* under the general heading of "Maximum Heights" in a zoning district schedule shall be interpreted as meaning the greatest height of a

building, as *height of building* is defined in this bylaw, to which a *building, structure* or *accessory building* may be constructed on a *lot* which is designated on the Zoning Map as being regulated by that schedule.

(5) *Minimum and Maximum Setbacks from Property Lines*

The specification of measurements for *front yard, side yard* and *rear yard setbacks* under the general heading of "Minimum Building Setbacks" in a zoning schedule shall be interpreted as defining the minimum distance permitted for the siting of *buildings* and *structures* (except *fences*) from the *front, side* or *rear lot lines* or in some zoning districts as specified on Schedule B.

(6) *Maximum Lot Coverage*

Where a zoning district schedule includes a regulation entitled "Maximum Lot Coverage", such regulation shall be interpreted as meaning that a *lot* which is designated on the Zoning Map as being regulated by that schedule may not have a *lot coverage*, as defined in this bylaw, which exceeds the percentage specified for *buildings* and *structures*, and for *buildings, structures*, and *impervious surfaces*.

(7) *Maximum Floor Space Ratio or Maximum Floor Space*

Where a zoning district schedule includes a regulation entitled "Maximum Floor Space Ratio" or "Maximum Floor Space", it shall be interpreted to mean that a *lot* in an area designated as being regulated by that zoning schedule may not have *buildings* erected on that *lot* that exceed the maximum *floor space* or *floor space ratio*, as defined in this bylaw.

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

- (a) all floors having a minimum ceiling height of 1.2 meters to be measured to the extreme outer limits of the walls of the *building*;
- (b) stairways, fire escapes, elevator shafts and other similar features 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 3.7 meters, an amount equal to the area of the floor below the excess height; and
- (d) that portion of a *basement* within an *accessory building* that lies beyond the perimeter of the *building line* of the *building* above.

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

- (a) *open* balconies, *open* sun decks, and any other similar features;
- (b) *open* covered balconies, *open* covered sun decks, and any other similar *open* covered features provided that the total area of these exclusions does not exceed 10% of the permitted *floor space*;
- (c) *bay windows* in accordance with Section 304(3);
- (d) within a *principal building* used as a *single family dwelling*, a *garage*, carport, port cochere, or similar feature up to a maximum of 58 square meters, except in the case where the *floor space* is used for *off street parking* and is located entirely below *finished grade* in which case all of that *floor space* shall be excluded;
- (e) in *multiple family dwellings* or commercial buildings, floors or portions thereof which are located below *finished grade* and which are used for *off-street parking and loading*, heating and mechanical equipment, storage area, bicycle storage, elevators, stairs, and lobbies;
- (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 1.2 meters, and to which there is no permanent means of access other than a hatch;
- (g) *basements* within *principal buildings*; and
- (h) within *multiple family dwellings*, *child day care facilities* to a maximum *floor space* of 10% of the permitted *floor space*.

(8) *Zoning District Boundaries*

Where a *zone* boundary is designated as following a *highway*, the centre line of the *highway* shall be the *zone* boundary.

Where a *zone* boundary does not follow a legally defined *lot line*, and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Zoning Map.

Where a parcel is divided by a *zone* boundary, the areas created by such division shall be deemed to be separate *lots* for the purpose of determining the requirements of each zoning district.

403.1 Permitted Land Uses

- (1) *Single Family Dwelling*
- (2) *Accessory Boarding Use*
- (3) *Accessory Suite* subject to the requirements of Section 310
- (4) *Home Occupation* subject to the requirements of Section 307
- (5) *Accessory Uses*

403.2 **Buildings and Structures**

	<i>Maximum Number</i>	<i>Maximum Size</i>	<i>Maximum Height</i>
<i>Principal Buildings</i>	1	0.27 FSR ^(a)	7.6 m ^(b)
<i>Accessory Buildings and Structures</i>	2	Section 309 ^(c)	Section 309 ^(c)

(a) The maximum *floor space* for the *principal building* shall not exceed 390 square meters or a *Floor Space Ratio* (FAR) of 0.27 whichever is the lesser.

(b) The maximum *height* for the *principal building* shall not exceed 7.6 meters and 2 storeys.

(c) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

403.3 **Minimum Building Setbacks**

	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	Schedule B1 ^(a)			
<i>Accessory Buildings and Structures</i>	Section 309 ^(b)			

- (a) The minimum building setbacks for *principal buildings* are contained within Schedule B of this Bylaw.
- (a) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

403.4 **Maximum Lot Coverage:** 25% for *buildings* and 45% including *impervious surfaces*

403.5 **Minimum Lot Size:** 2600 square meters

403.6 **Off-Street Parking**

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

404 • SINGLE FAMILY RESIDENTIAL (AREA B)

SF-B

404.1 **Permitted Land Uses**

- (1) *Single Family Dwelling*

- (2) *Accessory Boarding Use*
- (3) *Accessory Suite* subject to the requirements of Section 310
- (4) *Home Occupation* subject to the requirements of Section 307
- (5) *Accessory Uses*

404.2 **Buildings and Structures**

	<i>Maximum Number</i>	<i>Maximum Size</i>	<i>Maximum Height</i>
<i>Principal Buildings</i>	1	See Note "a"	7.6 m ^(b)
<i>Accessory Buildings and Structures</i>	2	Section 309 ^(c)	Section 309 ^(c)

- (a) The *Floor Space Ratio* and the maximum *floor space* for the *principal building* shall not exceed the lesser of:
 - (i) for *lots* less than 1830 square meters, 0.27 or 458 square meters;
 - (ii) for *lots* between 1831 – 3255 square meters, 0.25 or 651 square meters;
 - (iii) for *lots* greater than 3255 square meters, 0.2 or 836 square meters.
- (b) The maximum *height* for the *principal building* shall not exceed 7.6 meters and 2 storeys.
- (c) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

404.3 **Minimum Building Setbacks**

	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	Schedule B2 ^(a)			
<i>Accessory Buildings and Structures</i>	Section 309 ^(b)			

- (a) The minimum building *setbacks* for *principal buildings* are contained within Schedule B of this Bylaw.
- (b) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

404.5 **Maximum Lot Coverage:** 25% for *buildings* and 45% including *impervious surfaces*

404.6 **Minimum Lot Size:** 4300 square meters

404.7 **Off-Street Parking**

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

405.1 **Permitted Land Uses**

- (1) *Single Family Dwelling* subject to Section 405.7
- (2) *Accessory Boarding Use*
- (3) *Accessory Suite* subject to the requirements of Section 310
- (4) *Home Occupation* subject to the requirements of Section 307
- (5) *Accessory Uses*

405.2 **Buildings and Structures**

	<i>Maximum Number</i>	<i>Maximum Size</i>	<i>Maximum Height</i>
<i>Principal Buildings</i>	1	0.35 FSR ^(a)	7.6 m ^(b)
<i>Accessory Buildings and Structures</i>	2	Section 309	Section 309

(a) The maximum *floor space* for the *principal building* shall not exceed 246 square meters or a *Floor Space Ratio* (FSR) of 0.35 whichever is the lesser.

(b) The maximum height for the principal building shall not exceed 7.6 meters and 2 storeys.

405.3 **Minimum Building Setbacks**

	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	Schedule B3 ^(a)			
<i>Accessory Buildings and Structures</i>	Section 309 ^(b)			

- (a) The minimum building *setbacks* for *principal buildings* are contained within Schedule B of this Bylaw.
- (b) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

405.4 **Maximum Lot Coverage:** 35% for *buildings* and 55% including *impervious surfaces*

405.5 **Minimum Lot Size:** 1160 square meters

405.6 **Off-Street Parking**

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

405.7 **Conditions of Use for Single Family Dwellings**

In addition to the regulations contained within Sections 405.1 – 405.6 of this *zone*, the following regulations shall apply to the construction of a *single family dwelling*:

- (1) **Size of Second Storey**

The second *storey* of a *single family dwelling* shall not:

- (a) have a footprint of more than 75% of the footprint of the first *storey* and shall be accomplished by an offset of the second *storey* level from either the *front* or *side line of building* at the first *storey* or a combination thereof; and
- (b) exceed 80% of the width of the first *storey* measured along the *front line of building*.

(2) Second Storey Decks and Balconies

Second storey decks and balconies on *an interior side* or *rear line of building* shall not have an area greater than 7.5 square meters.

(3) Height of Covered Front Entry

The *height* from the floor of the front entry of a *single family dwelling* to the ridge or highest point of:

- (a) a flat roof of the covered entry shall not exceed 3.7 meters; and
- (b) a gable, hip or vaulted roof of the covered entry shall not exceed 4.3 meters.

(4) Port Cocheres and Garages

Port cocheres and attached garages shall have a similar form, character, and detail as the primary portion of the *single family dwelling*.

(5) Landscaping

All portions of a *lot* not occupied with *buildings* and driveways shall be *landscaped*. *Landscaped* means any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch, decorative boulders, decorative paving, and planters arranged and maintained so as to embellish the appearance of a lot.

406.1 Permitted Land Uses

- (1) *Multiple Dwelling*
- (2) *Child Care Facility*
- (3) *Home Occupation* subject to the requirements of Section 307
- (4) *Accessory Uses*

406.2 Buildings and Structures

	Maximum Number	Maximum Size	Maximum Height
Principal Buildings	1	1.0 FSR ^(a)	13.7 m ^(b)
Accessory Buildings and Structures	2	Section 309 ^(c)	Section 309 ^(c)

- (a) The *Floor Space Ratio* (FSR) may be increased in excess of 1.0 where:
- i) the area of a *lot* exceeds 1115 square meters and the frontage of the lot is 24.4 meters or more, an amount up to 0.25 may be added; or
 - ii) required *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 up to 0.20 may be added, the exact amount to be the ratio of the number of *parking spaces* that are completely under cover to the total number of required *parking spaces*.
- (b) The maximum *height* for the *principal building* shall not exceed 13.7 meters and 4 storeys.
- (c) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

406.3 Minimum Building Setbacks

	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Principal Building	6 m	9.1 m ^(a)	6 m	4.6 m ^(b)
Accessory Buildings and Structures	Section 309 ^(c)			

- (a) Where the rear portion of the *lot* abuts a *lane*, this required setback shall be decreased by the width of *lane* between the *rear lot line* and the ultimate centre line of the *lane* up to a maximum reduction of 3 meters.
- Where the *principal building* or any portion thereof abutting the *rear yard* is 30.9.4 meters or less in width and is located 7.6 meter or more from an adjoining *lot*, it may extend up to 3 meters into the required *rear yard*.
- Where the *principal building* or any portion thereof abutting the *rear yard* is 15.2 meters or less in width and is located 7.6 meters or more from an adjoining *lot*, and where the average distance from the *building* to the *rear lot line* is 10.7

meters taken across the full width of the *lot*, the building or that portion thereof may extend up to 3 meters into the required *rear yard*.

- (b) A *side yard* with an average width of 4.6 meters shall be provided on each side of the *principal building*, but in no case shall the *side yard* be less than 1.5 meters.
- (c) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

406.4 Maximum Lot Coverage: 60% for *buildings* and 75% including *impervious surfaces*

406.5 Minimum Site Area: 650 square meters for a *multiple dwelling*

406.6 Off-Street Parking and Loading

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

407.1 Permitted Land Uses

- (1) *Multiple Dwelling*
- (2) *Child Care Facility*
- (3) *Home Occupation* subject to the requirements of Section 307
- (4) *Accessory Uses*

407.2 Buildings and Structures

	Maximum Number	Maximum Size	Maximum Height
<i>Principal Buildings</i>	1	1.25 FSR ^(a)	41.1 m ^{(b) (c)}
<i>Accessory Buildings and Structures</i>	2	Section 309 ^(d)	Section 309 ^(d)

- (a) The *Floor Space Ratio* (FSR) may be increased in excess of 1.25 where:
- i) the *lot coverage* is 50% or less, an amount equal to 0.012 may be added for each 1% of fraction thereof by which such coverage is reduced below 50%; and
 - ii) required *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 up to 0.20 may be added, the exact amount to be the ratio of the number of *parking spaces* that are completely under cover to the total number of required *parking spaces* multiplied by 0.2.
- (b) The maximum *height* for the *principal building* shall not exceed 41.1 meters provided that where any portion or portions of a *building* extends more than 14.6 meters above the *average grade*, neither the length nor the width of any such portion or portions combined shall exceed an amount equal to 25% of the sum of the average depth of the *lot* and the average width of the *lot*.
- (c) In the case of *buildings* over 14.6 meters in height, no part thereof shall project above lines extending over the *lot* at right angles from:
- i) all points along the ultimate centre line of any *street* in front of the *lot* and inclined at an average angle of 25 degrees to the horizontal;
 - ii) all points along the *rear lot line* of the *lot* 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;
 - iii) all points along any *interior side lot line* at ground level and inclined at an average angle of 30 degrees to the horizontal;
 - iv) in the case of a *corner lot*, 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.

For the purpose of computing the average angles of daylight on each side of the *lot*, each angle shall be multiplied by the length of the applicable portion of the *building* or *lot* 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 lot boundary.

- (d) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

407.3 **Minimum Building Setbacks**

	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	6 m	9.1 m ^(a)	6 m	4.6 m ^(b)
<i>Accessory Buildings and Structures</i>	Section 309 ^(c)			

- (a) Where the rear portion of the *lot* abuts a *lane*, this required setback shall be decreased by the width of *lane* between the *rear lot line* and the ultimate centre line of the *lane* up to a maximum reduction of 3 meters.
- (b) A *side yard* with an average width of 4.6 meters shall be provided on each side of the *principal building*, but in no case shall the *side yard* be less than 1.5 meters.
- (c) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

407.4 **Maximum Lot Coverage:** 60% for *buildings* and 75% including *impervious surfaces*

407.5 **Minimum Site Area:** 1860 square meters for a *multiple dwelling*. Where a *building* is erected in two or more parts (towers), the *lot* on which the *building* is located may be interpreted as two or more *lots* as the case may be, provided that the area of each *lot* created is a minimum of 2323.4 square meters, and parts of the *building* (towers) are not less than 24.4 meters apart.

407.6 **Off-Street Parking and Loading**

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

408.1 Permitted Land Uses

- (1) *Accessory Buildings*
- (2) *Accessory Uses* subject to Section 408(2)
- (3) Business School
- (4) *Child Care Facility*
- (5) 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
- (6) *Dwelling Units* in conjunction with any of the uses listed in this section subject to the requirements of Section 408.2
- (7) Financial Institution
- (8) Health Club or Spa
- (9) Office
- (10) *Parking Area* subject to the provisions of Division 600
- (11) Parking Garage subject to the provisions of Division 600
- (12) Personal Service Establishment
- (13) Restaurant, but not including a drive-in or drive through restaurant
- (14) Retail or Service outlets catering to the needs of neighbourhood residents and the non-resident day-time population of the University

408.2 Conditions for Permitted Land Uses

- (1) All occupied ground floor space shall be occupied by retail, *personal service establishment* or a restaurant catering to the needs of neighbourhood residents and the non-resident day-time population of the University or financial institutions.
- (2) All commercial uses listed in Section 408.1 shall be carried on wholly within a completely enclosed *building* except for the following:
 - a) parking and loading facilities;
 - b) restaurant; and
 - c) display of flowers, plants, fruits and vegetables.
- (3) The total *floor space* of all *accessory uses* shall not be greater than 25% of the *floor space* of the *principal use* and all *accessory uses* shall be located within the *principal building*.
- (4) For mixed use buildings, no portion of the first *storey* of a *building* to a depth of 10.7 meters 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.

408.3 Buildings and Structures

	<i>Maximum Number</i>	<i>Maximum Size</i>	<i>Maximum Height</i>
<i>Principal Buildings</i>	1	2.5 FAR ^(a)	13.7 m ^(b)
<i>Accessory Buildings and Structures</i>	2	Section 309 ^(c)	Section 309 ^(c)

(a) The *Floor Area Ratio (FAR)* shall not exceed 2.5 except that where any portion of a *building* is used for residential purposes, each 1.0 square meter of that residential portion shall be counted as 0.25 square meters for the purpose of this section.

(b) The maximum *height* for the *principal building* shall not exceed 13.7 meters and 4 storeys.

(c) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

408.4 Minimum Building Setbacks

<i>Use</i>	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	0 m ^(a)	3 m ^(b)	0 m ^(c)	0 m ^(d)
<i>Accessory Buildings and Structures</i>	Section 309 ^(e)			

- (a) No front yard shall be used for parking.
- (b) Where the rear portion of the *lot* abuts a *lane*, this required setback shall be decreased by the width of *lane* between the *rear lot line* and the ultimate centre line of the *lane*.
Where any portion of a *building* contains residential uses, that portion shall be set back a minimum of 7.6 meters from the *rear property line* across the full width of the *building*, except that where the rear of the *lot* abuts a *lane*, this required minimum setback shall be decreased by the width of the *lane* between the *rear lot line* and the ultimate centre line of the *lane*.
- (c) A setback of 1.2 meters shall be required for any *off street parking* area.
- (d) No *side yard* shall be required except where the *lot* adjoins, without the intervention of a *street* or *lane*, a lot located in a Residential Zoning District, in which case a *side yard*, not less than 3 meters in width, shall be provided on the side adjoining such Residential Zoning District. Where a *side yard* is provided, although not required, the minimum width shall be 0.9 meters.
- (e) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

408.5 Maximum Lot Coverage: Not Applicable

408.6 Off-Street Parking and Loading

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

408.7 Signage

Any signs in this *zone* shall be in accordance with the provisions of Section 319 of this Bylaw and shall be consistent with the provisions of applicable design guidelines for the Development Permit Area - Commercial.

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409.1 Permitted Land Uses

- (1) *Accessory Buildings*
- (2) *Accessory Uses* subject to Section 409(2)
- (3) Ambulance Station
- (4) *Child Care Facility*
- (5) Church
- (6) Club or Lodge (fraternal), provided that no commercial activities are carried on
- (7) Community Centre
- (8) Hospital, including a conversion from an existing building but not including a mental or animal hospital
- (9) *Institution of a religious, philanthropic or charitable character*
- (10) *Park* or playground
- (11) *Parking Area* ancillary to a principal use on an adjacent site
- (12) Public Authority Building or Use essential in this zone
- (13) Public Utility
- (14) School (public or private)
- (15) Social Service Centre operated by a non-profit society
- (16) *Special Needs Residential Facility*
- (17) *Seniors Supportive or Assisted Housing*

409.2 Conditions for Permitted Land Uses

- (1) The total *floor space* of all *accessory uses* shall not be greater than 25% of the *floor space* of the *principal use* and all *accessory uses* shall be located within the *principal building*.

409.3 Buildings and Structures

	Maximum Number	Maximum Size	Maximum Height
<i>Principal Buildings</i>	1	1.25 FSR ^(a)	13.7 m ^(b)
<i>Accessory Buildings and Structures</i>	2	Section 309 ^(c)	Section 309 ^(c)

- (a) The *Floor Space Ratio* may be increased in excess of 1.25 where required *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 up to 0.20 may be added, the exact amount to be the ratio of the number of *parking spaces* that are completely under cover to the total number of required *parking spaces* multiplied by 0.2.
- (b) The maximum *height* for the *principal building* shall not exceed 13.7 meters.
- (c) The regulations pertaining to *accessory buildings* are contained within Section 309 of this Bylaw.

409.4 **Minimum Building Setbacks**

<i>Use</i>	<i>Front Lot Line Setback</i>	<i>Rear Lot Line Setback</i>	<i>Exterior Lot Line Setback</i>	<i>Interior Lot Line Setback</i>
<i>Principal Building</i>	12.2 m	9.1 m ^(a)	6 m	4.6 m ^(b)
<i>Accessory Buildings and Structures</i>	Section 309 ^(c)			

- (a) Where the rear portion of the *lot* abuts a *lane* or *street*, this required setback shall be decreased by the width of the *lane* or *street* between the *rear lot line* of the *lane* or *street* up to a maximum reduction of 3 meters, except for *through lots* abutting Western Parkway and Wesbrook Crescent, the *rear lot line* shall be the portion abutting Western Parkway, and a *rear yard* with a minimum depth of 3.6 meters shall be provided.
- (b) A *side yard* with an average width of 4.6 meters shall be provided on each side of the *principal building*, but in no case shall the side yard be less than 5 feet.
- (c) The minimum building *setbacks* for *accessory buildings* are contained within Section 309 of this Bylaw.

409.5 **Maximum Lot Coverage:** 30% for *buildings* and 50% including *impervious surfaces*, except if the *principal use* is a *parking area*

409.6 **Minimum Site Area:** 2800 square meters

409.7 **Off-Street Parking and Loading**

Off-street parking spaces shall be provided in accordance with Division 600 of this Bylaw.

410.1 Permitted Land Uses

- (1) Appliance Repair Shop
- (2) Bank or Financial Institution
- (3) Barber/Beauty Parlour
- (4) Business School or Commercial School
- (5) *Child Day Care Facility*
- (6) Community Village Space
- (7) Convenience Store
- (8) 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
- (9) Electric Repair Shop
- (10) Grocery Market
- (11) Health Club
- (12) Liquor Store
- (13) *Multiple Dwellings*
- (14) Office
- (15) Outdoor Plaza and Courtyard
- (16) *Parking Area*, subject to the provisions of Section 410.13
- (17) Photography Studio or Photograph Gallery
- (18) Residential Amenity Space
- (19) Restaurant
- (20) Retail or Service outlets catering to the needs of the local neighbourhood
- (21) Shoe Repair shop
- (22) Service Outlet for the collection and distribution of laundered or dry-cleaned articles but, not for the treatment, cleaning or processing of such articles
- (23) Tailor Shop

410.2 Conditions for Permitted Land Uses

- (1) For Lots 1, 2, 3, 4, 5, 13, and 14 (Parcel I):
 - (a) all ground floor space on Lot 1, 2, 3, 4, 5, 13 and 14 (Parcel I), shall only be occupied by lobby space for access to upper floors or by the uses listed in Section 410.1, other than uses specified in Section 410.1 (8), (13), (14), and (18);
 - (b) all second floor space shall only be occupied by the uses listed in Section 410.1 above, other than the uses specified in Section 410.1 (13).
- (2) For 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 410.1 above, other than the uses specified in Section 410.1 (8), (13), (14), and (18); except for frontage along Dalhousie Road which may also be occupied Sections 410.1 (8) and (14);

- (3) For Block N (Parcel III):
All ground floor space on Block N (Parcel III) shall only be occupied by the uses listed in Section 410.1.
- (4) All commercial uses listed in this section shall be carried on wholly within a completely enclosed *building* except for the following:
 - (a) loading facilities;
 - (b) outdoor restaurant seating; and
 - (c) display of flowers, plants, fruits and vegetables.
- (5) All *buildings* within this *zone* shall:
 - (a) 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*; and
 - (b) 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.

410.3 Floor Space Ratio

- (1) Lots 1, 2, 3, 4, 5, 13, and 14 (Parcel I) shall have a maximum *Floor Space Ratio* of 2.5.
- (2) Block M (Parcel II) shall have a maximum *Floor Space Ratio* of 2.5.
- (3) Block N (Parcel III) shall have a maximum *Floor Space Ratio* of 2.5.
- (4) Notwithstanding Section 402(7), the following shall be included in the computation of the *Floor Space Ratio*:
 - (a) all floors having a minimum ceiling height of 1.2 meters, including earthen floor, both above and below ground level, to be measured to the outer limits of the glazing or where applicable to the center line of the building walls; and
 - (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.
- (5) Notwithstanding Section 402(7), the following will be excluded in the computation of *Floor Space Ratio*:

- (a) *open* residential *balconies* or sun decks, and any other appurtenances which are similar to the foregoing;
- (b) *open* patios and roof gardens, provided that the design of sunroofs and walls is approved;
- (c) where floors are used for *off-street parking and loading*, bicycle storage, heating mechanical equipment, recycling facilities, garbage holding areas or uses similar to the foregoing, those floors or portions thereof so used, which are at or below the *average grade*, provided that the maximum exclusion for a *parking space* shall not exceed 7.3 meters in length;
- (d) community village space, residential amenity space, day care facilities, to a maximum total of 5% of the building's *gross 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 1.3 meters; and
- (f) residential storage space provided that where the space is provided at or above the *average grade*, the maximum exclusion shall be 3.7 square meters per *dwelling unit*.

410.4 Frontage

- (1) The maximum frontage for each ground floor commercial unit shall not exceed 7.6 meters except a grocery market which may be 15.2 meters.
- (2) Where residential dwellings are located above the first floor of retail or office space, ground floor lobby frontage is limited to 6.1 meters.

410.5 Height

- (1) The maximum *height* on Lot 1, 2, 3, 4, 5, 13 and 4 (Parcel I) shall not exceed 4 *storeys* or 13.5 meters but may be increased to a maximum *height* of 4 *storeys* or 15.2 meters subject to the issuance of a development permit.

- (2) The maximum *height* on Parcels II and III shall not exceed 6 storeys or 21.3 meters.
- (3) A development permit may permit a greater *height* than otherwise permitted for the following items if they do not in total, exceed 1/3 of the width of the *building* or *buildings* as measured on any elevation drawings and do not in total, cover more than 10% 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 space* is created; and
 - ii) no protrusion extends more than 1.2 meters above the height limitation.
 - (b) mechanical appurtenances such as elevator machine rooms;
 - (c) chimneys;
 - (d) items similar to any of the above.

410.6 Setbacks

- (1) Street Setbacks
 - (a) All street front buildings shall be constructed at a setback (Build-to-Line) of 3.0 meters from the property line and have a frontage height of 3 storeys. Up to 50% 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 5.5 meters, with no portion closer than 3 meters, from the property line;
 - (c) The sixth floor of all street front buildings shall be constructed an average of 7.9 meters with no portion closer than 5.5 meters from the property line;
 - (d) Setbacks shall not apply to areas below grade;
 - (e) Balconies and bay windows may intrude into the required setbacks;
- (2) Lane Setbacks
 - (a) Lot 1, 2, 3, 4, 5 , 13 and 14 (Parcel I) shall have a minimum setback from Lane C of 1.2 meters;
 - (b) Block M (Parcel II) shall have a minimum setback from Lane C of 1.2 meters;
 - (c) Block N (Parcel III) shall have a minimum setback from the New Lane of 1.2 meters;

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

410.7 Lanes

- (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 6.0 meters wide and the new lane shall be a minimum of 7.3 meters wide.

410.8 Public Easement

- (1) Parcel 111 shall have a 6 meter 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, and a pedestrian walkway with landscaping on either side shall be required within the easement.

410.9 Open Space Requirements

- (1) Lot 1, 2, 3, 4, 5, 13 and 14 (Parcel I) shall have a publicly accessible plaza no less than 140 square meters located at the corner of Western Parkway and University Boulevard.
- (2) Block M (Parcel II) shall have a publicly accessible plaza no less than 280 square meters 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 372 square meters located immediately east of and adjacent to the north/south easement.

410.10 Site Coverage

- (1) Lot 1, 2, 3, 4, 5, 13 and 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%.

410.11 Parking Provisions

- (1) Division 600 is not applicable in the Comprehensive District (CD-1)

- (2) On-Site parking shall be provided in accordance with the following standards:
- (a) Residential: a minimum of 1.1 spaces for every dwelling unit and one additional space for every 186 square meters of floor space, 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 93 square meters of floor space;
 - (d) Grocery Store: a minimum of 0.40 spaces per 93 square meters of floor space;
 - (e) Office: a minimum of 2.00 spaces per 93 square meters of floor space;
 - (f) Restaurant: a minimum of 0.50 spaces per 93 square meters of floor space.
- (3) 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.

410.12 Residential Dwellings

- (1) The minimum residential unit sizes shall be:
- (a) One bedroom – 60 square meters;
 - (b) Two Bedroom – 80 square meters;
 - (c) Three bedroom – 100 square meters.

410.13 Signage

- (1) Section 315 is not applicable in the Comprehensive District (CD-1).
- (2) Signs that are not expressly permitted in this bylaw are prohibited.

- (3) 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.

(4) **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.

(5) **Permitted Signs**

- (a) projecting signs are permitted subject to the following regulations:
 - (i) minimum clearance of 2.4 meters above grade;
 - (ii) maximum 0.6 square meters in area;
 - (iii) mounted in the middle one-third of the frontage of the premises and not more than 1.2 meters from the building face.
- (b) Signs on Awning Drops are permitted subject to the following regulations:
 - i) maximum awning drop/skirt of 0.4 meters 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 2.4 meters above grade;
 - (ii) maximum area 0.6 square meters; 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 0.6 square meters;
 - (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 0.6 square meters; and
 - (ii) located at the front entrance of building.
- (6) **Number of Signs**

A maximum of two permanent signs are permitted per business frontage.
- (7) **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.
- (8) **Colour**

Colour of signage must be coordinated with the building facade with which it is associated.
- (9) **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.
- (10) **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 2.4 meters above grade.

(11) **Lettering**

- (a) The maximum permitted lettering size on any sign is 0.3 meters;
- (b) Symbols are encouraged, depicting the nature of the business occupation.

(12) **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 Design Panel;
- (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.

(13) **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.

DRAFT 3.3

DIVISION 500 • DEVELOPMENT PERMITS

501 • APPLICABILITY

- (1) A development permit shall be obtained, prior to the commencement of any construction, alteration, excavation, or fill, by any person within **Areas A, B, and D** wishing to:
 - (a) erect a new *principal building* within any *zone*;
 - (b) expand an existing *principal building*; or
 - (c) obtain approval for a variance to the *height, setback, lot coverage, or off street parking* requirements of this Bylaw within the SF-A, B, and D zone.
- (2) A development permit shall be obtained, prior to the commencement of any construction, alteration, excavation, or fill, by any person within **Area C** wishing to:
 - (a) obtain approval for a variance to the *height, setback, lot coverage, or off street parking* requirements within the SF-C zone.

502 • DEVELOPMENT PERMIT EXEMPTIONS

Notwithstanding Section 501, a development permit shall not be required for the following:

- (a) internal alterations to an existing *building*; or
- (b) expansion of an existing *single family dwelling* where such expansion would result in less than 10% of the *floor space* of the existing *single family dwelling* and the expansion takes place entirely on the first floor of the *single family dwelling*.

503 • CONFORMITY WITH DEVELOPMENT PERMIT AREA GUIDELINES

- (1) A development permit shall not be issued by the *Manager* unless it conforms to the applicable Development Permit Area guidelines.
- (2) The applicable Development Permit Area guidelines shall be considered as guidelines and not as prescriptive regulations, and consequently are open to interpretation by the *Manager* and advisory bodies within the context of their intent and underlying principles.

504 • DEVELOPMENT PERMIT AREA GUIDELINES – AREAS A, B, and C

- (1) **Intent**

The intent of these guidelines is to encourage the design of new houses and renovations that are compatible with the single family character of Areas A, B, and C, each with its own distinct characteristics.

(2) Principles

There are two central principles upon which the guidelines are based on:

- (a) Respect the unique identity of each of the single family neighbourhoods.
- (b) Demand high quality architectural and landscape design.

(3) Guidelines – Area A

(a) Streetscape Compatibility

single
and
and
character of

The design of a new *single family dwelling* or expanding an existing *single family dwelling* should focus on achieving streetscape compatibility rather than replicating a particular theme or design style. To achieve streetscape compatibility, the basic building form of a new *single family dwelling* or expanding an existing *family dwelling* should respect the *lot's* existing topography landscape elements so that its siting on the *lot* and its shape massing appear consistent with the overall residential Area A.

(b) Protection of Views and Privacy

When designing a new house on a *lot* or undertaking an expansion of an existing house, consideration should be given to reducing the impact of:

- i) blocking views of the mountains and ocean from other houses by sensitively siting the house on the property; and
- ii) loss of privacy from adjacent houses by sensitively selecting window locations and by providing screening of at grade or first storey decks and balconies.

(c) Port Cocheres and Garages

In cases where port cocheres and attached garages are utilized, they should be integrated into the design of the house using similar form and detailing of the house.

(d) Street Facing Facades

Street facing facades and flanking street facades should have a three dimensional depth or composition by varying and articulating the massing with recesses, reveals, trim, porches, verandahs, balconies, and bay windows.

(e) Landscaping

The landscaping treatment defining the edges of a property should create visual depth by the layering of landscape features and where possible continue the existing streetscape character both in terms of soft landscaping (hedges and shrubs) and hard

landscaping (walls and fences). Solid wood fences should not be used in *front yards*.

Permeable landscaping features should be emphasised and *impervious surfaces* should be minimized.

(4) Guidelines – Area B

(a) Streetscape Compatibility

The design of a new *single family dwelling* or expanding an existing *single family dwelling* should focus on achieving streetscape compatibility rather than replicating a particular theme or design style. To achieve streetscape compatibility, the basic building form of a new *single family dwelling* or expanding an existing *family dwelling* should respect the *lot's* existing topography and landscape elements so that it's siting on the *lot* and its massing consistent with the overall residential character of Area B.

(b) View Protection

The design of a new *single family dwelling* or expanding an existing *single family dwelling* should focus on minimizing the impact that the *building* would have on the views from neighbouring properties.

(c) Privacy Protection

When designing a new house on a lot or undertaking an expansion of an existing house, consideration should be given to reducing the impact of loss of privacy from adjacent houses by sensitively selecting window locations and by providing screening of at or first *storey* decks and balconies.

(d) Building Materials

Building materials that should be used for cladding include wood shingles or siding, brick, true cut stone, and stone dash or pebble dash stucco. Roof materials considered acceptable include cedar shingles or shakes, asphalt shingles, slate, low profile concrete tiles, metal standing seam roofs, and textured metal.

(e) Port Cocheres and Garages

In cases where port cocheres and attached garages are utilized, they should be integrated into the design of the house using similar form and detailing of the house.

(f) Street Facing Facades

Street facing facades and flanking street facades should have a three dimensional depth or composition by varying and articulating the massing with recesses, reveals, trim, porches, verandahs, balconies, and bay windows.

(g) Landscaping

The landscaping treatment defining the edges of a property should create visual depth by the layering of landscape features and where possible continue the existing streetscape character both in terms of soft landscaping (hedges and shrubs) and hard landscaping (walls and fences). Solid wood fences should not be used in *front yards*.

Large trees and shrubs, or any plantings that when mature will grow to a height that could significantly impact the view of or reduce the availability of natural light for neighbouring properties should not be planted.

Permeable landscaping features should be emphasised and *impervious surfaces* should be minimized.

(5) Guidelines – Area C (Required For Bylaw Variances Only)

(a) Streetscape Compatibility

The design of a new *single family dwelling* or expanding an existing *single family dwelling* should focus on achieving streetscape compatibility rather than replicating a particular theme or design style. To achieve streetscape compatibility, the basic building form of a new *single family dwelling* or expanding an existing *single family dwelling* should respect the *lot's* existing topography and landscape elements so that it's sitting on the *lot* and its shape and massing consistent with the overall residential character of Area C.

In cases where a two *storey* house is proposed adjacent to a one *storey* house, the design of the two storey house should be sympathetic to privacy, view blockage, and shading impacts on the one *storey* house taking into account though that the one *storey* house may be redeveloped in the future.

(b) Two Storey Houses

In the case of a proposed new or renovated 2 storey *single family dwelling*, the second storey should be designed so that it is integrated into the overall roof structure thus reducing its massing as it appears from the fronting street.

In cases where a two *storey* house is proposed adjacent to a one *storey* house, the design of the two storey house should be sympathetic to privacy, view blockage, and shading impacts on the one *storey* house taking into account though that the one *storey* house may be redeveloped in the future.

(c) Protection of Views and Privacy

When designing a new house on a lot or undertaking an expansion of an existing house, consideration should be given to reducing the impact of:

- i) blocking views of the mountains and ocean from other houses by sensitively siting the house on the property;
- ii) adjacent houses losing their privacy by sensitively selecting window locations and by providing screening of at grade or first storey decks and balconies;
- iii) adjacent houses losing their natural light by being aware of the location of their important window; and
- iv) casting of shadows on the outdoor living spaces of adjacent houses by sensitively designing second storeys.

(d) Street Facing Facades

Street facing facades and flanking street facades should have a three dimensional depth or composition by varying and articulating the massing with recesses, reveals, trim, porches, verandahs, balconies, and bay windows.

(e) Landscaping

The landscaping treatment defining the edges of a property should create visual depth by the layering of landscape features and where possible continue the existing streetscape character both in terms of soft landscaping (hedges and shrubs) and hard landscaping (walls and fences). Solid wood fences should not be used in *front yards*.

Permeable landscaping features should be emphasised and *impervious surfaces* should be minimized.

505 • DEVELOPMENT PERMIT AREA GUIDELINES – MULTI FAMILY

(Insert Appendix 3 from Current Bylaw)

506 • DEVELOPMENT PERMIT AREA GUIDELINES – COMMERCIAL

(Insert Appendix 1 from Current Bylaw)

507 • DEVELOPMENT PERMIT AREA GUIDELINES – COMPREHENSIVE DEVELOPMENT ZONE 1

(Insert Guideline Package from Current Bylaw)

DIVISION 600 • PARKING

601 • OFF STREET PARKING AND LOADING STANDARDS

- (1) All *off-street parking spaces* shall be a minimum of 5.5 meters in length and 2.4 meters in width and shall have a minimum vertical clearance of 2.1 meters, except that where any space abuts any portion of a *fence* or *structure* and additional width is required to facilitate the opening of vehicle doors, the minimum width shall be 2.7 meters.
- (2) The maximum allowable ramp slope in the first 6.1 meters from the property line shall be 10%. Maximum slope after the first 6.1 meters from the property line shall be 12.5%. On extreme hardship sites slopes up to 15% may be acceptable providing that areas exposed to the weather must be heated.
- (3) Adequate provision shall be made for ingress or egress by vehicles to all *parking spaces* by means of unobstructed maneuvering aisles. Maneuvering aisles of not less than the following widths shall be provided:

Parking angles <u>In degrees</u>	Width of <u>aisle</u>
90	6.8 meters
	6.6 meters (underground or in a building)
60	5 meters (one-way traffic)
45 or less	3.5 meters (one-way traffic)

- (4) *Parking spaces* for persons with disabilities shall be provided in accordance with the current edition of the B.C. Building Code.
- (5) No *parking area* shall be located within a required *front yard* within the SF-A and SF-C zones.
- (6) All *off-street loading spaces* shall be a minimum of 8.5 meters in length, 3 meters in width, and 3.5 meters in height, except that any minimum dimensions may be decreased by up to a maximum of 0.3 meters, provided such dimensions remain adequate to accommodate the largest vehicles intended to occupy the space while loading.
- (7) Notwithstanding Section 601(1), of the total number of required *off street parking spaces*, up to 33% may take the form of "small car" parking spaces the dimensions of which shall not be less than 80% of a conventional *off street parking space*.

- (8) Columns shall not be located within a required *off street parking space*.

602 • OFF STREET PARKING AND LOADING REQUIREMENTS

- (1) Where *floor space* is used to calculate the number of required *off street parking spaces*, it shall be calculated in the same manner as for the *Floor Space Ratio*.
- (2) Where the calculation of total required *off street parking spaces* results in a fractional number, the nearest whole number above shall be taken.
- (3) The *Manager* may relax requirements for the provision of *off street parking spaces* and *off street loading spaces* if the applicant can demonstrate that provision has been made for the joint use of parking or loading facilities on another property or in another *building*.
- (4) If a use is not listed in Section 602(5), the required number of *off street parking spaces* and *off street loading spaces* shall be calculated on the basis of a similar use that is listed.
- (5) *Off street parking spaces* and *off street loading spaces* shall be provided on the lot in accordance with the following:

<u>USE OF BUILDING</u>	<u>REQUIRED PARKING SPACES</u>	<u>REQUIRED LOADING SPACE</u>
<u>RESIDENTIAL</u>		
<i>Single-family dwelling</i>	Within the SF-C zone, a minimum of 1 space and a maximum of 3 spaces	None
	Within other zones, a minimum of 2 spaces and a maximum of 5 spaces	None
<i>Multiple Dwellings</i> Condominiums Apartments & Townhouses	1.2 spaces for every <i>dwelling unit</i> with a <i>floor space</i> of up to 70 square meters and 1.5 spaces for every <i>dwelling unit</i> with floor space greater than 70 square meters, of which 0.20 spaces per unit shall be provided for visitor parking	None
<i>Accessory Suite</i>	1 space	None
Lodging House	1 space for every sleeping room	None

INSTITUTIONAL

<i>Special Needs Residential</i>	1 space for every 32.5 sq. m. of floor area used for sleeping units exclusive of bathrooms	1/2788 sq. m. of <i>floor space</i>
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Hospitals & <i>Institutions of a Religious, Philanthropic or Charitable Character</i>	1 space for every 95 sq. m. of <i>floor space</i>	1/2788 sq. m. of <i>floor space</i>
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Churches	1 space for every 9.3 sq. m. of floor area used for assembly purposes, except that where two or more separate areas of assembly exist within a site and are not used concurrently, the Manager may require parking for only the largest of these areas	1/2788 sq. m. of <i>floor space</i>
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Schools	Elementary: 2 spaces for every 3 employees Secondary: 1.25 spaces per employee unless parking requirements diminish playground area (upon application to the Manager)	1/2788 sq. m. of <i>floor space</i>
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CULTURAL AND RECREATIONAL

Community Centre	1 space for every 18.6 sq. m. of floor area used for assembly purposes	1/2788 sq. m. of <i>floor space</i>
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COMMERCIAL

Offices	1 space for every 93 sq. m. of <i>floor space</i> or fraction thereof	1/2788 sq. m. of <i>floor space</i>
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Retail, Personal Service and Restaurants	None	1/2788 sq. m. of <i>floor space</i>
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Neighbourhood	None	None
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Grocery Store

Hotels and Motels

1 space for every two
sleeping units

1/2788b sq. m.
of *floor space*

MIXED USE

All combinations
of uses

As required for
individual uses

1/2788 sq. m.
of *floor space*

DRAFT 3.3

DIVISION 700 • SEVERABILITY AND ENFORCEMENT

701 • SEVERABILITY OF BYLAW

If any Division, Section, Subsection, Sentence, Clause or Phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

702 • VIOLATIONS

Each person who contravenes any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or does any act which violates any of the provisions of this Bylaw, or fails to comply with any order, direction, or notice given under this Bylaw, shall commit an offence against the Bylaw and shall be liable to the penalties hereby imposed; and each day that such contravention continues shall constitute a separate offence.

703 • PENALTY

- (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 registerable against the property.
- (2) Each person who commits an offence against this Bylaw shall be liable to a fine of not more than \$2000 and not less than \$250 for each offence and if the offence is of a continuing nature, to a fine not exceeding \$50 for each day such offence is continued.

DIVISION 800 • REPEAL AND EFFECTIVE DATE

801 • REPEAL OF PREVIOUS BYLAW

"University Endowment Lands Land Use, Building, and Community Administration Bylaw No. XXX, 1989" and all amendments thereto is hereby repealed.

PUBLIC HEARING HELD this day of , 2010.

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT
this day of , 2010.

Minister of Community and Rural Development

DIVISION 900 • METRIC CONVERSIONS

The following metric conversions are provided for the convenience of the reader of this Bylaw:

1 metre	=	3.28 feet	1 foot	=	0.30 metre
1 sq. metre (m ²)	=	10.76 sq. ft.	1 sq. ft.	=	0.093 sq. m
1 hectare (ha)	=	2.47 acres	1 acre	=	4047 sq. m or 0.405 ha

The following specific metric conversions are provided as they occur quite frequently in this Bylaw:

1.5 metres	=	4.92 feet
3 metres	=	9.84 feet
4.5 metres	=	14.76 feet
7.6 metres	=	24.92 feet
1400 sq. m	=	15,064 sq. ft. or 0.34 acres
2000 sq. m	=	21,520 sq. ft. or 0.49 acres
4047 sq. m	=	43,560 sq. ft. or 1 acre
2 ha	=	4.94 acres
4 ha	=	9.88 acres
20 ha	=	49.4 acres

SCHEDULE A

ZONING MAP

DRAFT 3.3

SCHEDULE B
BUILDING SETBACK MAPS

DRAFT 3.3