Section 10

General Regulations

The regulations below apply to all zoning districts, unless otherwise specified. The index below is provided for convenience only and does not form part of this by-law.

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10.1 Building Height

10.1.1 The Director of Planning may permit the following items to exceed the maximum building height otherwise permitted in this by-law if the Director of Planning considers the impact on building placement, massing, views, overlook, shadowing and noise:

(a) architectural features, if no additional floor area is created;

(b) mechanical equipment, including elevator machine rooms, and any related screening materials that the Director of Planning considers appropriate to reduce visual impacts;

(c) chimneys;

(d) roof mounted energy technologies, zero-emission mechanical equipment, and access and infrastructure required to maintain green roofs or urban agriculture;

(e) venting skylights and opening clerestory windows designed to reduce energy consumption or improve natural light and ventilation;

(f) roof-top access structures to private or common outdoor amenity space;

(g) common roof-top amenity structures, contiguous with common outdoor amenity spaces;

(h) any required guards, if the Director of Planning considers the guard materials to be appropriate to reduce visual impacts; and

(i) items similar to any of the above.

10.1.2 For any building that exceeds 30.5 m in height, the Development Permit Board may permit a decorative roof to exceed the maximum building height otherwise permitted in this by-law, if:

(a) the Development Permit Board is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances;

(b) the roof does not add to the floor area otherwise permitted; and

(c) the Development Permit Board considers all applicable Council policies and guidelines.

10.1.3 For residential buildings of 3 storeys or less, an additional 0.15 m in height is permitted if the roof contains at least 0.35 m of insulation.

10.2 [Reserved]

10.3 Site Coverage for Buildings

10.3.1 Site coverage for buildings is measured using the projected area of the outside of the outermost walls of all buildings and includes carports, but excludes steps, eaves, balconies and decks.

10.4 Corner Site in Certain Districts

10.4.1 Development on a corner site in an RA district, an RT district except RT-7 and RT-9, the C-1 district, or as required in other districts, that has a site at its rear that fronts on the flanking street, with or without the intervention of a lane, must provide:

(a) for the principal building, a setback from the flanking street of a distance at least half of the depth of the required front yard of the site at its rear, but that setback need not exceed the greater of 3.7 m or the minimum side yard of the applicable district schedule, or result in the reduction of the building width on the corner site to less than 7.9 m provided that the minimum side yards of the applicable district schedule are provided; and

(b) for any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.

10.5 Shallow Site in an RT District, or the C-1 District

10.5.1 For development on a site that is less than 36.6 m deep in an RT district except RT-7 and RT-9, or the C-1 district:

(a) the front yard depth may be reduced to 20% of the average depth of the site, except that the front yard depth must not be less than 5.5 m; and

(b) the rear yard depth may be reduced to 30% of the average depth of the site, except that the rear yard depth must not be less than 8.2 m or, where the rear of a site abuts a lane, 8.2 m less the distance between the rear property line and the ultimate centre line of the lane.

10.6 Double Fronting Site

10.6.1 The building placement and design of all buildings on a double fronting site located in any district, other than an M or I district, requires the approval of the Director of Planning.

10.7 Landscape Setbacks in an M, I or CD-1 District

10.7.1 Development in an M, I or CD-1 district where the site abuts any portion of the streets, lanes or other areas set forth in **Schedule C** to this by-law, is subject to the following:

(a) a setback must be provided and maintained at a depth as set forth in **Schedule C**;

(b) no building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, is permitted within the setback area;

(c) except as provided for elsewhere in this section **10.7**, the setback area must be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning; and

(d) despite section **10.7.1(b)** above, the following may be permitted within the landscaped setback area by the Director of Planning:

(i) statuary, fountains and other objects of art,

(ii) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art,

(iii) walks or driveways that, in the opinion of the Director of Planning, may be required to provide direct access to any building or use on the site, and

(iv) public amenities, facilities or utilities required as a condition of development under section 4.3.3 of this by-law.

10.8 Projections into Yards

10.8.1 The following features are permitted in any required yard:

(a) steps, except that no steps are permitted in any side yard except an exterior side yard;

(b) eaves, gutters, sills and chimneys or other similar features as determined by the Director of Planning, if they do not project more than 1.0 m into a required yard, measured horizontally, except that they must not be less than 0.7 m from a side property line;

(c) balconies on multiple dwellings, if:

(i) they do not project more than 1.8 m into a required yard and are no less than 2.1 m from an interior side property line, and

(ii) the safety railing does not extend more than 1.07 m above the floor of the balcony,

except that in the R1-1, RT-7 and RT-9 districts, this section 10.8.1(c) only applies to multiple dwellings that are zero emission buildings;

(d) canopies, if:

(i) they are cantilevered,

(ii) they do not project more than 1.2 m measured at right angles to the face of the building, and

(iii) they are not located less than 0.3 m, measured horizontally, from any window of a habitable room where any part of such window is located below the level of the canopy;

(e) bay windows, if:

(i) they do not project more than 0.54 m into a required yard,

(ii) the bottom outside edge of the bay is at least 0.3 m above the floor level, and

(iii) the area contained within the bay window projection is not used for any purpose other than to provide light and ventilation;

(f) building projections, including shading devices, eaves, and overhangs, if:

(i) they are, in the opinion of the Director of Planning, suitably designed and located in a position that provides solar rejection,

(ii) they are cantilevered, and

(iii) they do not project more than 1.5 m measured at right angles to the face of the building;

(g) demountable green walls, if:

(i) they do not project more than 254 mm into a required yard,

(ii) they comply with Building By-law requirements, and

(iii) they are, in the opinion of the Director of Planning, suitably designed and located to contribute to sustainable design performance; and

(h) any other features that, in the opinion of the Director of Planning, are similar to any of the features listed above.

10.8.2 The following additional features may project into rear yards only:

(a) open fire escapes; and

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

10.8.3 Entries, porches and verandahs complying with the regulations in the applicable district schedule may project up to 1.8 m into a required front yard.

10.9 Floor Area Exclusions

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

10.10 Fence

10.10.1 For the purposes of this section **10.10**, the term “fence” includes arbors, archways, boundary fences, gates, pergolas, screens, trellises, walls and similar structures.

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

10.10.3 A fence or similar structure is permitted in a required yard or on the boundaries of a required yard if it does not exceed 1.9 m in height.

10.10.4 Despite section **10.10.3**, a fence or similar structure is permitted in a required front yard or on the boundaries of a required front yard located in the C-1 district or any R district if it does not exceed 1.2 m in height.

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

10.10.6 The Director of Planning may permit a fence or similar structure that does not comply with sections **10.10.3**, **10.10.4**, and **10.10.5**, however, in the case of a variation of the height limitations of this section **10.10**, the Director of Planning must first notify such property owners as the Director of Planning deems necessary.

10.11 Character House

10.11.1 Where a character house is retained, the Director of Planning may vary the regulations in the applicable district schedule, other than uses or floor space ratio, if the Director of Planning considers the intent of the applicable district schedule and all applicable Council policies and guidelines.

10.11.2 Computation of floor area for a character house may exclude:

(a) existing covered porches that:

(i) in the opinion of the Director of Planning, are original to the character house,

(ii) face a street, and

(iii) are open or protected by guards that do not exceed the required minimum height;

(b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with section **10.11.2(a)**;

(c) floor areas under sloping roofs with a pitch of at least 7:12 if:

(i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and

(ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and

(d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in combination with a retained character house, to a maximum of 42 m^2.

10.12 Daylight Access and Angle Controls Exclusions

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

(a) steps;

(b) eaves, gutters, sills and chimneys;

(c) open balconies, if:

(i) they do not project more than 1.8 m into the area controlled by daylight angles,

(ii) the safety railing does not extend more than 1.07 m above the floor of the balcony, and

(iii) any privacy screens consist of clear or partially obscure glazing that allows for the passage of daylight;

(d) canopies over entrances to buildings, subject to the same conditions as set out in section **10.8.1(d)**;

(e) safety railings that do not exceed 1.07 m in height;

(f) bay windows, if:

(i) they do not project more than 0.54 m into the area controlled by daylight angle, and

(ii) the bottom outside edge of the bay is at least 0.3 m above the floor level; and

(g) any other features, including vent shafts or mechanical equipment that, in the opinion of the Director of Planning, are similar to any of the features listed above

10.13 Development in Yards

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

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

10.13.3 No development is permitted beneath the normal finished grades of a required yard without the prior approval of the Director of Planning who must consider:

(a) the impact on the amenity in the neighbourhood;

(b) the adjoining topography; and

(c) the design treatment of the open portions of the site,

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

10.13.4 No accessory building may be located less than 6.0 m from the ultimate rear property line of any site that adjoins, without the intervention of a lane, the front or side yards of a site in an R district, except that the Director of Planning may approve a lesser distance if, in the Director of Planning's opinion, no unduly adverse impact on adjoining sites is likely to be created.

10.14 Demolition of a Building

10.14.1 Except as exempted by the provisions of **Section 4** of this by-law, no person may carry out any construction, engineering or other operation in, on, over or under any land that will result in the demolition of a building without first obtaining a development permit for the demolition from the Director of Planning.

10.14.2 Except as set out in section **10.14.3**, where the proposed demolition includesthe demolition of existing residential rental accommodation, no development permit will be issued for the demolition unless and until:

(a) a development permit for the new development has been issued; and

(b) all building permits for the new development are issuable.

10.14.3 The following cases of residential rental accommodation are exempted from the provisions of section 10.14.2:

(a) where located in the RA-1 district, or any M or I district;

(b) where located in a building damaged or destroyed by fire to the extent of 60% or more of its value above the foundations, as determined by the City Building Inspector;

(c) where located above a commercial use and where the residential rental accommodation does not predominate in terms of floor space;

(d) where located in a building deemed by the City Building Inspector to be beyond re-use or rehabilitation for residential purposes;

(e) where located in a building deemed by the City Building Inspector to be appropriate for demolition because of hazard to public health or safety;

(f) where located in a multiple dwelling in which units are individually owned in accordance with the Strata Property Act (British Columbia) and no fewer than 75% of them are owner-occupied;

(g) where located in a multiple dwelling consisting of a co-operative tenure established prior to legislation permitting condominium ownership; and

(h) where located in a building deemed by Council to be appropriate for demolition because the premises are a nuisance.

10.14.4 The Director of Planning may vary the requirements:

(a) in sections 10.14.2(a) and 10.14.2(b) above if:

(i) the site is not subject to the Rental Housing Stock Official Development Plan, and

(ii) an application has been submitted that complies with the requirements of sections 4.1.2(b), 4.1.3 and 4.1.4, and

(iii) the Director of Planning considers all applicable Council policies and guidelines and, in the opinion of the Director of Planning, no tenant protections are warranted; and

(b) in section 10.14.2(b) above if:

(i) the site is subject to the Rental Housing Stock Official Development Plan, and

(ii) the Director of Planning considers all applicable Council policies and guidelines.

10.14.5 Except as set out in sections 10.14.7, 10.14.8 and 10.14.9 where development necessitates the demolition of:

(a) a building listed on the Heritage Register; or

(b) a residential building located in the First Shaughnessy district,

no development permit will be issued for the demolition unless the Director of Planning is satisfied that all applicable Council policies and guidelines have been met, and until a development permit for the new development has been issued, and all building permits for the new development.

10.14.6 Except as provided in sections **10.14.7** and **10.14.8**, where development necessitates demolition of a building listed in the Heritage Register and located in the RM-5, RM-5A, RM-5B, RM-5C, RM-5D, RM-6 or Downtown districts, a development permit will not be issued for the new development unless the applicant has complied with the provisions of section **10.14.5**, except that the Director of Planning may also require that the applicant submit a calculation of density bonus to the City, to the satisfaction of the Director of Planning, before a development permit may be issued.

10.14.7 A building deemed by the City Building Inspector to be appropriate for demolition because of hazards to public health or safety is exempt from the provisions of sections **10.14.5** and **10.14.6**.

10.14.8 A building deemed by Council to be appropriate for demolition because the premises are a nuisance is exempt from the provisions of sections **10.14.5** and **10.14.6**.

10.14.9 A building that is a single detached house, single detached house with secondary suite, or duplex located in the First Shaughnessy district, which is not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction, is exempt from the provisions of section **10.14.5**.

10.15 Floor Area Exclusions for Exterior Wall Thickness

10.15.1 For residential buildings not exceeding 7 storeys in building height, computation of floor area must exclude 2% of the total area in buildings of 3 storeys or less if the majority of the exterior wall space contain at least 175 mm of thermal insulation in total thickness, or 1% of total area in buildings of 4 to 6 storeys where the majority of exterior wall space contain at least 100 mm of thermal insulation in total thickness.

10.15.2 The Director of Planning may exclude an area equal to the area occupied by the insulation thickness that exceeds the applicable thermal performance value for exterior walls in the Building By-law, as verified by a building envelope professional, to a maximum exclusion of 330 mm of thickness for buildings of 6 storeys or less, and a maximum exclusion of 179 mm of thickness for all other buildings.

10.15.3 Computation of floor area must exclude an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm in thickness, as verified by a building envelope professional, to a maximum exclusion of 152 mm of thickness, except that this exclusion does not apply to laneway houses or to single detached houses or duplexes of 3 storeys or less with or without a secondary suite.

10.16 Floor Area Exclusions for Kitchen Exhaust Shafts

10.16.1 In buildings with commercial, retail or service use at grade, computation of floor area may exclude the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m^2 for each floor above the commercial, retail or service use.

10.17 Floor Area Exclusions for Sites in a Designated Flood Plain in an R District

10.17.1 The Director of Planning may exclude floors located at or below finished grade with a ceiling height that does not exceed 1.5 m from the computation of floor area, in order to achieve flood construction levels on sites located in a designated flood plain in an R district.

10.18 Floor Area Exclusions for Zero Emissions Mechanical Equipment in Residential Buildings of 3 Storeys or Less

10.18.1 For residential buildings of 3 storeys or less, the Director of Planning may exclude up to 2.3 m^2 per dwelling unit from the computation of floor area to accommodate zero emissions mechanical equipment for heating or hot water, except where an application is made for any similar exclusion under the provisions of a district schedule.

10.19 [Reserved]

10.20 Living Accommodation Below Finished Grade

10.20.1 In the case of multiple dwellings:

(a) living accommodation may be located below finished grade provided the floor is no more than 0.8 m below the finished grade of the adjoining ground, except that the Director of Planning may increase this dimension to 1.2 m subject to applicable Council policies and guidelines; and

(b) where existing utility, recreational or storage areas are located below finished grade, a minimum of 20% of the floor area below finished grade must be retained for such uses, except that the Director of Planning may allow a lesser amount if the Director of Planning is satisfied that adequate utility, recreational and storage space is provided elsewhere in the building.

10.20.2 Storage rooms are excluded from the provisions of section **10.20.1**.

10.20.3 In the case of a single detached house, single detached house with secondary suite, duplex, duplex with secondary suite, or duplex with lock-off unit:

(a) a secondary suite, lock-off unit or bedroom may be located in a basement; and

(b) no portion of a living room, kitchen, dining room or bedroom may be located 1.2 m or more below the finished grade of the adjoining ground.

10.20.4 In the case of a single detached house or a single detached house with secondary suite existing prior to June 23, 2020, a secondary suite, lock-off unit or bedroom may be located in a cellar, if the cellar is no more than 1.83 m below the average finished grade.

10.21 Principal Pedestrian Access

10.21.1 Except in the case of an approval pursuant to section **10.25**, the principal pedestrian access to every principal building and separate use must be directly from a street.

10.22 Mass Timber Building

10.22.1 For a mass timber building that is 7 storeys or more, the maximum building height is the maximum building height set out in the applicable district schedule, plus an additional 10%, except that this section shall not apply to a CD-1 district.

10.22.2 For a mass timber building that is 7 storeys or more, the Director of Planning may vary the yards, setbacks, site coverage, building depth and external design regulations in the applicable district schedule, if the Director of Planning considers the intent of the district schedule and all applicable Council policies and guidelines.

10.23 Relocation of a Building

10.23.1 Where an existing building is:

(a) relocated onto a different site; or

(b) located elsewhere within the same site,

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

10.24 Site with Building Lines

10.24.1 Where a building line has been established pursuant to section **8.1** of this by-law, the following measurements and calculations will be made using the building line instead of the site boundaries:

(a) width or depth of a required yard;

(b) depth of required setbacks for pump islands and canopies in gasoline station - full serve and gasoline station - split island; and

(c) depth of a site for the purpose of yard reductions pursuant to section **10.5**.

10.25 Land not Abutting a Street

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

10.26 Site Frontage Determination

10.26.1 The frontage of any site having more than 1 boundary on a street is:

(a) where street boundary lengths are equal, as determined by the Director of Planning;

(b) in the case of a corner site, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning; and

(c) where a site is composed of more than 1 lot, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning.

10.27 Vehicles on a Site

10.27.1 Where a provision of the Parking By-law prescribes a maximum number of off-street parking spaces for a site, no person may park or place, or permit to be parked or placed, a greater number of vehicles on that site than the maximum number of off-street parking spaces prescribed, except that this section **10.27** does not apply to businesses licensed for the sale or rental of motor vehicles.

10.28 Boats, Vehicles, Equipment or Materials in Residential and Commercial Districts

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

(a) 1 truck with a registered gross vehicle weight not exceeding 4,550 kg;

(b) 1 boat not exceeding 4.9 m in length, together with its accessory boat trailer;

(c) trucks temporarily involved in servicing the premises; or

(d) such boats or vehicles as may be approved by the Director of Planning, if the Director of Planning is satisfied that they will not have an unduly detrimental impact on the site or adjacent properties.

10.28.2 No equipment or materials may be stored in an R or C district unless:

(a) otherwise permitted by section **11.8.5** of this by-law or as an accessory use pursuant to this by-law;

(b) temporarily required for the construction, repair, servicing or maintenance of the premises; or

(c) approved by the Director of Planning, if the Director of Planning is satisfied that they will not have an unduly detrimental impact on the site or adjacent properties.

10.29 Animals and Birds

10.29.1 Buildings or runs for the shelter or accommodation of animals or birds in any district except RA-1 must be at least 9.1 m from any dwelling and 18.3 m from the front line of the site and, as accessory buildings, must conform with all other applicable provisions of this by-law.

10.29.2 Despite section 10.29.1, a building or other enclosure for keeping 1 or more hens:

(a) must not exceed 9.2 m^2 in floor area;

(b) must not exceed 2.0 m in building height;

(c) must be at least 3.0 m from any door or window of any dwelling;

(d) must be located only in a rear yard or a side yard;

(e) may be anywhere in a rear yard;

(f) must, on a corner flanking lot, be at least the greater of a distance equal to:

(i) the existing setback of the principal building, and

(ii) the required setback for a principal building under this by-law,

from the property line adjacent to the flanking street;

(g) must be at grade level;

(h) must be at least 1.0 m from any property line; and

(i) may be located only in the RA, R1, RT, RM, FM, and First Shaughnessy districts.

10.30 Mural

10.30.1 The Director of Planning may permit a mural in any district, if the Director of Planning considers all applicable Council policies and guidelines and the submission of any advisory group, property owner or tenant.

10.31 Antennae

10.31.1 Except as exempted by the provisions of section 4.8.1(o) of this by-law, no person may erect an antenna, including a satellite dish, without first obtaining a development permit from the Director of Planning.

10.31.2 The Director of Planning may permit in any district, antennae including satellite dishes used for the transmission or reception of radio, television, satellite, microwave or related communications together with related masts, mechanical equipment and mechanical rooms, whether or not they are ancillary to the principal use on the site, and may permit such antennae at a greater height than otherwise permitted by this by-law if:

(a) the Director of Planning is satisfied the antennae will not have an unduly detrimental impact on the site or adjacent properties, having particular regard to visual impact; and

(b) before granting approval the Director of Planning notifies such adjacent property owners or persons the Director of Planning deems necessary.

10.32 Nuclear Weapons Prohibition

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

10.33 Zero Emission Building

10.33.1 For a zero emission building with 1 to 8 dwelling units in an RA, R1 or RT district:

(a) the permitted building height is increased by 0.6 m;

(b) the permitted building depth is increased by 0.6 m;

(c) the required rear yard is decreased by 0.6 m;

(d) the required building separation is decreased by 0.6 m;

(e) the computation of floor area must exclude 19% of the permitted floor area except that this exclusion is limited to a maximum of 88 m^2 in an application for one or two principal dwelling units, and does not apply if:

(i) an exclusion is provided under section **10.15** or **10.33.3**, or

(ii) the application is made after October 31, 2030; and

(f) if the Director of Planning first considers the intent of the applicable district schedule and all applicable Council policies and guidelines, the Director of Planning may vary the external design regulations in the applicable district schedule to accommodate building features designed to reduce energy consumption.

10.33.2 For any building not included in section **10.33.1**, the Director of Planning may vary any height, yard, or building depth regulation by a maximum of 1.25 m to accommodate building features designed to reduce energy consumption in a zero emission building, if the Director of Planning considers the intent of the applicable district schedule and all applicable Council policies and guidelines.

10.33.3 The Director of Planning may exclude from the computation of floor area any floor area occupied by heat recovery ventilators and connected shafts in a zero emission building that exceeds the floor area required in order for these features to meet the requirements of the Building By-law, to a maximum exclusion of 2% of permitted floor area.

10.33.4 For a zero emission building not included in section **10.33.1**, the Director of Planning may exclude 10% of the permitted floor area from the computation of the total floor area, if the Director of Planning considers the intent of the applicable district schedule and all applicable Council policies and guidelines, except that this exclusion does not apply if:

(a) the site is zoned CD-1; or

(b) an exclusion is provided under section **10.15** or **10.33.3**; or

(c) the application is made after October 31, 2030.

10.34 Number of Buildings on Site

10.34.1 No more than 1 principal building may be placed on any 1 site unless otherwise permitted in this by-law.

10.35 Mezzanine

10.35.1 A mezzanine is not counted as a storey if the mezzanine covers no more than 40% of the horizontal plane separating the mezzanine from the floor space below.

10.35.2 Despite section **10.35.1**, if a mezzanine larger than 40% is required to meet the floor area regulations for uses on the ground floor in an I district, the Director of Planning may determine that the mezzanine is not to be counted as a storey.

10.36 Floor Area Exclusions for Roof-Top Access Structures

10.36.1 Despite the computation of floor area regulations in any district schedule, the computation of floor area must exclude the area of roof-top access structures, including open or enclosed stairways or elevators, at the roof level only, if they provide access to private or common outdoor amenity space.

10.37 Floor Area Exclusions for Residential Storage

10.37.1 Despite section 10.9, for renovations to existing buildings, any floor area excluded for residential storage within a dwelling unit will continue to be excluded from the computation of floor area even if not used as residential storage, if:

(a) it has been at least 2 years since initial occupancy of the dwelling unit; and

(b) no exterior walls are relocated.

10.38 Uses That Are Only Permitted if Existing as of a Specific Date

10.38.1 Despite the maximum density and maximum building height set out in this by-law, the maximum density and maximum building height that apply to uses that are only permitted if they existed as of a specific date, as set out in section 2.1 of the applicable district schedule, are the maximum density and maximum building height that were permitted as of that date.

10.39 Access to Natural Light

10.39.1 Each bedroom that is provided in order to comply with the minimum requirements set out in section **10.40**, in the FC-1 District Schedule, or in the HA-1 and HA-1A Districts Schedule, and each living room in a dwelling unit, housekeeping unit or sleeping unit, must have at least 1 window on an exterior wall of a building.

10.40 Unit Mix in Infill Multiple Dwelling, Multiple Dwelling or Mixed-Use Residential Building Containing More Than 8 Dwelling Units

10.40.1 For infill multiple dwelling containing more than 8 dwelling units, multiple dwelling containing more than 8 dwelling units, and mixed-use residential building containing more than 8 dwelling units:

(a) if the building contains below-market rental dwelling units, at least 35%of the total number of below-market rental dwelling units and at least 35% of the other dwelling units must have 2 or more bedrooms, of which at least 5% of the total number of below-market rental dwelling units and 5% of the total number of other dwelling units must have 3 or more bedrooms; and

(b) if the building does not contain below-market rental dwelling units, at least 35% of the total number of dwelling units must have 2 or more bedrooms, of which at least 5% of the total number of dwelling units must have 3 or more bedrooms.

10.40.2 Section **10.40.1** does not apply:

(a) in the FC-1, HA-1, HA-1A or HA-2 districts;

(b) where 100% of the residential floor area of a development is social housing and:

(i) there is a housing agreement that restricts occupancy to residents aged 55 years or older, or

(ii) services are provided to residents on-site to support their ability to maintain their housing, which may include life and employment skills training, meals, mental health and substance use services, and community referrals to these or other services;

(c) in areas subject to an official development plan that contains unit mix requirements; or

(d) to buildings existing as of October 27, 2026.

10.40.3 Where section **10.40.1** applies to more than 1 building proposed as part of a development permit application, the required number of dwelling units with 2 or more bedrooms and the required number of dwelling units with 3 or more bedrooms may be provided disproportionately across the buildings.

10.40.4 The Director of Planning may decrease the percentage of dwelling units with 2 or more bedrooms or 3 or more bedrooms required under section **10.40.1** for mixed-use residential building containing more than 8 dwelling units located in a C, HA, I, M or CD-1 district, if:

(a) the building does not exceed 27.5 m in height;

(b) the site is not a corner site with a frontage greater than 30.1 m;

(c) the site adjoins a side property line of a site located in a C, HA, I, M or CD-1 district without the intervention of a lane; and

(d) the Director of Planning considers all applicable Council policies and guidelines.

10.41 Computation of Floor Area in Certain Districts

10.41.1 The regulations set out in this section **10.41** apply to the C, FC, FM-1, HA-1, HA-1A, HA-3, IC-3, MC-1, RM, RR, R3, R4 and R5 districts, except where otherwise specified.

10.41.2 Computation of floor area must include:

(a) all floors, measured to the extreme outer limits of the building including accessory buildings; and

(b) stairways, fire escapes, elevator shafts, and other features that the Director of Planning considers similar to the foregoing, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

10.41.3 Computation of floor area must exclude:

(a) balconies, decks, exterior passageways for townhouse access, and any other appurtenances that the Director of Planning considers similar to the foregoing;

(b) patios and roof decks, if the Director of Planning considers the impact on privacy and overlook;

(c) entries, porches and verandahs, and unconditioned floor areas located below the floors of entries, porches, and verandahs to which there is no access from the interior of the building;

(d) floors or portions of floors used for:

(i) off-street parking and loading, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,

(ii) bicycle storage,

(iii) heating and mechanical equipment, and

(iv) other uses that the Director of Planning considers similar to the foregoing;

(e) areas of undeveloped floors that are located:

(i) above the highest storey or partial storey and to which there is no permanent means of access other than a hatch, or

(ii) adjacent to a storey or partial storey with a ceiling height of less than 1.2 m;

(f) floors located at or below finished grade with a ceiling height of less than 1.2 m;

(g) all storage area below base surface;

(h) all residential storage above base surface to a maximum of 3.7 m^2 per dwelling unit for buildings existing as of October 27, 2026;

(i) in the C districts, exterior circulation above the first storey to a maximum of 5% of the total permitted floor area; and

(j) in the RM-7, RM-7A, RM-8 and RM-8A districts, and for duplex and duplex with secondary suite in any of the other districts listed in section **10.41.1**, areas of floors existing, proposed or as may be extended over open-to-below space located directly below sloping roof rafters or a sloping ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, if:

(i) the distance from the floor to any part of the roof rafters or ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and

(ii) the excluded floor area does not exceed 10% of the permitted total floor area,

and despite the definition of "partial storey" in **Section 2** of this by-law, the maximum permitted floor are contained in a partial storey must not include floor area excluded in this section **10.41.3(j)**.

10.41.4 If the Director of Planning considers all applicable Council policies and guidelines and, for child day care facilities, if the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood, the Director of Planning may permit any or all of the following to be excluded from the computation of floor area:

(a) child day care facilities:

(i) in the C-1, C-2, C-2B, C-2C, C-7, C-8, FC-1, FM-1, IC-3, RM-2, RM-3, RM-3A, RM-4, RM-9, RM-9B, RM-10, RM-11, R3, R4 and R5 districts, to a maximum of 10% of the total permitted floor area,

(ii) in the RM-5, RM-5A, RM-5B, RM-5C, RM-5D and RM-6 districts, to a maximum of 20% of the total permitted floor area or 1,500 m^2, whichever is lesser,

(iii) in the C-3A, FC-2 and HA-3 districts, to a maximum of 20% of the total permitted floor area or 1,000 m^2, whichever is lesser, and

(iv) in the C-5, C-5A, C-6, HA-1 and HA-1A districts, to a maximum of 10% of the total permitted floor area or 1,000 m^2, whichever is lesser;

(b) common amenity areas;

(c) in the C-2A, C-2D and C-2E districts, any or all of the following to a combined maximum of 10% of the total permitted floor area:

(i) areas accessory to hotel use, limited to meeting rooms, conference facilities, guest recreational facilities such as fitness centres, swimming pools and locker areas, libraries, business centres and other areas that the Director of Planning considers similar to the foregoing, and

(ii) child day care facilities; and

(d) in the C-1, C-3A, C-7, C-8, FC-1, MC-1, RM-3, RM-3A and RM-6 districts, and for buildings other than residential rental tenure buildings in the C-2, C-2B, C-2C and C-2C1 districts, enclosed balconies to a maximum of 50% of the total number of balconies and enclosed balconies.

10.41.5 For infill multiple dwelling containing more than 8 dwelling units, multiple dwelling containing more than 8 dwelling units, and mixed-use residential building containing more than 8 dwelling units, all of which must comply with the residential storage requirements in section **11.3.1.10** of this by-law, a maximum of 6% of the residential floor area may be excluded from the computation of floor area, except that this does not apply to buildings existing as of October 27, 2026.