

Section 11 Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
 - 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
 - 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
 - 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
 - (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefore require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

- 11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:
- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
 - (b) the character of development within the adjacent neighbourhood.
- 11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

- 11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

- 11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².
- 11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

- 11.21.1 A Farmers' Market must be in:
- (a) open air stalls or booths;
 - (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
 - (c) stalls or booths in a building approved for use as a Farmers' Market.
- 11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- 11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- 11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- on a one storey laneway house; or
 - above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- within 10.7 m of the ultimate rear property line;
 - at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - 0.6 m from one side property line for interior lots, and
 - 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

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

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

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

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

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

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

- (a) open balconies, sundecks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sundecks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

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

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

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

11.24.28 A laneway house must include:

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

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.

- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,

“principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

“booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.

- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1

