

BY-LAW NO. 12274

**A By-law to amend
Zoning and Development By-law No. 3575
regarding Laneway Houses**

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.
2. In section 10.33.2, Council strikes out “11.24.18” and substitutes “11.24.24”.
3. Council strikes out section 11.24 and substitutes the following:

“11.24 Laneway House

- 11.24.1 In this section 11.24, “footprint” means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.
- 11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.
- 11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:
 - (a) a site served by an open lane;
 - (b) a site located on a corner served by an open or dedicated lane; or
 - (c) a double-fronting site served by a street at both the front and rear of the site.
- 11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:
 - (a) the site is at least 7.3 m in width; and
 - (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.
- 11.24.5 A laneway house may have a basement.
- 11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

- 11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.
- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.18 The location of a laneway house with a partial second storey must be:
- (a) within 7.9 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
 - (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.
- 11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.
- 11.24.20 The floor area of a laneway house must not exceed the lesser of:
- (a) 0.16 multiplied by the site area; and
 - (b) 83.6 m².
- 11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.
- 11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:
- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
 - (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
 - (iii) the total excluded floor area does not exceed 3 m², and
 - (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and

- (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sundeck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.

11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.

11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².

11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².

11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.

- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.”.

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 30th day of October, 2018

Signed _____ “Gregor Robertson”
Mayor

Signed _____ “Katrina Leckovic”
City Clerk