

BY-LAW NO. 3926A By-law to amend By-law No. 3575,
being the "Zoning and Development By-law"

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled enacts as follows:

1. Section 2 of By-law No. 3575 is amended by deleting the definition of "floor space ratio" and substituting the following:

"'Floor Space Ratio' shall mean the figure obtained when the area of the floors of the buildings on a site is divided by the area of the site."

2. Section 11 is amended by deleting subclause (i) of clause (b) of subsection (3).

3. Section 11 is further amended by adding as subsection (14) the following:

"(14) A parking garage (private) may be located beneath the normal finished grade of the yards around a building in any "R" district provided that:

(a) no such garage shall be located beneath the required front yard, the required side yard on a flanking street, and the portion of a rear yard adjoining a flanking street equal in width to the required side yard;

(b) such garage shall be approved by the Director of Planning. In approving such garage the Director of Planning shall have regard to the effect on amenity, the relationship to the adjoining topography and the need for future street and lane dedications."

4. Section 12(1) is amended by repealing clause (e) and substituting the following:

"(e) Units of Measurement:

Where gross floor area is used as a unit of measurement in computing the parking requirements for apartment buildings, or buildings converted to contain more than one dwelling or housekeeping unit or where such are located above C or M premises, the floor area shall be taken as prescribed for the computation of floor space ratio in RM Districts. In all other cases it shall include the floor area of accessory buildings and basements except where they are used for parking or heating facilities."

5. Section 12(2)(a) is amended by repealing subclause (i) and substituting the following:

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"(i) Setbacks

If on the same site as the principal building, or use, no parking area shall be located within:

- the required front yard,
- the front yard between the required front yard and the front of the building, unless the overall design and effect on amenity is approved by the Director of Planning,
- the required side yard on a flanking street of a corner site,
- the rear yard of a corner site within a distance from the flanking street equal to the required side yard,
- the side yard in front of any portion of a building located in an RM District unless the parking area is of four-car capacity or greater, and its overall design and effect on amenity is approved by the Director of Planning.

6. Section 12(2) is further amended by adding as clause (c) the following:

"(c) Development and Maintenance Requirements for all Parking Garages (Private) located in R Districts:

Where any floor or portion thereof of a Parking Garage (Private) is located above the finished grade around the building, it shall be screened from any properties adjoining the side yards."

7. Section 1 of Schedule "B" is amended by deleting subsections (1) and (2) and substituting the following:

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| <p>"(1) Dwelling units in apartment buildings located in (RM-1) and (RM-2) Multiple Dwelling Districts.</p> | <p>One parking space for every 800 square feet of gross floor area of all floors of the building, but in no case shall there be less than one space for every dwelling unit.</p> |
| <p>(2) Dwelling or housekeeping units located in (RM-3) Multiple Dwelling Districts.</p> | <p>One parking space for every 950 square feet of gross floor area of all floors of the building.</p> |
| <p>(3) Dwelling or housekeeping units located in (RM-4) Multiple Dwelling Districts.</p> | <p>One parking space for every 1,100 square feet of gross floor area of all floors of the building.</p> |

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- (4) Dwelling or housekeeping units located in C or M Districts
- One parking space for every 950 square feet of gross floor area of all floors, or portions thereof, used for residential purposes provided however in C districts located within District Lot 185 the amount of this requirement may be reduced to one space for every 1,100 square feet."

8. Zoning District Schedule (RM-3) Multiple Dwelling District Schedule (Medium Density) is deleted and the following is substituted:

"(RM-3) Multiple Dwelling District Schedule: (Medium Density)

1. Uses permitted and regulations:

A. Uses:

Subject to all other provisions of this by-law, on any site, in any district defined, designated or described in this by-law as an (RM-3) Multiple Dwelling District, development permits will be issued only for development comprising the following uses:

- (1) One-family dwelling but subject to the same regulations as required in the (RS-1) schedule.
- (2) Two-family dwelling but subject to the same regulations as required in the (RT-2) schedule.
- (3) Apartment building.
- (4) Dwelling units in basements, subject to the provisions of Section 11(3), in any building:
 - (a) in respect of which the building permit is dated on or after January 1st, 1951, and
 - (b) which is designed or erected exclusively for use as an apartment building and is not a building converted to such use. (13/8/57 - 3649)
- (5) The keeping of not more than two boarders or lodgers or not more than four foster children in each dwelling unit.
- (6) Boarding or lodging house.
- (7) Fraternity or Sorority house.
- (8) A building or use customarily accessory to the above uses (except for another dwelling unit), provided that:
 - (a) all accessory buildings are located in the rear yard and in no case are located closer to the flanking street than the width of the side yard required for the principal building;

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- (b) the total accessory buildings do not occupy an area greater than 25 percent of the minimum rear yard prescribed in this schedule, or 460 square feet, whichever is the greater;
- (c) no accessory building shall exceed 10 feet in height;
- (d) not more than two-thirds of the width of the rear yard of any lot shall be occupied by accessory buildings;
- (e) no accessory building shall be closer than 12 feet to any dwelling on the property;
- (f) no accessory building shall obstruct the daylight access as required by this by-law for any residential use.

B. Height:

No part of a building shall project above a hypothetical surface which is parallel to the finished grade of the site and located as follows:

- (1) Where the maximum width of a building (or portion thereof) measured parallel to the frontage of the site exceeds 90 feet - 40 feet above the finished grade.
- (2) Where the maximum width of the building (or portion thereof) measured parallel to the frontage of the site is 90 feet or less - 100 feet above the finished grade.

For the purposes of this section it shall be assumed that the finished grade within the outer walls of the building is formed by straight lines joining the contours of the finished grade at the outer walls of the building.

C. Front Yard:

A front yard shall be provided having a depth of not less than 20 feet.

D. Side Yards:

- (1) Side yards shall be provided on each side of the building such that the outer walls of the building be contained within 135 degrees horizontal angles subtended from all points along the side property lines, provided however, in no case shall the side yard be less than 7 feet.
- (2) In the case of a corner site where the side yard adjoins a flanking street, the above containing angle is not applicable but the side yard shall be 20 percent of the width of the site, provided however, this amount shall be increased by one foot, or fraction thereof, for every 5 feet by which the highest height of the building

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exceeds 40 feet (measured as in B above) but in no case shall it be less than 10 feet nor need it be more than 20 feet.

E. Rear Yard:

A rear yard shall be provided the minimum depth of which shall be not less than 35 feet, provided however, this amount may be reduced to 25 feet in the following cases:

- (1) Where the building abutting the rear yard is not more than 30 feet wide nor less than 25 feet from any adjoining site.
- (2) Where the average distance from the rear line of the site to the rear of the building taken over the full width of the site is not less than 35 feet and provided further that no portion of such building, abutting such rear yard so reduced, shall have a width of more than 50 feet nor be less than 25 feet from any adjoining site.

Provided that where the rear of a site abuts a fully or partially dedicated lane the minimum depth of the rear yard or the average depth of the rear yard, as the case may be, may be decreased by the width of that portion of the lane lying between the rear of the site and the ultimate centre line of the lane.

F. Daylight Access (for illustration see Appendix "F" of By-law)

- (1) From the outside of the mid-point of the exterior wall (walls) of every habitable room there shall be an unobstructed view for a distance of not less than 80 feet, measured horizontally 3 feet above the floor of the habitable room. Such view shall extend through either a continuous horizontal arc of not less than 50 degrees, or through two or more horizontal arcs which in the aggregate contain not less than 70 degrees. For the purpose of this subsection the following shall be considered as obstructions:
 - (a) The theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees above a horizontal axis located on the property lines of the proposed site;
 - (b) Part of the same building including permitted projections;
 - (c) Accessory buildings located on the same site as the principal building;
 - (d) The maximum size building permitted under the appropriate C or M schedule if the site adjoins a C or M site.
- (2) For the purpose of this subsection, a kitchen shall not be counted as a habitable room unless its area is greater than 10 percent of the total floor area of the dwelling unit in which it is situated, or 70 square feet, whichever is the greater.

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G. Vertical Light Angle (for illustrations see Appendix "G" of By-law)

No part of any building above a height of 30 feet measured from the finished grade at all points around and adjacent to the building shall project above lines extending toward the building at right angles from:

- (1) All points along the ultimate centre line of the street (or streets) in front of the site and inclined at an angle of 50 degrees to the horizontal.
- (2) All points along the rear boundary line of the site or the ultimate centre line of the lane where one has been dedicated, and inclined at an angle of 50 degrees to the horizontal.
- (3) All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an angle of 60 degrees to the horizontal.
- (4) In the case of a corner site all points along the ultimate centre line of a flanking street or lane and inclined at an angle of 50 degrees to the horizontal.

Provided however, that where any part of a building:

- (a) has an average horizontal dimension along the intersecting vertical plane of 52 feet or less, measured parallel to the street, lane or boundary of the site, as the case may be, from which the said vertical angle is measured, and
- (b) is not less than 70 feet from any part of the same building similarly exempt, measured in the same direction as the 52 feet specified in clause (a) of this proviso.

The said vertical angles specified in (1) to (4) above may be increased an additional 15 degrees; in addition any vertical angle so increased may be averaged over the part of the building covered by this proviso.

H. Floor Space Ratio

The maximum Floor Space Ratio shall be 1.00 provided however, this amount may be increased as follows:

- (1) Where the site coverage is 50 percent or less an amount equal to 0.012 may be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.
- (2) Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet or more, an amount may be added equal to 0.002 multiplied by each 100 square feet of site area in excess of 9,000 square feet, but in no case shall this amount exceed 0.25.

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- (3) Where parking spaces are provided in or beneath a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.20 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

In computing the allowable floor space ratio, all floors, whether earth floors or otherwise, (with ceilings of more than 4 feet in height) of all buildings, shall be included, both above and below ground (measured to the extreme outer limits of the buildings) except for parking areas the floor of which is at or below the highest point of the finished grade around the building. For the purpose of this section the gross cross-sectional area of stairways, fire escapes, elevator shafts, chimneys and any other services which, in the opinion of the Director of Planning, are similar to the foregoing, shall be included as floor area at each floor at which they are located; balconies, canopies, sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, may be excluded from floor area measurement, provided the total floor area of all of such excluded items does not exceed 8 percent of the permitted floor area.

Patios and roof gardens also may be excluded from floor area measurement provided that any sunroofs or walls forming part thereof are approved by the Director of Planning.

For purposes of this section site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

J. Frontage and Site Area

A site either for a new apartment building, boarding or lodging house or fraternity or sorority house, or the relocation of an existing such building shall have an area of not less than 6,000 square feet.

K. Off-street Parking Spaces

Off-street parking spaces for certain uses in this district shall be provided and maintained in accordance with the provisions of Section 12 of this by-law.

L. Off-street Loading Spaces

Loading and unloading spaces for certain uses in this district shall be provided and maintained in accordance with the provisions of Section 13 of this by-law.

M. Advertisements

No advertisements, bulletin boards or identification

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signs are permitted in the (RM-3) District, except as provided in Section 10(21) of this by-law.

2. Uses which may be permitted subject to special approval by the Technical Planning Board:

Notwithstanding the provisions of Section 1 of this schedule, development permits may be issued for development comprising the following uses subject to such uses first of all being approved by the Technical Planning Board. If a development permit is granted it shall be subject to such conditions and regulations or relaxations as the Technical Planning Board may decide.

A. Uses (Group A)

- (1) Group Houses subject to the provisions of Section 11 (6) of this by-law.
- (2) A new two-family dwelling or the relocation of an existing two-family dwelling on a site of less than 6,000 square feet, or a new apartment building, boarding or lodging house or fraternity or sorority house, or the relocation of an existing such building, on a site of less than 6,000 square feet.
- (3) The conversion into dwelling units of an existing building, other than one granted a development permit in accordance with Section 1 of this schedule; before granting a development permit for such conversion the Technical Planning Board shall have regard to the regulations of Section 1 of this schedule and also to the amenity of the neighbourhood.
- (4) The conversion of an existing building into housekeeping units in any case where such existing building, by reason of its age and size, is deemed to be unsuitable for its present use; before granting a development permit for such conversion the Technical Planning Board shall have regard to the regulations of Section 1 of this schedule and also to the amenity of the neighbourhood.
- (5) A dwelling unit or housekeeping unit other than one granted a development permit in accordance with this schedule which has been installed or used prior to June 18th, 1956, with or without one or more of the required City permits, may be granted a development permit limited in time.
(11/12/56 - 3610)
- (6) The conversion into a boarding or lodging house of an existing building, other than one granted a development permit in accordance with Section 1 of this schedule; before granting a development permit for such conversion the Technical Planning Board shall have regard to the regulations of Section 1 of this schedule and also to the amenity of the neighbourhood.
- (7) A building which has been altered or used for a boarding or lodging house, other than one granted a development permit in accordance with

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clause (6) above, which has been installed or used prior to June 18th, 1956, with or without one or more of the required City permits, may be granted a development permit limited in time. (11/12/56 - 3610)

- (8) School (public or private) kindergarten, day-care school, creche or day nursery.
 - (9) Park or playground.
 - (10) Golf course.
 - (11) Truck gardens, nurseries, and greenhouses, for propagating and cultivating.
 - (12) Tourist courts, subject to the provisions of Section 11(5) of this by-law.
 - (13) The deposit or extraction of material so as to alter the configuration of the land.
 - (14) Home craft or occupation, provided that there is nothing to indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling, that there is no commodity sold upon the premises and that no person other than one member of the immediate family residing there is engaged in such craft or occupation on the premises.
 - (15) Parking area (public) ancillary to a principal use on an adjacent site.
 - (16) Club, or Lodge (fraternal), provided that no commercial activities are carried on.
 - (17) Buildings or uses customarily accessory to the above uses and accessory buildings or uses to dwellings, other than those provided for in Section 1 of this schedule.
- B. Uses (Group B) which may only be granted by the Technical Planning Board after consulting with the Town Planning Commission.
- (1) Stadium or similar place of assembly.
 - (2) Community centre.
 - (3) Church, subject to the provisions of Section 11(7) of this by-law.
 - (4) Hospital, sanitorium, convalescent home, excluding a mental hospital or hospital for the treatment of animals.
 - (5) Institution of a religious, philanthropic, or charitable character.
 - (6) Public utility.
 - (7) Building or use essential in this district required by a public authority.

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- (8) Building or use customarily accessory to the above uses."

9. Each of the following Zoning District Schedules of By-law No. 3575 is amended by adding:

"For the purposes of this schedule, in computing the floor space ratio the floor area of the building shall include the total area of all the floors of all the buildings on the site, including accessory buildings (measured to the extreme outer limits of the building), except for areas of floors used for parking purposes and areas of cellars or basements which are not used as habitable accommodation or access to habitable accommodation."

to the regulation for floor space ratio contained in

Section 1(G) of the (RS-1), (RS-2), (RS-3), (RS-4)
(RT-1), (RT-2), (RM-1) and
(RM-2) schedules

Section 1(H) of the (RM-4), (C-1), (C-2) and
(C-4) schedules

Section 1(J) of the (C-3) and (C-5) schedules

Section 1(F) of the (M-1) and (M-2) schedules.

10. This by-law shall come into force and take effect on and after the 17th day of July, 1961.

DONE AND PASSED in open Council this 4th day of July, 1961.


MAYOR

This By-law received:
1st reading - July 4, 1961
2nd reading - July 4, 1961
3rd reading - July 4, 1961


CITY CLERK


City Clerk.