

## **BY-LAW NO. 12732**

### **A By-law to amend Zoning and Development By-law No. 3575 regarding updated format for sections 3, 4 and 5, and amendments to district schedules to clarify relaxations and powers of discretion**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 3575.
2. In section 2, Council adds the following definition in the correct alphabetical order:  

“Unnecessary Hardship	Hardship that results from unique physical circumstances that are peculiar to the site and does not include mere inconvenience, preference for a more lenient standard or a more profitable use, or self-induced hardship resulting from the actions of the owner or applicant.”.
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3. Council strikes out section 3 and substitutes section 3 as set out in Schedule A attached to this By-law.
4. Council strikes out section 4 and substitutes section 4 as set out in Schedule B attached to this By-law.
5. Council strikes out section 5 and substitutes section 5 as set out in Schedule C attached to this By-law.
6. In section 10, Council:
  - (a) amends section 10.1.1 to strike out “section 5.15” and substitutes “section 4.8.15”;
  - (b) strikes out section 10.6.1 and substitutes:  

“10.6.1 If the Director of Planning first considers the intent of the relevant district schedule and all applicable policies and guidelines, the Director of Planning may vary the requirements in the appropriate district schedule, other than permitted use or permitted floor space ratio (unless otherwise authorized by the district schedule), where a character house is retained.”;
  - (c) strikes out sections 10.6.3 and 10.6.4;
  - (d) amends section 10.8.1 to strike out “section 5” and substitutes “section 4”;

- (e) amends section 10.18.2 to strike out “section 4.1.3” and substitutes “section 4.1.2”; and
  - (f) amends section 10.18.3 to strike out “section 4.1.3” and substitutes “section 4.1.2”.
7. In section 11.26.2, Council strikes out “section 5.19” and substitutes “section 4.8.19”.
8. In section 14.3, Council strikes out “sections 5.3 to 5.8, inclusive, of section 5 of this By-law” and substitutes “sections 4.8.3 to 4.8.8, inclusive, of section 4 of this By-law”.
9. In the RA-1 District Schedule, Council:
- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
  - (b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction in the minimum site area requirements of section 4.1.1 with respect to any developments if the lot was on record in the Land Title Office for Vancouver prior to October 4, 1955.”;
  - (c) strikes out section 5.1; and
  - (d) renumbers section 5.2 as 5.1.
10. In the C-1 District Schedule, Council:
- (a) adds the following in section 2.2.A as the third bullet point:
    - “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;
  - (b) adds a new section 2.3.3 as follows:

“2.3.3 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;
  - (c) adds a new section 3.3.2 as follows:

“3.3.2 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(d) adds a new section 4.4.3 as follows:

“4.4.3 The Director of Planning may vary the front yard requirements of section 4.4 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(e) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(f) strikes out section 5 in its entirety, including the title of the section.

11. In the C-2 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;

(b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(c) adds a new section 3.3.2 as follows:

“3.3.2 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

- (d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
- (e) strikes out section 5 in its entirety, including the title of the section.

12. In the C-2B District Schedule, Council:

- (a) adds the following in section 2.2.A as the third bullet point:

- “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;

- (b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

- (c) adds a new section 3.3.3 as follows:

“3.3.3 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

- (d) in section 4, strikes out:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.”

and substitutes:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations, except that the Director of Planning may vary any of the regulations of this Schedule for the following developments:

- (a) dwelling units in conjunction with any of the uses listed in this Schedule and residential units associated with and forming an integral part of an Artist Studio, except that the 10.7 m non-residential setback shall not be varied;
- (b) office uses,

provided that in determining the amount of any variation that may be permitted, the Director of Planning where applicable, consider the amount and quality in the provision of:

- (i) landscaping;
- (ii) usable resident open space provided by balconies, decks, roof gardens and courtyards;
- (iii) individual dwelling units and residential units associated with and forming an integral part of an Artist Studio; and
- (iv) light and air available to individual dwelling units and residential units associated with and forming an integral part of an Artist Studio.”;

(e) in section 4.10.4, strikes out “relax” and substitutes “vary”;

(f) strikes out sections 5.1, 5.3 and 5.4; and

(g) renumbers section 5.2 as 5.1.

13. In the C-2C District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;

(b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(c) in section 3.3.2, strikes out “relaxed” and substitutes “varied”;

(d) adds a new section 3.3.4 as follows:

“3.3.4 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(e) in section 4.10.4, strikes out “relax” and substitutes “vary”;

- (f) strikes out sections 5.1, 5.3 and 5.4; and
  - (g) renumbers section 5.2 as 5.1.
14. In the C-2C1 District Schedule, Council:
- (a) adds the following in section 2.2.A as the third bullet point:
    - “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;
  - (b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;
  - (c) in section 3.2.1, strikes out “relaxations” and substitutes “variations”;
  - (d) in section 3.3.2, strikes out “relaxed” and substitutes “varied”;
  - (e) adds a new section 3.3.5 as follows:

“3.3.5 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;
  - (f) in section 4.10.4, strikes out “relax” and substitutes “vary”;
  - (g) strikes out sections 5.1, 5.3 and 5.4; and
  - (h) renumbers section 5.2 as 5.1.
15. In the C-3A District Schedule, Council:
- (a) adds the following in section 2.2.A as the third bullet point:
    - “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event,

exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;

- (b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

- (c) adds a new section 3.3.2 as follows:

“3.3.2 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

- (d) in section 4.10.4, strikes out “relax” and substitutes “vary”;

- (e) in section 5.2, strikes out “the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum” and substitutes “the Board may relax for any one building, which includes one or more of such facilities, the maximum”;

- (f) strikes out sections 5.1 and 5.3; and

- (g) renumbers section 5.2 as 5.1.

16. In the C-5, C-5A and C-6 Districts Schedule, Council:

- (a) in section 4.2.2, strikes out “relax” and substitutes “permit an increase in”;

- (b) adds a new section 4.3.4 as follows:

“4.3.4 The Director of Planning or the Development Permit Board may vary the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and

- (a) the maximum height does not exceed 91.4 m.; and
- (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.”;

- (c) adds a new section 4.7.9 as follows:

“4.7.9 The Director of Planning or the Development Permit Board may vary the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out sections 5.2 and 5.3.

17. In the C-7 and C-8 Districts Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$  percent of the gross floor area of the principal use.”;

(b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(c) adds a new section 3.3.2 as follows:

“3.3.2 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”



- (d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
  - (e) strikes out section 5 in its entirety, including the title of the section.
18. In the FC-1 District Schedule, Council:
- (a) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may include such other conditions as is deemed necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;
  - (b) adds a new section 3.3.3 as follows:

“3.3.3 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as is deemed necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;
  - (c) strikes out section 5.2; and
  - (d) renumbers section 5.3 as 5.2.
19. In the FC-2 District Schedule, Council:
- (a) in section 4.3.2, strikes out “relax” and substitutes “vary”; and
  - (b) in section 4.10.4, strikes out “relax” and substitutes “vary”.
20. In the First Shaughnessy District Schedule, Council:
- (a) adds a new section 4.2.6 as follows:

“4.2.6 The Director of Planning may permit an increase in the maximum permitted building footprint in section 4.2.4 if the Director of Planning first considers:

    - (a) all applicable policies and guidelines adopted by Council;
    - (b) the submissions of any advisory group, property owner or tenant;
    - (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
    - (d) the amount of open space; and
    - (e) the preservation of the heritage character and heritage value of the area; and

the increase does not exceed 20% of the maximum building footprint in this Schedule.”;

- (b) adds a new section 4.7.5 as follows:

“4.7.5 The Director of Planning may vary the requirements of section 4.7.3(c) if, in the opinion of the Director of Planning:

- (a) the resulting building massing does not overshadow or adversely affect the site or neighbouring sites;
  - (b) the excluded floor area enhances the design, liveability, and architectural expression of the building; and
  - (c) the excluded floor area enhances the heritage character and heritage value of the area; and
- the total excluded area does not exceed 37 m<sup>2</sup>.”;

- (c) adds a new section 4.16.3 as follows:

“4.16.3 The Director of Planning may permit an increase in the maximum permitted building depth requirements in section 4.16 if the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submissions of any advisory group, property owner or tenant;
- (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
- (d) the amount of open space; and
- (e) the preservation of the heritage character and heritage value of the area; and

the increase does not exceed 50% of the building depth requirements in this Schedule.”;

- (d) strikes out sections 5.2, 5.3 and 5.4; and

- (e) renumbers section 5.5 as 5.2.

21. In the HA-1 and HA-1A Districts Schedule, Council:

- (a) in section 2.2.1.DW, strikes the first bullet point and substitutes the following:

- “• Dwelling Uses, provided that a minimum of 25% of the total number of dwelling units contain 2 or more bedrooms, except that the Development Permit Board may vary such condition where the Dwelling Uses in the proposed development comprise 100% social housing.”;

- (b) adds a new section 2.3.2 as follows:

“2.3.2 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods, and may

include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, and the hours of operation, provided that the Director of Planning first considers:

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

(c) adds a new section 3.3.5 as follows:

“3.3.5 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, and the hours of operation, provided that the Director of Planning first considers:

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

(d) adds a new section 4.2.5 as follows:

“4.2.5 The Director of Planning may permit an increase in the frontage regulations of section 4.2, provided that the Director of Planning first considers:

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

(e) adds a new section 4.3.5 as follows:

“4.3.5 The Development Permit Board may vary the conditions for Dwelling Uses under subsections 4.3.2(a) and (b) where the Dwelling Uses in the proposed development comprise 100% social housing.”;

(f) adds a new section 4.6.2 as follows:

“4.6.2 The Director of Planning may permit a reduction in the rear yard regulations of section 4.6, provided that the Director of Planning first considers:

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

- (g) adds a new section 4.7.6 as follows:
    - “4.7.6 The Development Permit Board may vary the conditions for Dwelling Uses under sections 4.7.1(a)(ii) and 4.7.1(b)(ii) where the Dwelling Uses in the proposed development comprise 100% social housing.”;
  - (h) in section 4.10.4, strikes out “relax” and substitutes “vary”;
  - (i) strikes out sections 5.1, 5.2 and 5.4; and
  - (j) renumbers section 5.3 as 5.1 and renumbers section 5.5 as 5.2.
22. In the HA-2 District Schedule, Council:
- (a) adds a new section 2.3.5 as follows:
    - “2.3.5 The Director of Planning may vary the use conditions of section 2.3.1 for the following uses, and may include additional conditions, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council and the submission of any advisory group:
      - (a) restaurant and refreshment facilities;
      - (b) retail uses.”;
  - (b) adds a new section 3.3.3 as follows:
    - “3.3.3 The Director of Planning may vary the use conditions of section 3.3.1 for the following uses, and may include additional conditions, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council and the submission of any advisory group:
      - (a) restaurant and refreshment facilities;
      - (b) retail uses.”;
  - (c) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
  - (d) strikes out section 5 in its entirety, including the title of the section.
23. In section 4.10.4 of the HA-3 District Schedule, Council strikes out “relax” and substitutes “vary”.
24. In the I-1A District Schedule, Council:
- (a) adds a new section 4.3.2 as follows:
    - “4.3.2 The Director of Planning may vary the height requirements of section 4.3.1 as follows:
      - (a) the maximum height of a building existing as of May 2, 2017, may exceed 33.5 m by 1.5m to a maximum height of 35 m;

- (b) any floor above 18.3 m may be permitted to extend into the required upper floor setback as follows:
  - (i) on Quebec Street, the width of the building may extend up to 3.0 m into the required 6.1 m upper floor setback for up to one-third of the width of a building fronting the street, and
  - (ii) on 2nd, 3rd , 4th and 5th Avenue, the 4.5 m upper floor setback may be reduced for up to one-third of the width of a building fronting the avenue,

except that:

- (iii) the floor area of any storey located above 18.3 m in height must not exceed 80% of the floor area of the largest permitted storey located at or below 18.3m; and
- (iv) the building must not encroach into the ground floor setbacks as specified in section 4.4.”;

- (b) adds a new section 4.6.3 as follows:

“4.6.3 The Director of Planning may vary the computation of floor area exclusions of section 4.6.2 for accessory amenity areas, including child day care facilities and recreation facilities to a maximum of 10 % of the total permitted floor area.”; and

- (c) strikes out section 5 in its entirety, including the title of the section.

25. In the I-1B District Schedule, Council:

- (a) adds a new section 4.3.2 as follows:

“4.3.2 The Director of Planning may vary the height requirements of section 4.3.1 as follows:

- (a) any floor above 18.3 m may be permitted to extend into the required upper floor setback as follows:
  - (i) on Quebec Street, the width of the building may extend up to 3.0 m into the required 6.1 m upper floor setback for up to one-third of the width of a building fronting the street, and
  - (ii) on 5th and 6th Avenue, the 4.5 m upper floor setback may be reduced for up to one-third of the width of a building fronting the avenue,

except that:

- (iii) the floor area of any storey located above 18.3 m in height must not exceed 80% of the floor area of the largest permitted storey located at or below 18.3m; and

- (iv) the building must not encroach into the ground floor setbacks as specified in section 4.4.”;
  - (b) adds a new section 4.6.3 as follows:
    - “4.6.3 The Director of Planning may vary the computation of floor area exclusions of section 4.6.2 for accessory amenity areas, including child day care facilities and recreation facilities, to a maximum of 10 % of the total permitted floor area.”; and
  - (c) strikes out section 5 in its entirety, including the title of the section.
26. In section 4.7.5 of the I-2 District Schedule, Council strikes out “relax” and substitutes “vary”.
27. In section 4.7.9 of the I-3 District Schedule, Council strikes out “relax” and substitutes “vary”.
28. In the IC-3 District Schedule, Council:
- (a) adds a new section 4.3.2 as follows:
    - “4.3.2 In sub-area A, as shown in Figure 1, the Director of Planning may vary the regulations regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning first considers the intent of the schedule, and all applicable Council policies and guidelines, and:
      - (a) the maximum height does not exceed 30.5 m.; and
      - (b) a minimum of 20% of the residential floor area included in the calculation of floor space ratio is used for social housing, or
      - (c) all dwelling units must be secured market rental housing.”;
  - (b) strikes out section 4.7.4;
  - (c) renumbers section 4.7.5 as 4.7.4;
  - (d) adds a new section 4.7.5 as follows:
    - “4.7.5 In sub-area A, as shown in Figure 1, the Director of Planning may vary the regulations regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning first considers the intent of this schedule, and all applicable Council policies and guidelines, and:
      - (a) the total floor space ratio does not exceed 4.0, except that the maximum floor space ratio for dwelling uses shall not exceed 3.5, and
      - (b) for the purpose of this clause an artist studio and its associated residential unit shall together be considered a dwelling use; and

- (c) a minimum of 20% of the residential floor area included in the calculation of floor space ratio must be used for social housing, or
- (d) all dwelling units must be secured market rental housing.”;
- (e) strikes out section 4.17.2;
- (f) renumbers section 4.17.3 as 4.17.2 and renumbers section 4.17.4 as 4.17.3;
- (g) strikes out section 5.1 and substitutes:

“5.1 Where a need for a cultural facility has been demonstrated to the satisfaction of the Development Permit Board, the Development Permit Board may relax the maximum floor space ratio for any one building, which includes one or more of such facilities. The Development Permit Board will require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the increase in floor area that may be permitted, the Development Permit Board or Director of Planning shall consider:

- (a) the construction cost of the facility;
  - (b) any costs to the developer of continuing maintenance required for the facility;
  - (c) the rental value of the increased floor area;
  - (d) the value of any authorized relaxation of other restrictions;
  - (e) the opinion of City Council; and
  - (f) all applicable policies and guidelines adopted by Council.”;
- and
- (h) strikes out section 5.2 and substitutes:

“5.2 If the Director of Planning is satisfied that enforcement of section 4.17.1 will result in unnecessary hardship, and that the form of development will otherwise achieve building continuity, the Director of Planning may relax all or some of the requirements of section 4.17.1.”

29. In the M-1 District Schedule, Council:

- (a) adds the following in section 2.2.A as the third bullet point:
  - The Director of Planning may vary the maximum height, floor area and site area regulations of section 2.2.A for accessory buildings and accessory uses.”; and
- (b) strikes out section 5 in its entirety, including the title of the section.

30. In the M-1A District Schedule, Council strikes out section 5 in its entirety, including the title of the section.
31. In the M-1B District Schedule, Council:
- (a) in section 4.1.1, strikes out “The Director of Planning may relax the minimum site area requirement as provided for in section 5.1 of this Schedule.”;
  - (b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1.1 with respect to any of the uses permitted in this Schedule, provided the Director of Planning considers the intent of this Schedule and all policies and guidelines adopted by Council, and provided that in no case shall the minimum site area be less than 3,100 m<sup>2</sup> unless comprised of one or more smaller parcels on record in the Land Title Office for Vancouver as of August 12, 1980.”;
  - (c) adds a new section 4.3.2 as follows:

“4.3.2 The Director of Planning may permit an increase in the maximum height prescribed in section 4.3.1, provided the Director of Planning first considers:

    - (a) all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas; and
    - (b) the bulk, location and overall design of the building and its effect on the site, surrounding buildings, streets and views.”;
    - (d) in section 4.6.1, strikes out “The Director of Planning may relax the minimum rear yard requirement as provided for in section 5.3 of this Schedule.”;
    - (e) adds a new section 4.6.3 as follows:

“4.6.3 The Director of Planning may waive the requirement to provide a rear yard where the Director of Planning is satisfied that the site is located within an area where rear access to the site and adjacent sites is not likely to be required and the site is sufficiently large to provide adequate open space.”;
    - (f) in section 4.7.1(a), inserts the word “and” after “1 000 m<sup>2</sup>.”;
    - (g) strikes out subsection 4.7.1(b);
    - (h) renumbers subsection 4.7.1(c) as 4.7.1(b);
    - (i) adds a new section 4.7.4 as follows:



“4.7.4 The Director of Planning may permit an increase in the maximum floor space ratio to any figure between 1.50 and 2.00 provided the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas; and
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings, streets and views.”; and

(j) strikes out section 5 in its entirety, including the title of the section.

32. In the M-2 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- “• The Director of Planning may vary the maximum height, floor area and site area regulations of section 2.2.A for accessory buildings and accessory uses.”; and

(b) strikes out section 5 in its entirety, including the title of the section.

33. In the MC-1 and MC-2 Districts Schedule, Council:

(a) adds the following in section 2.2.1A as the third bullet point:

- “• The Director of Planning may vary the maximum height, location regulations and floor area in section 2.2.1A for accessory buildings and accessory uses except that, in any event, the varied height shall not exceed the maximum prescribed in section 4.3.1 and the varied floor space shall not exceed 33- $\frac{1}{3}$  percent of the gross floor area of the principal and accessory uses combined.”;

(b) adds a new section 2.3.6 as follows:

“2.3.6 The Director of Planning may vary the use conditions of section 2.3.4 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(c) adds a new section 3.3.6 as follows:

“3.3.6 The Director of Planning may vary the use conditions of section 3.3.3 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.”;

(d) adds a new section 4.7.6 as follows:

“4.7.6 The Director of Planning may, provided that the Director Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council and the submission of any advisory group, property owner or tenant, vary the provisions of section 4.7.1 in the MC-1 District, excluding sub-area A as shown in Figure 1, and the MC-2 District, to permit an increase in the total floor space ratio up to a maximum of 2.50, subject to the following:

- (a) none of the following uses shall, subject to clause (b), exceed a floor space ratio of 1.50:
  - (i) cultural and recreational;
  - (ii) in MC-1, dwelling and, for the purpose of this clause, an Artist Studio and its associated residential unit which shall together be considered as a dwelling use;
  - (iii) institutional;
  - (iv) manufacturing, transportation and storage, utility and communication, and wholesale, combined;
  - (v) office;
  - (vi) parking;
  - (vii) service; and
  - (viii) other uses pursuant to section 3.2.Z;
- (b) as part of the increased total floor space ratio permitted under clause (a), the Director of Planning may increase the maximum floor space ratio for dwelling uses to up to 1.80;
- (c) in MC-2, dwelling and, for the purposes of this clause, an Artist Studio - Class B and its associated residential unit which shall together be considered as a dwelling use, the maximum floor space ratio shall be 1.0; and
- (d) the maximum floor area in retail use shall be 1 300 m<sup>2</sup>.”;

(e) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(f) strikes out section 5 in its entirety, including the title of the section.

34. In the RS-1 District Schedule, Council:

(a) in section 2.2.I, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.5 as follows:

“4.1.5 The Director of Planning may permit a reduction to the minimum site area requirements (but not the minimum site width) of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;

- (c) one-family dwelling with laneway house;
- (d) one-family dwelling with secondary suite and laneway house;
- (e) two-family dwelling;
- (f) two-family dwelling with secondary suite; and
- (g) infill or multiple conversion dwelling in conjunction with retention of a character house.”;

(c) adds a new section 4.7.5 as follows:

“4.7.5 In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may vary the provisions of section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;

(d) adds a new section 4.8.8 as follows:

“4.8.8 The Director of Planning may vary section 4.8.5 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:

- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
- (b) the Director of Planning considers the advice of the City Engineer; and
- (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;

(e) strikes out sections 5.1, 5.3, 5.4 and 5.6; and

(f) renumbers section 5.2 as 5.1 and renumbers section 5.5 as 5.2.

35. In the RS-1A District Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) one-family dwelling with laneway house;
- (d) one-family dwelling with secondary suite and laneway house;
- (e) two-family dwelling;
- (f) two-family dwelling with secondary suite; and
- (g) infill or multiple conversion dwelling in conjunction with retention of a character house.”;

- (c) adds a new section 4.8.7 as follows:
  - “4.8.7 The Director of Planning may vary section 4.8.4 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:
    - (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
    - (b) the Director of Planning considers the advice of the City Engineer; and
    - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;

- (d) strikes out sections 5.1, 5.2 and 5.4; and

- (e) renumbers section 5.3 as 5.1.

36. In the RS-1B District Schedule, Council:

- (a) in section 2.2.I, inserts “, variations,” after the word “regulations”;

- (b) adds a new section 4.1.4 as follows:

- “4.1.4 The Director of Planning may vary the requirements of section 4.1 after considering the intent of the Schedule and all applicable policies and guidelines adopted by Council.”;

- (c) adds a new section 4.3.6 as follows:

- “4.3.6 The Director of Planning may vary the requirements of section 4.3.3 after considering the intent of the Schedule and all applicable policies and guidelines adopted by Council.”;

- (d) adds a new section 4.5.4 as follows:

- “4.5.4 The Director of Planning may vary the requirements of section 4.5.1 after considering the intent of the Schedule and all applicable policies and guidelines adopted by Council.”;

- (e) adds a new section 4.6.6 as follows:

- “4.6.6 The Director of Planning may vary the requirements of section 4.6.5 after considering the intent of the Schedule and all applicable policies and guidelines adopted by Council.”;

- (f) adds a new section 4.8.7 as follows:

- “4.8.7 The Director of Planning may vary section 4.8.4 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:

- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
    - (b) the Director of Planning considers the advice of the City Engineer; and
    - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;
  - (g) strikes out section 4.13 in its entirety, including the title of the section and substitutes:
    - “**4.13 Area of Transparent Surface -- Not Applicable**”;
  - (h) strikes out sections 5.1, 5.2, 5.3 and 5.5; and
  - (i) renumbers section 5.4 as 5.1.
37. In the RS-2 District Schedule, Council:
- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
  - (b) adds a new section 4.1.4 as follows:
    - “4.1.4 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:
      - (a) one-family dwelling;
      - (b) one-family dwelling with secondary suite;
      - (c) one-family dwelling with laneway house;
      - (d) one-family dwelling with secondary suite and laneway house;
      - (e) two-family dwelling;
      - (f) two-family dwelling with secondary suite; and
      - (g) infill or multiple conversion dwelling in conjunction with retention of a character house.”;
  - (c) adds a new section 4.5.5 as follows:
    - “4.5.5 The Director of Planning may vary the yard provisions of section 4.5.3 in the case of infill, provided that:
      - (a) the Director of Planning first considers all applicable policies and guidelines adopted by Council; and
      - (b) the variation facilitates an overall better relationship of the infill development with the existing buildings on the development site and abutting sites.”;
  - (d) adds a new section 4.8.9 as follows:
    - “4.8.9 The Director of Planning may vary section 4.8.6 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:

- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
    - (b) the Director of Planning considers the advice of the City Engineer; and
    - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;
  - (e) in section 4.10.4, strikes out “relax” and substitutes “vary”;
  - (f) strikes out sections 5.1, 5.2, 5.3 and 5.5; and
  - (g) renumbers section 5.4 as 5.1.
38. In the RS-3 and RS-3A Districts Schedule, Council:
- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
  - (b) adds a new section 4.7.4 as follows:

“4.7.4 In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may vary the provisions of section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;
  - (c) adds a new section 4.8.7 as follows:

“4.8.7 The Director of Planning may vary section 4.8.4 for buildings existing prior to May 30, 2000 to a maximum of 70 percent impermeable materials site coverage provided that:

    - (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
    - (b) the Director of Planning considers the advice of the City Engineer; and
    - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;
  - (d) strikes out sections 5.2, 5.3 and 5.5; and
  - (e) renumbers section 5.4 as 5.2.
39. In the RS-5 District Schedule, Council:
- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
  - (b) adds a new section 4.1.5 as follows:

“4.1.5 The Director of Planning may permit a reduction to the minimum site area requirements (but not the minimum site width) of section 4.1 with respect to any of the following developments on an

existing lot of lesser site area on record in the Land Title Office for Vancouver:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) one-family dwelling with laneway house;
- (d) one-family dwelling with secondary suite and laneway house;
- (e) two-family dwelling;
- (f) two-family dwelling with secondary suite; and
- (g) infill or multiple conversion dwelling in conjunction with retention of a character house.”;

- (c) adds a new section 4.7.5 as follows:

“4.7.5 In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may vary the provisions of section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;

- (d) adds a new section 4.8.7 as follows:

“4.8.7 The Director of Planning may vary section 4.8.4 for buildings existing prior to October 8, 1996 to a maximum of 70 percent impermeable materials site coverage provided that:

- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
- (b) the Director of Planning considers the advice of the City Engineer; and
- (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;

- (e) strikes out sections 5.1, 5.3, 5.4 and 5.6; and

- (f) renumbers section 5.2 as 5.1 and renumbers section 5.5 as 5.2.

40. In the RS-6 District Schedule, Council:

- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

- (b) adds a new section 4.1.5 as follows:

“4.1.5 The Director of Planning may permit a reduction to the minimum site area requirements (but not the minimum site width) of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) one-family dwelling with laneway house;

- (d) one-family dwelling with secondary suite and laneway house; and
  - (e) infill or multiple conversion dwelling in conjunction with retention of a character house.”;
- (c) strikes out section 4.3.6;
- (d) adds a new section 4.7.6 as follows:

“4.7.6 In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may vary the provisions of section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;
- (e) adds a new section 4.7.7 as follows:

“4.7.7 The Director of Planning may vary section 4.7.1 (d)(ii)(2) for new buildings located in a flood plain to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m<sup>2</sup> where the development of a half-storey above an existing second storey is not possible due to designated flood construction levels.”;
- (f) adds a new section 4.7.8 as follows:

“4.7.8 The Director of Planning may vary section 4.7.1 (d)(ii)(2) for buildings existing prior to March 26, 1996 to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m<sup>2</sup> where the development of a half-storey above an existing second storey is not possible due to the structural incapability of the existing building or because of height, access or view blockage concerns.”;
- (g) adds a new section 4.8.7 as follows:

“4.8.7 The Director of Planning may vary section 4.8.4 for buildings existing prior to March 26, 1996 to a maximum of 70 percent impermeable materials site coverage provided that:

  - (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
  - (b) the Director of Planning considers the advice of the City Engineer; and
  - (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;
- (h) adds a new section 4.17.46 as follows:

“4.17.46 The Director of Planning may vary the requirements of sections 4.17.7 roof form, 4.17.9 roof decks, 4.17.10 dormers, 4.17.11 gables, 4.17.12 bay windows, 4.17.13 basements, 4.17.31 chimneys, 4.17.32 and 4.17.33 entry porches, 4.17.34 windows,



4.17.35 exterior wall cladding, 4.17.36 roofing materials, and 4.17.39 window trim provided that:

- (a) the Director of Planning considers the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the Director of Planning considers the effects on adjacent properties with regard to shadowing and loss of privacy;
- (c) the Director of Planning considers the proposed development's design in relationship to neighbourhood character;
- (d) the Director of Planning may require submission of photographs or drawings showing the subject property and surrounding properties; and
- (e) the Director of Planning may consider the submission or any advisory group, property owner or tenant.”;

(i) adds a new section 4.17.47 as follows:

“4.17.47 Where renovations and additions are proposed to a building existing prior to March 26, 1996, the Director of Planning may vary the requirements of sections 4.17.7 roof form, 4.17.9 roof decks, 4.17.10 dormers, 4.17.11 gables, 4.17.12 bay windows, 4.17.13 basements, 4.17.31 chimneys, 4.17.32 and 4.17.33 entry porches, 4.17.34 windows, 4.17.35 exterior wall cladding, 4.17.36 roofing materials, and 4.17.39 window trim where the Director of Planning considers these requirements to be unduly restrictive, and provided that:

- (a) the Director of Planning considers the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the Director of Planning considers the effects on neighbouring properties with particular regard to shadowing and loss of privacy;
- (c) the Director of Planning considers the presence of original materials and detailing and their architectural merit;
- (d) the Director of Planning considers the extent and exterior design of the proposed new work as related to the existing buildings character and design;
- (e) the Director of Planning may require submission of photographs and drawings showing the existing property and surrounding properties; and
- (f) the Director of Planning may consider the submission or any advisory group, property owner or tenant.”;

(j) strikes out section 5.1 and substitutes:

“5.1 For sites where the average slope within the allowable building envelope as determined by yard setbacks exceeds 15 percent or for sites exceeding 30.5 m in width and 1 393 m<sup>2</sup> in area and where, due to conditions peculiar to the site, literal enforcement of sections 4.3.3 and 4.3.4 would result in an unnecessary hardship,

the Director of Planning may relax the provisions of section 4.3 to permit the height to be measured from a hypothetical surface determined by joining the existing grades at the intersections of the hypothetical lines defining the front and rear yards and the side property lines, except that if the Director of Planning is of the opinion that the hypothetical surface determined by joining the existing grades is not compatible with the existing grades of adjoining sites or general topography of the area, the Director of Planning may instead require that height be measured from base surface.”;

- (k) strikes out sections 5.3, 5.4 in its entirety (including its title), 5.5 in its entirety (including its title), and 5.7; and
- (l) renumbers section 5.6 as 5.3 and renumbers section 5.6.1 as 5.3.1.

41. In the RS-7 District Schedule, Council:

- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
- (b) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) one-family dwelling with laneway house;
- (d) one-family dwelling with secondary suite and laneway house;
- (e) two-family dwelling;
- (f) two-family dwelling with secondary suite;
- (g) multiple conversion dwelling; and
- (h) infill or multiple conversion dwelling in conjunction with retention of a character house.”;

- (c) adds a new section 4.5.5 as follows:

“4.5.5 The Director of Planning may vary the yard provisions of section 4.5.2 for a multiple dwelling.”;

- (d) adds a new section 4.5.6 as follows:

“4.5.6 The Director of Planning may vary the provisions of section 4.5 in the case of infill or the placement of more than one principal building on a site, provided that:

- (a) any building not within the building depth specified for a one-family, two-family, or multiple conversion dwelling under section 4.16 of this Schedule shall have a height not exceeding 7.3 m 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 the building may exceed 8.5 m in height; and

- (b) the Director of Planning first considers:
  - (i) all applicable policies and guidelines adopted by Council;
  - (ii) the height, bulk, location, and overall design of buildings and their effect on the site, surrounding buildings, adjacent properties, and the streetscape; and
  - (iii) the amount of open space and the effect of the overall design on the general amenity of the area.”;

- (e) adds a new section 4.6.4 as follows:

“4.6.4 The Director of Planning may vary the provisions of section 4.6 in the case of infill or the placement of more than one principal building on a site, provided that:

- (a) any building not within the building depth specified for a one-family, two-family, or multiple conversion dwelling under section 4.16 of this Schedule shall have a height not exceeding 7.3 m 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 the building may exceed 8.5 m in height; and
- (b) the Director of Planning first considers:
  - (i) all applicable policies and guidelines adopted by Council;
  - (ii) the height, bulk, location, and overall design of buildings and their effect on the site, surrounding buildings, adjacent properties, and the streetscape; and
  - (iii) the amount of open space and the effect of the overall design on the general amenity of the area.”;

- (f) adds a new section 4.7.6 as follows:

“4.7.6 In the case of a corner site, where the rear property line of a site adjoins, without the intervention of a lane, the side yard of a site in an R District, the Director of Planning may vary the provisions of section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;

- (g) adds a new section 4.8.7 as follows:

“4.8.7 The Director of Planning may vary the site coverage and impermeability provisions of section 4.8 in the case of a multiple dwelling, infill, or a development with two or more principal buildings.”;

(h) adds a new section 4.8.8 as follows:

“4.8.8 The Director of Planning may, for buildings existing prior to January 9, 2001, vary the area of impermeable materials specified in section 4.8.4 to a maximum of 70 percent of the total site area provided that:

- (a) the percentage of the site covered by existing impermeable materials is not increased by the proposed development;
- (b) the Director of Planning considers the advice of the City Engineer; and
- (c) the Director of Planning considers all applicable policies and guidelines adopted by Council.”;

(i) adds a new section 4.17.46 as follows:

“4.17.46 Where renovations and additions are proposed to a building existing prior to January 9, 2001, the Director of Planning may vary the requirements of sections 4.17.7 (roof form), 4.17.9 (roof decks), 4.17.10 (dormers), 4.17.11 (gables), 4.17.12 (bay windows), 4.17.13 (basements), 4.17.31 (chimneys), 4.17.32 and 4.17.33 (entry porches), 4.17.34 (windows), 4.17.35 (exterior wall cladding), 4.17.36 (roofing materials), and 4.17.39 (window trim) where the Director of Planning considers these requirements to be unduly restrictive, and provided that:

- (a) the Director of Planning considers the effects on neighbouring properties with particular regard to shadowing and loss of privacy;
- (b) the Director of Planning considers the presence of original materials and detailing and their architectural merit;
- (c) the Director of Planning considers the extent and exterior design of the proposed new work as related to the existing buildings character and design; and
- (d) the Director of Planning may consider the submission or any advisory group, property owner or tenant.”;

(j) adds a new section 4.17.47 as follows:

“4.17.47 For a multiple dwelling, an infill, a dwelling on a site with two or more principal buildings and, except for Community Care Facility – Class A, a building for non-residential use, the Director of Planning may vary any of the requirements of section 4.17 provided that:

- (a) the Director of Planning first considers all applicable Council adopted policies and guidelines;
- (b) the Director of Planning considers the effects on neighbouring properties with particular regard to shadowing and loss of privacy;
- (c) the Director of Planning considers the neighbourhood character and the general compatibility therewith;
- (d) for infill, the Director of Planning considers the design of the infill in relationship to the existing principal building

including its retention of original materials and detailing, and its architectural merit; and  
(e) the Director of Planning may consider the submission or any advisory group, property owner or tenant.”;

(k) strikes out sections 5.1, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9 and 5.10; and

(l) renumbers section 5.2 as 5.1 and renumbers section 5.8 as 5.2.

42. In the RT-1 District Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments on an existing lot of lesser site area on record in the Land Title Office for Vancouver:

(a) one-family dwelling;

(b) one-family dwelling with secondary suite;

(c) two-family dwelling.”; and

(c) strikes out section 5 in its entirety, including the title of the section.

43. In the RT-2 District Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to September 7, 1965, and has an area of not less than the minimum noted:

(a) two-family dwelling, with a minimum lot area of 353 m<sup>2</sup>.”;

(c) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(d) strikes out section 5 in its entirety, including the title of the section.

44. In the RT-3 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

“• The Director of Planning may vary the area and site coverage limitations for accessory buildings, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

- (b) in section 3.2.1, inserts “, variations,” after the word “regulations”;
- (c) in section 4, strikes out:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations, except that section 4.17 shall apply only to uses approved under section 3.”

and substitutes:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations, except that:

- (a) section 4.17 shall apply only to uses approved under section 3;
- (b) the Director of Planning may vary any of the regulations of this Schedule for the following developments where it is demonstrated that the variation will serve to accomplish the provision of affordable housing, having regard to the intent of this Schedule and all applicable policies and guidelines adopted by Council:
  - (i) multiple dwelling or seniors supportive or assisted housing, provided that:
    - a. a minimum of 25 percent of total units within any building shall be owned or leased by a government or non-profit housing society, for housing handicapped persons or individuals or families of low income or providing housing for mixed-income groups; and
    - b. the maximum floor space ratio shall not exceed 1.0;
- (c) in order to maintain the pre-1920 building character of the neighbourhood and to recognize that some existing buildings exceed regulations established under this Schedule, the Director of Planning may vary any of the regulations of this Schedule for any existing building to allow for minor alterations to provide for increased efficiency and livability of the building;
- (d) the Director of Planning may vary any regulation of this Schedule for multiple conversion dwellings and infill on a corner site, for the purpose of preserving pre-1920 buildings important to the character of the neighbourhood, having regard to the intent of this Schedule and all applicable policies and guidelines adopted by City Council; and
- (e) the Director of Planning may vary any of any regulation of this Schedule involving an existing one- or two-family dwelling, provided that:
  - (i) the building is consistent with the pre-1920 character of the neighbourhood;
  - (ii) the building replicates a previously existing or existing building on the site, including restoration of a building’s original form, features, materials, and decoration; and
  - (iii) the Director of Planning has regard to the intent of this Schedule and all applicable policies and guidelines adopted by City Council.”;

(d) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to November 3, 1992:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”;

(e) adds a new section 4.5.3 as follows:

“4.5.3 The Director of Planning may vary the yard provisions of section 4.5 in the case of multiple conversion dwellings, infill and the placement of more than one principal building on a site, provided that the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the height, bulk, location and overall design of the building or buildings and their effect on the site, surrounding buildings, streets and existing views;
- (c) the amount of open space; and
- (d) the preservation of the character and general amenity desired for the area.”;

(f) adds a new section 4.6.4 as follows:

“4.6.4 The Director of Planning may vary the yard provisions of section 4.6 in the case of multiple conversion dwellings, infill and the placement of more than one principal building on a site, provided that the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the height, bulk, location and overall design of the building or buildings and their effect on the site, surrounding buildings, streets and existing views;
- (c) the amount of open space; and
- (d) the preservation of the character and general amenity desired for the area.”;

(g) in section 4.8.2, strikes out “relax” and substitutes “permit an increase to”;

(h) in section 4.17.4(b), strikes out “relax” and substitutes “vary”;

(i) in section 4.17.4(c), strikes out “relax” and substitutes “vary”; and

(j) strikes out section 5 in its entirety, including the title of the section.

45. In the RT-4, RT-4A, RT-4N and RT-4AN Districts Schedule, Council:

(a) adds the following in section 2.2.1.A as the third bullet point:

- “• The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) in section 2.2.1.I, inserts “, variations,” after the word “regulations”;

(c) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976, or if the lot is consistent in width and area with parcels in the established blockface and development would be consistent with established lawful development in the blockface:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”;

(d) in section 4.4.3, strikes out “relax” and substitutes “reduce”;

(e) adds a new section 4.5.3 as follows:

“4.5.3 In order to maintain the character of the neighbourhood, including where possible the retention of existing buildings, the Director of Planning may vary the provisions of section 4.5 in the case of infill, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council.”;

(f) adds a new section 4.6.4 as follows:

“4.6.4 In order to maintain the character of the neighbourhood, including where possible the retention of existing buildings, the Director of Planning may vary the provisions of section 4.6 in the case of infill, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council.”; and

(g) strikes out section 5 in its entirety, including the title of the section.

46. In the RT-5 and RT-5N Districts Schedule, Council:

(a) adds the following in section 2.2.1.A as the third bullet point:

- “• The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that



adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) in section 2.2.1.1, inserts “, variations,” after the word “regulations”;

(c) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976, or if the lot is consistent in width and area with parcels in the established blockface and development would be consistent with established lawful development in the blockface:

- (a) One-Family Dwelling;
- (b) One-Family Dwelling with Secondary Suite;
- (c) One-Family Dwelling with Laneway House;
- (d) One-Family Dwelling with Secondary Suite and Laneway House;
- (e) Two-Family Dwelling;
- (f) Two-Family Dwelling with Secondary Suite or Lock-off Unit;  
or
- (g) One-Family Dwelling on sites with more than one principal building.”;

(d) in section 4.4.4, strikes out “relax” and substitutes “reduce”;

(e) adds a new section 4.5.3 as follows:

“4.5.3 The Director of Planning may vary the yard provisions of section 4.5 in the case of multiple dwellings or seniors supportive or assisted housing, provided that:

- (a) consideration is first given to all applicable policies and guidelines adopted by Council;
- (b) no fewer than 50 percent of the dwelling units within any building contain two or more bedrooms except in the case of a building designed solely for senior citizen housing or other similar use.”;

(f) adds a new section 4.6.5 as follows:

“4.6.5 The Director of Planning may vary the yard provisions of section 4.6 in the case of multiple dwellings or seniors supportive or assisted housing, provided that:

- (a) consideration is first given to all applicable policies and guidelines adopted by Council;
- (b) no fewer than 50 percent of the dwelling units within any building contain two or more bedrooms except in the case

of a building designed solely for senior citizen housing or other similar use.”;

- (g) adds a new section 4.17.9 as follows:

“4.17.9 The Director of Planning may vary any of the external design regulations under section 4.17 if consideration is first given to:

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

- (h) strikes out sections 5.1, 5.2, 5.3, 5.5 and 5.6; and

- (i) renumbers section 5.4 as 5.1.

47. In the RT-6 District Schedule, Council:

- (a) adds the following in section 2.2.A as the third bullet point:

- The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

- (b) in section 3.2.1, inserts “, variations,” after the word “regulations”;

- (c) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976:

- (a) One-Family Dwelling;
- (b) One-Family Dwelling with Secondary Suite;
- (c) One-Family Dwelling with Laneway House;
- (d) One-Family Dwelling with Secondary Suite and Laneway House;
- (e) Two-Family Dwelling;
- (f) Two-Family Dwelling with Secondary Suite or Lock-off Unit;  
or
- (g) One-Family Dwelling on sites with more than one principal building.”;

- (d) in section 4.4.4, strikes out “relax” and substitutes “reduce”;

- (e) adds a new section 4.5.3 as follows:

“4.5.3 The Director of Planning may vary the yard provisions of section 4.5 in the case of Multiple Dwellings or seniors supportive or assisted housing, provided that consideration is first given to all applicable policies and guidelines adopted by Council.”;

(f) adds a new section 4.6.5 as follows:

“4.6.5 The Director of Planning may vary the yard provisions of section 4.6 in the case of Multiple Dwellings or seniors supportive or assisted housing, provided that consideration is first given to all applicable policies and guidelines adopted by Council.”;

(g) adds a new section 4.17.9 as follows:

“4.17.9 The Director of Planning may vary any of the external design regulations under section 4.17 if consideration is first given to:

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

(h) strikes out sections 5.1, 5.2, 5.3, 5.5 and 5.6; and

(i) renumbers section 5.4 as 5.1.

48. In the RT-7 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- “• The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) adds the following in section 2.2.A as the fourth bullet point:

- “• If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for multiple conversion dwellings having three or more units, the floor area of an accessory building permitted under section 2.2A(d), to a maximum of 48 m<sup>2</sup>.”;

(c) in section 3.2.1, inserts “, variations,” after the word “regulations”;

(d) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”;

(e) adds a new section 4.7.4 as follows:

“4.7.4 If the rear property line of a corner site adjoins the side yard of a site in an R District, without a lane intervening, the Director of Planning may vary section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;

(f) adds a new section 4.7.5 as follows:

“4.7.5 If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for multiple conversion dwellings having three or more units, the excluded parking floor space of an accessory building permitted under section 4.7.3, to a maximum of 48 m<sup>2</sup>.”;

(g) adds a new section 4.7.6 as follows:

“4.7.6 If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for infill buildings, the excluded parking floor space, permitted under section 4.7.3, to a maximum of 48 m<sup>2</sup>.”;

(h) strikes out section 5 in its entirety, including the title of the section.

49. In the RT-8 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

“• The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) adds the following in section 2.2.A as the fourth bullet point:

“• If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for multiple conversion dwellings having three or more

units, the floor area of an accessory building permitted under section 2.2A(d), to a maximum of 48 m<sup>2</sup>.”;

(c) in section 3.2.1, inserts “, variations,” after the word “regulations”;

(d) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”;

(e) adds a new section 4.7.4 as follows:

“4.7.4 If the rear property line of a corner site adjoins the side yard of a site in an R District, without a lane intervening, the Director of Planning may vary section 4.7 to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.”;

(f) adds a new section 4.7.5 as follows:

“4.7.5 If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for multiple conversion dwellings having three or more units, the excluded parking floor space of an accessory building permitted under section 4.7.3, to a maximum of 48 m<sup>2</sup>.”;

(g) adds a new section 4.7.6 as follows:

“4.7.6 If the Director of Planning first considers all applicable policies and guidelines adopted by Council, the Director of Planning may increase, for infill buildings, the excluded parking floor space, permitted under section 4.7.3, to a maximum of 48 m<sup>2</sup>.”;

(h) strikes out section 5 in its entirety, including the title of the section.

50. In the RT-9 District Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of

Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) in section 2.2.I, inserts “, variations,” after the word “regulations”;

(c) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to August 10, 1976:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”; and

(d) strikes out section 5 in its entirety, including the title of the section.

51. In the RT-10 and RT-10N Districts Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.8 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) in section 2.2.I, inserts “, variations,” after the word “regulations”;

(c) adds a new section 4.1.3 as follows:

“4.1.3 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to November 23, 2005:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite;
- (c) two-family dwelling.”; and

(d) strikes out section 5 in its entirety, including the title of the section.

52. In the RT-11 and RT-11N Districts Schedule, Council:

(a) in section 2.2.I, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.5 as follows:

“4.1.5 The Director of Planning may permit a reduction to the minimum site area requirements of sections 4.1.1 and 4.1.2 with respect to any of the following developments, if the lot was on record in the Land Title Office for Vancouver prior to May 15, 2013:

- (a) two-family dwelling;
- (b) two-family dwelling with secondary suite; and
- (c) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940;

if the Director of Planning first considers the quality and livability of the resulting units, the effect on neighbouring properties, and all applicable Council policies and guidelines.”;

(c) adds a new section 4.2.2 as follows:

“4.2.2 The Director of Planning may permit a reduction to the minimum frontage provisions of section 4.2.1 with respect to any of the following developments, if the lot was on record in the Land Title Office for Vancouver prior to May 15, 2013:

- (a) two-family dwelling;
- (b) two-family dwelling with secondary suite; and
- (c) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940;

if the Director of Planning first considers the quality and livability of the resulting units, the effect on neighbouring properties, and all applicable Council policies and guidelines.”;

(d) adds a new section 4.8.6 as follows:

“4.8.6 The Director of Planning may permit an increase to the site coverage provisions to accommodate an accessory building if:

- (a) in the opinion of the Director of Planning, off-street parking on a site less than 36.5 m in depth cannot otherwise be accommodated; and
- (b) the Director of Planning also considers the effect on neighbouring sites of building height, shadow, open space and landscaping, the intent of this schedule and all applicable Council policies and guidelines.”; and

(e) strikes out section 5 in its entirety, including the title of the section.

53. In the RM-1 and RM-1N Districts Schedule, Council:

(a) adds the following in section 2.2.A as the third bullet point:

- “• The Director of Planning may vary the area and site coverage limitations for accessory buildings and sections 4.7 and 4.9 of the Parking By-law where the Director of Planning is satisfied that adequate off-street parking on any site less than 36.5 m in depth cannot otherwise be accommodated, provided that in developments where a carport or garage is planned the Director of

Planning also has regard to the effect on neighbouring sites of building height, shadow, open space and landscaping.”;

(b) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(c) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area provisions of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to November 23, 2005:

- (a) one-family dwelling;
- (b) one-family dwelling with secondary suite; and
- (c) two-family dwelling.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out section 5 in its entirety, including the title of the section.

54. In the RM-2 District Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit any of the following developments on a lot having a lesser area than prescribed by section 4.1 if the lot was on record in the Land Title Office for Vancouver prior to September 7, 1965, and has an area of not less than the minimum noted:

- (a) multiple dwelling, with a minimum lot area of 500 m<sup>2</sup>;
- (b) rooming house, with a minimum lot area of 500 m<sup>2</sup>; and
- (c) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”;

(c) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(d) strikes out section 5 in its entirety, including the title of the section.

55. In the RM-3 District Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to September 7, 1965 and has an area of not less than the minimum noted:

- (a) multiple dwelling, with a minimum lot area of 500 m<sup>2</sup>;



- (b) rooming house, with a minimum lot area of 500 m<sup>2</sup>; and
- (c) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”;

(c) adds a new section 4.1.3 as follows:

“4.1.3 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments where the Director of Planning considers the development site to consist of locked-in lots and provided the Director of Planning also considers the intent of this Schedule and all applicable policies and guidelines adopted by Council:

- (a) multiple dwelling;
- (b) rooming house; and
- (c) two-family dwelling.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out section 5 in its entirety, including the title of the section.

56. In the RM-3A District Schedule, Council:

(a) in section 2.2.I, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title Office for Vancouver prior to September 7, 1965, and has an area of not less than the minimum noted:

- (a) multiple dwelling, with a minimum lot area of 500 m<sup>2</sup>;
- (b) rooming house, with a minimum lot area of 500 m<sup>2</sup>; and
- (c) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”;

(c) adds a new section 4.1.3 as follows:

“4.1.3 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments where the Director of Planning considers the development site to consist of locked-in lots and provided the Director of Planning also considers the intent of this Schedule and all applicable policies and guidelines adopted by Council:

- (a) multiple dwelling;
- (b) rooming house; and
- (c) two-family dwelling.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out section 5 in its entirety, including the title of the section.

57. In the RM-4 and RM-4N Districts Schedule, Council:

- (a) in section 2.2.I, inserts “, variations,” after the word “regulations”;
- (b) in section 4, strikes out:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations, except section 4.15, which shall apply only in the RM-4N District.”

and substitutes:

“All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations, except that:

- (a) section 4.15 shall apply only in the RM-4N District; and
- (b) the Director of Planning may vary any of the regulations of this Schedule for the following developments where the Director of Planning is satisfied that the variation will serve to accomplish certain social and community goals, including where possible the retention of existing buildings, having regard to the intent of this Schedule and all applicable policies and guidelines adopted by Council:
  - (i) one-family dwelling, one-family dwelling with secondary suite, or two-family dwelling, provided that the floor space ratio shall in no case exceed 1.00;
  - (ii) infill or additions to existing buildings, provided that the floor space ratio shall in no case exceed 1.45;
  - (iii) multiple dwelling or seniors supportive or assisted housing, provided that:
    - a. all required parking spaces shall be provided underground or within the outermost walls of a building (but in no case with the floor of the parking area above the highest point of the finished grade around the building), except in the case of lots of 560 m<sup>2</sup> or less;
    - b. useable on-site open space shall be provided;
    - c. a minimum of 20 percent of total units within any building shall contain 2 or more bedrooms, except in the case of buildings designed specifically for use as senior citizens' housing or other similar use;
    - d. in no case shall the site coverage exceed 65 percent; and
    - e. the maximum floor space ratio shall be 1.45.”;
- (c) adds a new section 4.1.2 as follows:

“4.1.2 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments if the lot was on record in the Land Title

Office for Vancouver prior to March 9, 1976 and has an area of not less than the minimum noted:

- (a) multiple dwelling with a minimum lot area of 500 m<sup>2</sup>;
- (b) rooming house, with a minimum lot area of 500 m<sup>2</sup>; and
- (c) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”;

(d) adds a new section 4.1.3 as follows:

“4.1.3 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments where the Director of Planning considers the development site to consist of locked in lots and provided the Director of Planning also considers the intent of this Schedule and all applicable policies and guidelines adopted by Council:

- (a) multiple dwelling;
- (b) rooming house; and
- (c) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”;

(e) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(f) strikes out section 5 in its entirety, including the title of the section.

58. In the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.3.3 as follows:

“4.3.3 The Director of Planning or the Development Permit Board may vary the regulations in the RM-5D district regarding permitted height for multiple dwelling, or for dwelling units, in conjunction with any of the other uses set out in this Schedule, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5D district schedule, and all applicable Council policies and guidelines, and:

- (a) a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing; and
- (b) the maximum height does not exceed 58 m.”;

(c) adds a new section 4.4.4 as follows:

“4.4.4 The Director of Planning or the Development Permit Board may vary the regulations in section 4.4 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

(d) adds a new section 4.5.4 as follows:

“4.5.4 The Director of Planning or the Development Permit Board may vary the regulations in section 4.5 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

(e) adds a new section 4.6.3 as follows:

“4.6.3 The Director of Planning or the Development Permit Board may vary the regulations in section 4.6 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more

bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and

- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

- (f) strikes out sections 4.7.7 and 4.7.8;

- (g) renumbers section 4.7.9 as 4.7.7;

- (h) adds a new section 4.7.8 as follows:

“4.7.8 The Director of Planning or the Development Permit Board may vary the regulations in the RM-5D district regarding permitted floor space ratio for multiple dwelling, or for dwelling units, in conjunction with any of the other uses set out in this Schedule, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5D district schedule, and all applicable Council policies and guidelines, and:

- (a) a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing; and
- (b) the floor space ratio does not exceed 7.0.”;

- (i) adds a new section 4.7.9 as follows:

“4.7.9 The Director of Planning or the Development Permit Board may vary the regulations in section 4.7 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

- (j) adds a new section 4.8.5 as follows:

“4.8.5 The Director of Planning or the Development Permit Board may vary the regulations in section 4.8 of the RM-5, RM-5A and RM-5B

districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

(k) in section 4.10.4, strikes out “relax” and substitutes “vary”;

(l) adds a new section 4.10.7 as follows:

“4.10.7 The Director of Planning or the Development Permit Board may vary the regulations in section 4.10 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

(m) adds a new section 4.17.3 as follows:

“4.17.3 The Director of Planning or the Development Permit Board may vary the regulations in section 4.17 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning.”;

(n) strikes out section 5.1 and substitutes:

“5.1 Where a need for any public facility of a social, cultural or recreational nature has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions;
- (e) the opinion of City Council; and
- (f) all applicable policies and guidelines adopted by Council.”;

(o) strikes out section 5.2 and substitutes:

“5.2 The Director of Planning or the Development Permit Board may relax the maximum floor space ratio for a development which includes the restoration of an existing building, site, landmark or feature, if the existing building, site, landmark or feature is listed in the Vancouver Heritage Register, if Council first approves a heritage designation by-law, and if the Director of Planning or the Development Permit Board first considers:

- (a) all applicable Council policies and guidelines;
- (b) the cost and extent of the heritage restoration;
- (c) the value of the increased floor area; and
- (d) the impact of the development upon neighbourhood livability and environmental quality.”; and

(p) strikes out section 5.3.

59. In the RM-6 District Schedule, Council:

- (a) strikes out section 4.7.5;
- (b) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
- (c) adds a new section 5 as follows:

**“5 Relaxation of Regulations**

5.1 Where a need for any public facility of a social, cultural or recreational nature has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions;
- (e) the opinion of City Council; and
- (f) all applicable policies and guidelines adopted by Council.”

60. In the RM-7, RM-7N and RM-7AN Districts Schedule, Council:

- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;
- (b) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments, if the lot was on record in the Land Title Office for Vancouver prior to May 15, 2013:

- (a) two-family dwelling;
- (b) two-family dwelling with secondary suite;
- (c) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940; and
- (d) multiple dwelling with no more than three dwelling units, if the Director of Planning first considers the quality and livability of the resulting units, the effect on neighbouring properties and all applicable Council policies and guidelines.”;

- (c) adds a new section 4.2.2 as follows:



“4.2.2 The Director of Planning may permit a reduction to the minimum frontage provisions of section 4.2 with respect to any of the following developments, if the lot was on record in the Land Title Office for Vancouver prior to May 15, 2013:

- (a) two-family dwelling;
- (b) two-family dwelling with secondary suite;
- (c) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940; and
- (d) multiple dwelling with no more than three dwelling units, if the Director of Planning first considers the quality and livability of the resulting units, the effect on neighbouring properties and all applicable Council policies and guidelines.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out section 5 in its entirety, including the title of the section.

61. In the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.1.4 as follows:

“4.1.4 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments, if the lot was on record in the Land Title Office prior to September 18, 2018:

- (a) two-family dwelling;
- (b) two-family dwelling with secondary suite;
- (c) infill one-family dwelling or infill two-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940; and
- (d) multiple dwelling with no more than three dwelling units, if the Director of Planning first considers the quality and liveability of the resulting units, the effect on neighbouring properties and all applicable Council policies and guidelines.”;

(c) adds a new section 4.7.11 as follows:

“4.7.11 The Director of Planning may vary the regulation in subsection 4.7.3(b) regarding the minimum percentage of dwelling units with floor areas between 83 m<sup>2</sup> and 112 m<sup>2</sup> , if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out section 5 in its entirety, including the title of the section.

62. In the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule, Council:

- (a) in section 2.2.I, inserts “, variations,” after the word “regulations”;
- (b) adds a new section 4.1.5 as follows:

“4.1.5 The Director of Planning may permit a reduction to the minimum site area requirements of section 4.1 with respect to any of the following developments, if the lot was on record in the Land Title Office prior to May 27, 2014:

  - (a) infill one-family dwelling in conjunction with the retention of a building existing on the site prior to January 1, 1940; and
  - (b) multiple dwelling with no more than three dwelling units, if the Director of Planning first considers the quality and liveability of the resulting units, the effect on neighbouring properties and all applicable Council policies and guidelines.”;
- (c) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
- (d) strikes out section 5 in its entirety, including the title of the section.

63. In the RM-10 and RM-10N Districts Schedule, Council:

- (a) in section 2.2.I, inserts “, variations,” after the word “regulations”;
- (b) adds a new section 4.7.10 as follows:

“4.7.10 For Multiple Dwellings consisting of four or more dwelling units, not including lock-off units, or for Seniors Supported or Assisted Housing, the Director of Planning may increase the permitted floor area by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum allowable density of 2.0 FSR, on sites:

  - (a) with a frontage greater than 15 m and less than 30 m;
  - (b) with a minimum site area of 557 m<sup>2</sup>; and
  - (c) where the Director of Planning considers the development site to consist of Locked in Lots,

provided the Director of Planning first considers the intent of this Schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants.”;
- (c) adds a new section 4.7.11 as follows:

“4.7.11 For Multiple Dwellings consisting of four or more dwelling units, not including lock-off units, where 100% of the residential floor area is developed as “for-profit affordable rental housing” and is subject to a waiver of development costs charges in accordance with the Vancouver Development Cost Levy By-law, as “social housing” exempt from development costs charges in accordance with 523D (10)(d) of the *Vancouver Charter*, or as Seniors Supportive or Assisted Housing that is secured market rental housing subject to an agreed upon rental increase limit, the

Director of Planning may increase the permitted floor area to a maximum allowable density of 2.0 FSR, on sites:

- (a) with a frontage greater than 15 m and less than 30 m;
- (b) with a minimum site area of 557 m<sup>2</sup>; and
- (c) where the Director of Planning considers the development site to consist of Locked in Lots,

provided that the Director of Planning first considers the intent of this Schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants.”;

(d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and

(e) strikes out sections 5.2 and 5.3.

64. In the RM-11 and RM-11N Districts Schedule, Council:

(a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

(b) adds a new section 4.7.10 as follows:

“4.7.10 Where the Director of Planning considers the development site to consist of locked in lots, and if the Director of Planning first considers the intent of this Schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants, the Director of Planning may vary the floor area and density requirements of section 4.7 as follows:

- (a) For multiple dwellings consisting of no more than three dwelling units, not including lock-off units, and which are on sites with:
  - (i) a minimum site area of 303 m<sup>2</sup>,
  - (ii) a frontage less than 12.8 m,
  - (iii) a maximum height of 10.7 m,
  - (iv) a minimum side yard width of 1.2 m, and
  - (v) a minimum rear yard depth of 10.7 m,the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum allowable density of 0.9 FSR;
- (b) For multiple dwellings consisting of no more than three dwelling units, not including lock-off units, where 100% of the residential floor area is developed as secured market rental housing secured by a housing agreement that restricts the rates at which rents may be increased, and which are on sites with:
  - (i) a minimum site area of 303 m<sup>2</sup>,
  - (ii) a frontage less than 12.8 m,
  - (iii) a maximum height of 10.7 m,
  - (iv) a minimum side yard width of 1.2 m, and
  - (vi) a minimum rear yard depth of 10.7 m,

the permitted floor area may be increased to a maximum allowable density of 0.9 FSR;

- (c) For multiple dwellings consisting of four or more dwelling units, not including lock-off units, or for seniors supported or assisted housing, and which are on sites with:

- (i) a minimum site area of 566 m<sup>2</sup>,
- (ii) a frontage greater than 12.8 m and less than 36.6 m,
- (iii) a maximum height of 11.5 m,
- (iv) a maximum height of 10.1 m for buildings adjacent to the lane, and
- (v) a minimum rear yard depth of 1.8 m;

the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum allowable density of 1.2 FSR; and

- (d) For multiple dwellings consisting of four or more dwelling units, not including lock-off units, where 100% of the residential floor area is developed as either secured market rental housing secured by a housing agreement that restricts the rates at which rents may be increased, social housing exempt from development costs charges in accordance with 523D (10)(d) of the *Vancouver Charter*, or seniors supportive or assisted housing that is secured market rental housing subject to an agreed upon rental increase limit, and which are on sites with:

- (i) a minimum site area of 566 m<sup>2</sup>,
- (ii) a frontage greater than 12.8 m and less than 36.6 m,
- (iii) a maximum height of 11.5 m,
- (iv) a maximum height of 10.1 m for buildings adjacent to the lane, and
- (v) a minimum rear yard depth of 1.8 m;

the permitted floor area may be increased to a maximum allowable density of 1.2 FSR.”;

- (c) in section 4.10.4, strikes out “relax” and substitutes “vary”;

- (d) strikes out section 5.1; and

- (e) renumbers section 5.2 to 5.1.

65. In the RM-12N District Schedule, Council:

- (a) in section 2.2.1, inserts “, variations,” after the word “regulations”;

- (b) adds a new section 4.3.6 as follows:

“4.3.6 If the Director of Planning first considers the intent of this Schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants,

the Director of Planning may permit an increase to the maximum height requirements of section 4.3 as follows:

- (a) For multiple dwellings consisting of four or more dwelling units, or for seniors supported or assisted housing, which are on sites with:
    - (i) a 36.6 m minimum site frontage; and
    - (ii) a minimum site area of 1000 m<sup>2</sup>,the maximum height may be increased to 13.7 m; and
  - (b) For multiple dwellings consisting of four or more dwelling units, where 100% of the residential floor area is developed as either secured market rental housing secured by a housing agreement that restricts the rates at which rents may be increased, social housing exempt from development costs charges in accordance with 523D (10)(d) of the *Vancouver Charter*, or seniors supportive or assisted housing that is secured market rental housing subject to an agreed upon rental increase limit, and which are on sites with:
    - (i) a 36.6 m minimum site frontage; and
    - (ii) a minimum site area of 1000 m<sup>2</sup>,the maximum height may be increased to 13.7 m.”;
- (c) adds a new section 4.7.12 as follows:

“4.7.12 If the Director of Planning first considers the intent of this Schedule, all applicable Council policies and guidelines, and the submissions of any advisory groups, property owners or tenants, the Director of Planning may permit an increase to the maximum floor area and density requirements of section 4.7 as follows:

- (a) For multiple dwellings consisting of four or more dwelling units, or for seniors supported or assisted housing, which are on sites with:
  - (i) a 36.6 m minimum site frontage; and
  - (ii) a minimum site area of 1000 m<sup>2</sup>,the permitted floor area may be increased by one m<sup>2</sup> per amenity share or affordable housing share provided to the city at no cost to the city, to a maximum allowable density of 1.7 FSR; and
- (b) For multiple dwellings consisting of four or more dwelling units, where 100% of the residential floor area is developed as either secured market rental housing secured by a housing agreement that restricts the rates at which rents may be increased, social housing exempt from development costs charges in accordance with 523D (10)(d) of the *Vancouver Charter*, or seniors supportive or assisted housing that is secured market rental housing subject to an agreed upon rental increase limit, and which are on sites with:
  - (i) a 36.6 m minimum site frontage; and
  - (ii) a minimum site area of 1000 m<sup>2</sup>,

the permitted floor area may be increased to a maximum allowable density of 1.7 FSR.”;

- (d) in section 4.10.4, strikes out “relax” and substitutes “vary”; and
- (e) strikes out section 5 in its entirety, including the title of the section.

66. In the FM-1 District Schedule, Council:

- (a) adds the following in section 2.2.A as the third bullet point:
  - “• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the varied height shall not, in any event exceed the maximum prescribed in section 4.3.1 nor shall the floor space exceed the 33½ percent of the gross floor area of the principal use.”;
- (b) in section 2.2.I, inserts “, variations,” after the word “regulations”;
- (c) adds a new section 3.3.3 as follows:

“3.3.3 The Development Permit Board may increase, subject to approval of Council, the maximum permissible floor space for commercial uses as established in section 3.3.1 with respect to development on consolidated sites, which, by virtue of their size and location, comprise land in two or more Sub-areas as illustrated in Figure 1 at the end of this schedule provided that:

  - (a) any increase shall be confined to the transfer of the permitted commercial floor space of one Sub-area to other Sub-areas;
  - (b) the Board considers the overall quality of the development, the surrounding developments and potential for redevelopment both within the FM-1 District and other zoning districts that are adjacent to the consolidated site, surrounding traffic patterns, and the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
  - (c) there shall be no transfer of permitted floor space across future lanes, irrespective of existing property consolidation.”;
- (d) adds a new section 4.3.3 as follows:

“4.3.3 The Development Permit Board may increase, subject to approval of Council, the maximum permitted height of a building as established in section 4.3.1 with respect to any development provided that the Board takes into account the following:

  - (a) the height, bulk, location and overall design of the building and its effects on the site, surrounding buildings and streets, and views;

- (b) the amount of open space and the effects of overall design on the general amenity of the area;
  - (c) peculiarities of the site with respect to traffic, surrounding developments, topography, the potential for development both within the FM-1 District and other zoning districts that are adjacent to the site, and other factors not characteristic of the FM-1 District; and
  - (d) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the compatibility of the development with adjacent buildings.”; and
- (e) strikes out section 5 in its entirety, including the title of the section, but excluding Figure 1.
67. 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.
68. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 24<sup>th</sup> day of July, 2020

Signed \_\_\_\_\_ “Kennedy Stewart”  
Mayor

Signed \_\_\_\_\_ “Rosemary Hagiwara”  
Acting City Clerk

SCHEDULE A

# Section 3

## Authorities

Section	
<b>3.1</b>	<p data-bbox="459 730 565 751"><b>Authorities</b></p> <p data-bbox="459 772 1068 842">3.1.1 Except as otherwise provided in this By-law, the Director of Planning, the City Building Inspector and the Director of Licenses and Inspections are authorized to:</p> <ul data-bbox="529 856 1068 961" style="list-style-type: none"><li data-bbox="529 856 1068 884">(a) administer and enforce the provisions of this By-law; and</li><li data-bbox="529 890 1068 961">(b) ensure that all projects in respect of which a development permit is issued are carried out in conformity with the terms of such development permit.</li></ul> <p data-bbox="459 976 1068 1045">3.1.2 The Development Permit Board is authorized to carry out those functions delegated to the Development Permit Board in this By-law.</p> <p data-bbox="459 1060 1068 1150">3.1.3 The Director of Planning is authorized to keep copies of all development permit applications, correspondence, permits and orders issued, inspections and documents connected with the administration of this By-law.</p> <p data-bbox="459 1165 1068 1262">3.1.4 The Director of Planning is authorized to provide plans and documents filed pursuant to the provisions of this By-law for inspection, subject to the provisions of the Freedom of Information and Protection of Privacy Act (British Columbia).</p> <p data-bbox="459 1276 1068 1346">3.1.5 The Director of Planning may charge a fee as set out in the Miscellaneous Fees By-law, payable in advance, for the inspection of records referred to in Section 3.1.4.</p> <p data-bbox="459 1360 1068 1451">3.1.6 The Director of Planning, the City Building Inspector or the Director of Licenses and Inspections may enter any building, land or premises at any reasonable time for the purpose of administering or enforcing this By-law.</p>



SCHEDULE B

# Section 4

## Development Permits

*[Note: The content in the right margin is for information purposes only and does not form part of this By-law.]*

Section		
4.1	<b>Development Permit Applications</b>	
	4.1.1 Every applicant for a development permit or an amendment to a development permit shall submit to the Director of Planning a written application on forms furnished for such purpose, and the Director of Planning may require the correctness of the information supplied in that application to be verified by statutory declaration.	
	4.1.2 Every application for a development permit or an amendment to a development permit shall include:  (a) the legal description and location of the site, and the purpose of the proposed development, together with such further or additional information as the Director of Planning may require; and  (b) no less than three plans or drawings as may be required by the Director of Planning, sufficient to identify the site and to describe fully the proposed development. All plans or drawings, other than one set, shall become the property of the City. The Director of Planning may, however, accept the submission of an application without plans or drawings if in the Director of Planning's opinion the development is of a minor nature. The Director of Planning may require additional information to identify development within the immediate surroundings and may, if the Director of Planning deems it necessary, require the applicant to provide a survey plan of the site verified by a British Columbia Land Surveyor.	Formerly 4.1.2 and 4.13

*[continued on the next page...]*

	<p>4.1.3 All plans or drawings submitted shall be drawn in metric or imperial measurements on substantial paper, mylar or other material satisfactory to the Director of Planning, to a scale of not less than 1:100 metric or imperial or such less scale as the Director of Planning may approve, and shall be fully dimensioned, accurately figured, explicit and complete.</p> <p>4.1.4 The Director of Planning may, in the Director of Planning's discretion, accept with any development permit application submitted in preliminary form, plans or drawings not in compliance with sections 4.1.2(b) and 4.1.3, provided that such plans or drawings are sufficient to identify the site and satisfactorily indicate preliminary development information.</p> <p>4.1.5 No development permit shall be issued without the prior submission of plans or drawings in compliance with the requirements of sections 4.1.2(b), 4.1.3 and 4.1.4.</p> <p>4.1.6 No development permit shall be issued without the prior submission of plans or drawings showing the proposed development or change of use to be in compliance with the provisions of any by-law regulating the provision of parking and loading within the City of Vancouver.</p>	<p>Formerly 4.14</p> <p>Formerly 4.15</p> <p>Formerly 4.16</p> <p>Formerly 4.17</p>
<p><b>4.2</b></p>	<p><b>Development Permit Application Time Limits</b></p> <p>4.2.1 Unless otherwise approved, refused or subject to limitations in time as may be imposed by the Director of Planning or the Development Permit Board, any development permit application shall be void 12 months from the date of application.</p> <p>4.2.2 The Director of Planning may allow an extension or extensions of the time period specified in section 4.2.1 for additional periods, if warranted by the circumstances. In no case shall any extension or extensions exceed in total 12 months.</p> <p>4.2.3 If within 30 days or such longer period as may be agreed by the applicant from the date on which the applicant has furnished all the information and material required by the Director of Planning in accordance with the last preceding section, no development permit has been issued to the applicant, then the issue of the development permit shall be deemed to have been refused, so as to enable the applicant to exercise their right to appeal, provided always that if the Council pursuant to the terms of Section 570 of the Vancouver Charter (British Columbia) has withheld or has authorized its proper officer to withhold the issuance of a development or building permit relative to the property in question, then the issue of a development or building permit shall not be deemed to have been refused during such period that issuance of such development or building permit so continues to be withheld.</p>	

## 4.3

### Development Permit Approvals

- |       |  |                 |
|-------|--|-----------------|
| 4.3.1 | In dealing with applications for development permits the Director of Planning or the Development Permit Board may in every case and in accordance with the provisions of this By-law grant such permits either unconditionally or subject to conditions, including a limitation in time, or may refuse such applications.  | Formerly 3.3.1  |
| 4.3.2 | The Director of Planning, in granting or refusing development permits, granting relaxations or imposing conditions, must give due regard to the spirit and intent of the By-law.   | Formerly 3.1.7  |
| 4.3.3 | Notwithstanding the provisions of this By-law, an application for a development permit may be refused if the development in respect of which application is made:<br><br>(a) does not conform to an amendment to the Zoning and Development By-law for which a formal application has been made prior to the application for the development permit;<br><br>(b) refers to a site or a portion thereof required for any civic purpose, in which case the Director of Planning shall refer the application to the City Council for authority either to negotiate with the applicant or to issue the development permit;<br><br>(c) would prejudice the future subdivision of the property;<br><br>(d) refers to a site where adequate drainage, sanitary facilities or water supply are not available;<br><br>(e) would in the opinion of the City Engineer adversely affect the public safety;<br><br>(f) would in the opinion of the Director of Planning or the Development Permit Board adversely affect public amenity. If matters of design are involved, the application may first be referred to the Urban Design Panel for consideration and advice; or<br><br>(g) includes a conversion or demolition under the Single Room Accommodation By-law but Council has not approved issuance of a conversion or demolition permit for such conversion or demolition. | Formerly 3.3.2  |
| 4.3.4 | In making a determination regarding the adequacy of drainage under section 4.3.3(d) of this By-law, the Director of Planning or the Development Permit Board may require any development permit applicant to submit a Hydrogeological Study and an impact assessment, and may consider drainage to be inadequate if the proposed development will result in:   | Formerly 3.3.2A |

*[continued on the next page...]*

<ul style="list-style-type: none"> <li>(a) any groundwater discharge from the site into the City collection system;</li> <li>(b) rainwater or stormwater discharge from the site into the City collection system that would increase the downstream flow; or</li> <li>(c) water infiltration that could reasonably be expected to compromise the underlying aquifer or geology.</li> </ul>	
<p>4.3.5 In order to address the inadequacy of drainage the Director of Planning or Development Permit Board may impose conditions on development requiring the applicant to develop the proposed site in accordance with a:</p> <ul style="list-style-type: none"> <li>(a) rainwater management plan designed to achieve prescribed performance targets; and</li> <li>(b) groundwater management plan designed to prevent groundwater discharge into the City collection system and limit or reduce environmental impacts, including stricter targets if the development is below the water table.</li> </ul>	Formerly 3.3.2B
<p>4.3.6 In order to ensure compliance with a rainwater management plan or a groundwater management plan or both, the Director of Planning or Development Permit Board may refuse to issue the development permit unless the property owner has first entered into a rainwater and groundwater management agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:</p> <ul style="list-style-type: none"> <li>(a) construct a rainwater management system or groundwater management system, or both, on the site that is designed and certified by a Professional Engineer to: <ul style="list-style-type: none"> <li>(i) prevent groundwater discharge from entering the City's collection system;</li> <li>(ii) retain the first 24 mm of rainwater in a 24 hour period from all areas, including rooftops, paved areas, and landscape;</li> <li>(iii) treat the first 24 mm of rainwater in a 24 hour period from all pervious and impervious surfaces to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site;</li> <li>(iv) treat an additional 24 mm of rainwater in a 24 hour period to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site of all rainwater flowing from roads, driveways and parking lots; and</li> <li>(v) limit the peak flow rate discharged to the sewer under post-development conditions to a flow not</li> </ul> </li> </ul>	Formerly 3.3.2C

[continued on the next page...]

greater than the peak pre-development flow rate for the return period specified in the City of Vancouver's Intensity-Duration-Frequency curves (IDF curves) set out in Schedule I of this By-law, using the City of Vancouver's 2014 IDF curve for pre-development design flow calculations, and the City's 2100 IDF curve for post-development design flow calculations.

- (b) maintain the rainwater management system or groundwater management system or both at the expense of the owner;
- (c) grant a statutory right of way and equitable charge to the City; and
- (d) release and indemnify the City from all liability related to the installation, operation and maintenance of the rainwater management system or groundwater management system or both.

4.3.7 Where in this By-law a development permit application requires the consent of either the Development Permit Board or the Director of Planning, the Director of Planning may in the Director of Planning's discretion approve, approve subject to conditions, or refuse any such development permit application unless, in the Director of Planning's opinion:

Formerly 3.3.3  
and 3.3.4

- (a) the development would have a significant effect on the existing immediate environment;
- (b) the development would create traffic implications that could affect the general environment;
- (c) the height or density of any proposed building would not be in keeping with the general building heights or density in the immediate environment;
- (d) there may be possible significant buildings of heritage value on the site or in the surrounding area that may be adversely affected by the development;
- (e) the design is not of an acceptable standard and may adversely affect public amenity, in which case the Director of Planning may first request advice from the Urban Design Panel;
- (f) the development is such that special public amenities could be considered for additional density or other special advantages;
- (g) the proposed development could affect any public policy objectives, established or potential, including future transit locations and open space needs; or

*[continued on the next page...]*

	<p>(h) the public response to the application is such that review by the Development Permit Board is warranted, in which case the Director of Planning shall refer the development permit application to the Development Permit Board who may approve, approve subject to conditions, or refuse such application.</p> <p>4.3.8 The Development Permit Board or the Director of Planning may refer any application for a development permit to the Urban Design Panel for advice and may notify such property owners and tenants it deems necessary.</p> <p>4.3.9 Despite anything to the contrary in this By-law, the Director of Planning or the Development Permit Board must not issue a development permit for:</p> <p>(a) a multiple dwelling with three or more dwelling units in the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, RM-6, or FM-1 districts;</p> <p>(b) a multiple conversion dwelling with three or more dwelling units in the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, or FM-1 districts; or</p> <p>(c) an infill multiple dwelling with three or more dwelling units in the RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, or FM-1 districts,</p> <p>unless the development permit is subject to conditions that comply with the requirements of the applicable districts schedule or district schedule.</p>	<p>Formerly 3.3.5 See By-law No. 4722, Appendix F</p> <p>Formerly 3.3.6</p>
<p><b>4.4</b></p>	<p><b>Development Permit Issuance</b></p> <p>4.4.1 When an application for a development permit and also the terms of the proposed development conform to the provisions of this By-law, the Director of Planning or the Director of Planning's nominee shall issue a development permit and return one set of the approved plans to the applicant. Of the remaining sets of plans or drawings the City may retain such number as required for record purposes.</p> <p>4.4.2 The approval of plans or drawings and the issuing of a development permit and any inspection in connection therewith made by the Director of Planning or the Director of Planning's accredited representatives shall not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with the provisions of this By-law.</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 4.3.1</p> <p>Formerly 4.3.2</p>

	<p>4.4.3 The approval of any application and plans or drawings, or issuing of a development permit, shall not prevent the Director of Planning from thereafter requiring the correction of errors or from prohibiting a development from being carried out when the same is in violation of this or any other By-law.</p> <p>4.4.4 Save and except as provided in this By-law, it shall be unlawful for any person to erase, alter or modify any development permit including the application therefor or any plans or drawings accompanying the same.</p> <p>4.4.5 The issue of a development permit shall not absolve the applicant from complying with all City by-laws.</p> <p>4.4.6 In the event of a discrepancy between any written description and the plans or drawings the written description shall prevail.</p> <p>4.4.7 The Director of Planning shall upon application being made therefor issue a development permit in accordance with any decision of the Board of Variance.</p>	<p>Formerly 4.3.3</p> <p>Formerly 4.3.4</p> <p>Formerly 4.3.5</p> <p>Formerly 4.3.6</p> <p>Formerly 4.3.7</p>
<p><b>4.5</b></p>	<p><b>Development Permit Amendment</b></p> <p>4.5.1 If at any time it is desired to alter in any manner, or to deviate from, the particulars of the application or plans or drawings previously submitted for which a development permit has already been issued, a new application shall be made. However, if an amendment is of a minor nature whereby a new application is deemed to be unnecessary, the Director of Planning may waive this requirement and endorse any necessary amendment to the application, plans or drawings and development permit accordingly.</p>	<p>Formerly 4.4.1</p>
<p><b>4.6</b></p>	<p><b>Development Permit Time Limits</b></p> <p>4.6.1 Any development permit issued shall be void 12 months after the date of issue of same unless:</p> <p>(a) the development authorized thereunder shall meanwhile have been commenced; or</p> <p>(b) a building permit has been issued and is unexpired.</p> <p>4.6.2 Any development permit issued shall be void 24 months after the date of issuing unless the development authorized thereunder shall meanwhile have been completed in compliance with all conditions attached thereto.</p> <p>4.6.3 The Director of Planning may allow an extension or extensions of the periods specified in sections 4.6.1 and 4.6.2</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 4.5.1</p> <p>Formerly 4.5.2</p> <p>Formerly 4.5.3</p>

	<p>above for additional periods if warranted by the circumstances.</p> <p>4.6.4 The Director of Planning may renew on one occasion only, and for a period not exceeding 12 months, a development permit which has become void, provided that at the time of such renewal the permit has not been void for a period of more than 12 months.</p> <p>4.6.5 The Director of Planning may in the case of a public utility grant a development permit valid to such date as the Director of Planning may set but in no case for a period longer than 120 months after the date of issue of the permit.</p> <p>4.6.6 Where a building has been destroyed or demolished, any development permit authorizing its use or form of development shall be deemed to be void and expired.</p> <p>4.6.7 Where a building has been destroyed by fire, any conditional approval use of the building existing at the time of its destruction or demolition shall be issued a development permit authorizing its continuance in the repaired or reconstructed building if:</p> <ul style="list-style-type: none"> <li>(a) the use is configured in the same way as it lawfully existed immediately prior to the fire; and</li> <li>(b) a development permit authorizing the repair and reconstruction of the building is issued within 90 days of the building's destruction or demolition.</li> </ul> <p>4.6.8 The Director of Planning may renew, on more than one occasion, a development permit issued with specified time limitations where the conditions of approval have not changed.</p>	<p>Formerly 4.5.4</p> <p>Formerly 4.5.5</p> <p>Formerly 4.5.6</p> <p>Formerly 4.5.7</p> <p>Formerly 4.5.8</p>
<b>4.7</b>	<p><b>Building Permit Validity</b></p> <p>4.7.1 Notwithstanding the provisions of any other By-law, no building permit issued for any operation with respect to which a development permit is required under this By-law shall be valid unless and until a development permit has been issued.</p>	<p>Formerly 4.6.1</p>
<b>4.8</b>	<p><b>Exemptions from Development Permit Requirements</b></p> <p>A person who complies in all other respects with this By-law, the Parking By-law, other City by-laws, any Official Development Plan, and any development permit, to the extent any of them apply to that person's site, need not obtain a development permit for the following development and uses:</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	



4.8.1	The maintenance or minor repair of any building, structure or use, except for a building, structure, use or site designated under the Heritage By-law or located in an HA District. The Director of Planning may exempt an applicant from the requirement of a development permit in an HA District where the Director of Planning is satisfied that the maintenance or repair does not contravene the relevant provisions of the By-law or any applicable Official Development Plan, policies or guidelines adopted by Council.	Formerly 5.1
4.8.2	The construction or use of an accessory building or an accessory use that is permitted outright in the District Schedule and located on the same site as the principal building or use.	Formerly 5.2
4.8.3	The construction or placing of tool sheds, construction shacks, scaffolding or similar temporary buildings, required for a limited period of time, intended solely to serve a development or activity that is being carried out in compliance with this By-law, and located on the same site or on an adjoining parcel.	Formerly 5.3
4.8.4	The installation, inspection, repair or renewal of sewers, mains, pipes, cables, wires or other similar apparatus required in connection with any lawful use of buildings or land.	Formerly 5.4
4.8.5	The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.	Formerly 5.5
4.8.6	The construction, widening, improvement, maintenance or repair of any highway, lane, street, bridge or other public thoroughfare.	Formerly 5.6
4.8.7	<p>The demolition of any building, except for a building:</p> <ul style="list-style-type: none"> <li>(a) used for residential rental accommodation;</li> <li>(b) listed on the Heritage Register; or</li> <li>(c) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), except that this section 4.8.7 does not apply to any building that is: <ul style="list-style-type: none"> <li>(i) residential rental accommodation subject to the provisions of section 10.8.3,</li> <li>(ii) subject to a demolition order,</li> <li>(iii) subject to demolition as a condition of subdivision approval, or</li> <li>(iv) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First</li> </ul> </li> </ul>	Formerly 5.7

*[continued on the next page...]*

Shaughnessy District (FSD), not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction.

- |        |   |                                       |
|--------|---|---------------------------------------|
| 4.8.8  | The placing or maintenance of any fence or similar enclosure structure except those requiring the permission of the Director of Planning or the Development Permit Board.                         | Formerly 5.8                          |
| 4.8.9  | The keeping of not more than two boarders or lodgers or the keeping of not more than five foster or eight daycare children in each dwelling unit.   | Formerly 5.9                          |
| 4.8.10 | The keeping of animals or birds for domestic purposes, except as otherwise prohibited or regulated by the Health By-law.  | Formerly 5.10                         |
| 4.8.11 | The renting of no more than one off street parking space accessory to a one-family or a two-family dwelling, so long as the space is surplus to the minimum parking requirements of the dwelling. | Formerly 5.11                         |
| 4.8.12 | The provision of recreation rooms or extra bedrooms in the basement of a one- or two- family dwelling.  | Formerly 5.12                         |
| 4.8.13 | The engaging in a homecraft, subject to the provisions of section 11 of this By-law.  | Formerly 5.13                         |
| 4.8.14 | The change in use from a lawfully existing use that is listed in Column A to a use listed opposite in Column B.   | Formerly 5.14<br>Check Parking By-law |

**COLUMN A**

**COLUMN B**

**From**

**To**

1. Multiple conversion dwelling or rooming house.

One-family dwelling.

2. Multiple conversion dwelling.

Multiple conversion dwelling containing the same or fewer units in total, except in RT-4, RT-4A, RT-4AN and RT-4N, RT-5 and RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-7, RM-7N and RM-7AN, RM-8, RM-8A, RM-8N and RM-8AN or RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN, RM-10 and RM-10N, RM-11

*[continued on the next page...]*

		and RM-11N, and RM-12N district or districts and in the First Shaughnessy District (FSD).	
	3. Except as provided in clause 4 herein, any use located in any district and listed in the applicable District Schedule as an outright or conditional use, except for live-work use.	Any outright use listed in the same District Schedule.	
	4. Any use located in an industrial district and listed in the applicable District Schedule as an outright or conditional use, but not including a storage warehouse or any use where the number of parking and loading spaces has been relaxed.	Any outright use listed in the same District Schedule.	
4.8.15	The construction of antennae, including satellite dishes, provided: (a) they are used for domestic purposes if located in an R district; and (b) they are located in the rear yard and are no higher than 1.9 m above the existing grade, or in the case of satellite dishes, comply with the height regulations of the district in which they are located and do not exceed 77 cm in diameter		Formerly 5.15
4.8.16	The placing of a mural on a hoarding where at least 50% of the hoarding is located on a street or lane.		Formerly 5.16
4.8.17	The repair or alteration of any building, structure or use to rectify an unsafe condition if correction of such unsafe condition has been ordered by the City Building Inspector.		Formerly 5.17
4.8.18	Outside the projected area of the outermost walls of all principal or accessory buildings on the site, the installation, repair, or replacement of impermeable materials permitted under section 4.8 of each of the RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6, and RS-7 District Schedules.		Formerly 5.18
<i>[continued on the next page...]</i>			

<p>4.8.19 The installation and maintenance of a Public Bike Share Station as part of a Public Bike Share use, provided that the Public Bike Share Station:</p> <ul style="list-style-type: none"> <li>(a) does not include any enclosed structures;</li> <li>(b) is automated;</li> <li>(c) does not interfere with any public works, facilities or amenities; and</li> <li>(d) is part of a network comprised of no fewer than 50 Public Bike Share Stations.</li> </ul>	Formerly 5.19
<p>4.8.20 An arts and culture indoor event.</p>	Formerly 5.20
<p>4.8.21 An Urban Farm - Class A, provided that:</p> <ul style="list-style-type: none"> <li>(a) the planting area of the parcel does not exceed 325 m<sup>2</sup> (0.0325 hectares); and</li> <li>(b) the Urban Farm - Class A otherwise complies with sections 11.29.3 to 11.29.11 of the Zoning and Development By-law.</li> </ul>	Formerly 5.21
<p>4.8.22 Short Term Rental Accommodation, provided that the Short Term Rental Accommodation otherwise complies with section 11.32 of the Zoning and Development By-law.</p>	Formerly 5.22

SCHEDULE C

# Section 5

## By-law Relaxations and Powers of Discretion

*[Note: The content in the right margin is for information purposes only and does not form part of this By-law.]*

Section		
5.1	<b>Relaxation of By-law Provisions</b>	
	5.1.1 Except as otherwise specified in this By-law, in any case where enforcement of this By-law would result in unnecessary hardship, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law to the extent necessary to relieve such hardship. In granting any such relaxation, the Development Permit Board or the Director of Planning, as the case may be, shall consider whether the relaxation would result in any adverse effects on adjacent properties and shall have regard to the intent of this By-law, the regulations and policies of any Official Development Plan, and such other applicable policies and guidelines adopted by Council.	Formerly 3.2.4
	5.1.2 Except as otherwise specified in this By-law, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law where Council determines that the proposed development would make a contribution to conserving a building or site designated by Council as protected heritage property or a building or site on the Heritage Register. Any development permit issued shall specify the heritage aspects of the building or site that merit the relaxation authorized by this section. Before granting any relaxation, the Director of Planning or the Development Permit Board shall:  (a) consider any advice from the Vancouver Heritage Commission or any other body established by Council for	Formerly 3.2.5

*[continued on the next page...]*

	<p>this purpose defining the aspects of the building or site that give it heritage value and advising on the proposed conservation work;</p> <p>(b) notify such adjacent property owners and tenants as deemed necessary, consider the responses received, and if there is significant objection, refer the matter to Council for advice; and</p> <p>(c) consider the provisions of this By-law and all applicable policies and guidelines adopted by Council.</p> <p>5.1.3 Except as otherwise specified in this By-law, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law where the proposed development makes provision for low cost housing for persons receiving assistance, if the Director of Planning or the Development Permit Board first considers:</p> <p>(a) all applicable Council policies and guidelines;</p> <p>(b) the impact on the liveability of neighbouring residents; and</p> <p>(c) the proposed development is not in the RS-1, RS-1A, RS-1B, RS-2, RS-3 and RS-3A, RS-5, RS-6, RS-7, RT-1, RT-4, RT-7, RT-9, RT-10 or RT-11 zoning district or in any other zoning district that permits one-family dwellings and does not permit multiple dwellings.</p> <p>For the purposes of this section, low cost housing for persons receiving assistance means social housing, except that 70% of the dwelling units must be occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and must be rented at rates no higher than the shelter component of Income Assistance, and the remainder of the dwelling units must be occupied by households with incomes below housing income limits, as set out in the current 'Housing Income Limits' table published by the British Columbia Housing Management Commission, or equivalent publication.</p>	Formerly 3.2.10
	<p>5.1.4 The authority of the Director of Planning or the Development Permit Board to relax any provision of this By-law pursuant to this section 5.1 includes the authority to impose conditions, including but not limited to time limitations.</p>	Formerly 3.2.11

## 5.2

### Powers of Discretion Related to Zoning Matters

5.2.1 The Director of Planning may vary the provisions of this By-law relating to any of the following:

- |   |                    |
|---|--------------------|
| (a) alterations or additions to an existing building which lacks minimum yards required by the appropriate district schedule, except that any variation in this case shall be with respect to yard requirements only, and provided that the Director of Planning first considers the impact on neighbouring properties;   | Formerly 3.2.1 (a) |
| (b) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site and located in a C, M, I or CD District;   | Formerly 3.2.1 (b) |
| (c) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site where such principal buildings consist of multiple dwellings located within any R district, subject to the arrangement of such principal buildings being satisfactory to the Director of Planning; | Formerly 3.2.1 (c) |
| (d) retention of more than one principal building on one site where an application for a development permit has been made but the permit cannot be issued because of a requirement to consolidate or subdivide the site;  | Formerly 3.2.1 (d) |
| (e) placement of one or more portable classrooms on an elementary or secondary school site, where the existing or proposed development exceeds permitted floor space ratio or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;   | Formerly 3.2.1 (e) |
| (f) erection of a new elementary or secondary school building, or alterations or additions to an existing elementary or secondary school building, where the existing or proposed development exceeds permitted floor space ratio or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;                        | Formerly 3.2.1 (f) |
| (g) Low Operational Cost Housing containing 6 or more dwelling units, except that permitted floor area or density of units may not be increased or varied above the maximum permitted within the district schedule under this By-law, and may be granted by the Director of   | Formerly 3.2.1 (h) |

*[continued on the next page...]*

	<p>Planning after consideration of all Council adopted policies and guidelines. This subsection (g) does not apply to Comprehensive Development zones, and shall not apply to applications made after December 31, 2025;</p>	
	<p>(h) required setbacks to off-street parking areas where, in the opinion of the Director of Planning, the landscaping provided or to be provided is adequate to warrant such reduction, except that in a C-1 or R District, no reduction shall be granted which has the effect of reducing the front yard to less than the required depth of an adjoining front yard; and</p>	Formerly 3.2.2 (a)
	<p>(i) the maximum projection of balconies into required yards, horizontal daylight control angles and limitations on building length.</p>	Formerly 3.2.2 (b)
5.2.2	<p>Despite anything to the contrary in this By-law, if</p> <p>(a) the construction or alteration of, or addition to, a building is to include enhanced accessibility to and from the dwelling by way of ramps, lifts, or other like means, for persons who find conventional access impossible or difficult because they have a loss or reduction of functional ability or activity; and</p> <p>(b) the Director of Planning first considers all applicable guidelines and policies adopted by Council,</p> <p>the Director of Planning may vary the requirements in the appropriate district schedule regarding yards, setbacks, site coverage, impermeability, building depth, and side door entrance to the extent necessary to allow such enhanced accessibility.</p>	Formerly 3.2.1 (g)
5.2.3	<p>The Director of Planning may vary the provisions of this By-law regulating the siting of a building, provided that:</p> <p>(a) the proposed siting of a building will accommodate the retention of an existing tree which, in the opinion of the Director of Planning, warrants retention; and</p> <p>(b) the resulting siting of a building will not, in the opinion of the Director of Planning, result in unduly adverse effects on adjacent properties.</p>	Formerly 3.2.8
5.2.4	<p>The Director of Planning, on the advice of the Chief Building Official, may vary any necessary provisions in an RS district schedule in order to permit additional above grade floor area if soil or hydrological conditions on a site are not suitable to below grade construction, provided that:</p>	Formerly 3.2.11
	<i>[continued on the next page..]</i>	



<p>(a) the soil or hydrological conditions are documented to the satisfaction of the Director of Planning; and</p> <p>(b) the area of all floors at or above finished grade does not exceed a floor space ratio of 0.6.</p>	
<p>5.2.5 If an owner applies to replicate a Multiple Conversion Dwelling or Infill use damaged by fire to the extent of 60% or more of its value above its foundations, and the Director of Planning has previously given a bonus, relaxation or variation under the RT-3, RT-4, RT-4A, RT-4N and RT-4AN, RT-5 and RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-7, RM-7N and RM-7AN, RM-8, RM-8A, RM-8N and RM-8AN, RM-9, RM9A, RM-9N, RM-9AN and RM-9BN, RM-10 and RM-10N, RM-11 and RM-11N, or RM-12N District Schedules in respect of such use, and the proposed replication is in accordance with the most recently issued development or building permits for that use, the Director of Planning must vary the provisions of the applicable districts schedules to the extent necessary to permit the replication.</p>	Formerly 3.2.7
<p>5.2.6 The Director of Planning must vary the provisions in regards to minimum site width in the RS-1, RS-5, and RS-6 district schedules to permit the construction of a one-family dwelling on an existing lot which is on record in the Land Title Office as of June 24, 2014 if the use was previously approved under issued development or building permits.</p>	Formerly 3.2.9
<p>5.2.7 The Director of Planning is authorized to determine whether or not a building is a character house and, in making that determination, may consider the age and architectural form and style of the building, in accordance with all applicable Council policies and guidelines.</p>	Formerly 3.2.6
<p>5.2.8 The Director of Planning, before exercising its powers of discretion pursuant to this section 5.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.</p>	Formerly 3.2.3