

# First Shaughnessy District (FSD)

## District Schedule

### 1 INTENT AND OVERVIEW

#### 1.1 Intent

The intent of this schedule is to protect the distinct estate character of First Shaughnessy by conserving protected heritage property while allowing increased dwelling unit density with multiple conversion dwellings, infill, and secondary suites. Multiple dwelling is only permitted on sites without protected heritage property. Renovations and additions should be compatible with, subordinate to, and distinguishable from existing buildings. For all developments, emphasis is on sensitive site planning, compatible building scale, flexible and varied outcomes of built form and high quality design, materials and construction.

For the purposes of this schedule:

“below-market homeownership unit” means a dwelling unit with:

- (a) at least 2 bedrooms; and
- (b) a floor area of not less than 90 m<sup>2</sup>,

that is subject to a registered agreement with the BC Housing Management Commission with terms that ensure the dwelling unit will be sold at an initial price of a minimum of 50% below fair market value to purchasers that meet income and other eligibility criteria as specified by the BC Housing Management Commission in consultation with the Director of Planning, and that is in compliance with a partnering agreement between the City and the BC Housing Management Commission;

“conserved” and “conserving” means protecting, preserving, or enhancing the heritage character or heritage value of heritage property or a heritage conservation area, retaining the heritage character or heritage value of heritage property or a heritage conservation area and extending the physical life of protected heritage property by preservation, rehabilitation or restoration in accordance with the [First Shaughnessy Heritage Conservation Area Design Guidelines](#); and

“footprint” means the projected area of the extreme outer limits of the principal building measured at the basement level, excluding:

- (a) entries, porches and verandahs; and

- (b) a portion of the building located at the first storey that has:
  - (i) a total area not exceeding 37 m<sup>2</sup>,
  - (ii) a height no greater than 1 storey, and
  - (iii) a depth that is the lesser of 6.0 m and 35% of the building depth.

Without limitation, applicable Council policies and guidelines for consideration include the [First Shaughnessy Heritage Conservation Area Design Guidelines](#) in the Heritage Conservation Area Official Development Plan.

## 1.2 Overview

The table below provides an overview of the outright and conditional approval uses in the First Shaughnessy district, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in section 3 of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
--	Multiple dwelling on a site without protected heritage property	<a href="#">3.1</a>
	Multiple conversion dwelling	<a href="#">3.2</a>
	Infill	<a href="#">3.2</a>
	Other uses permitted in section <a href="#">2.1</a> of this schedule	<a href="#">3.3</a>

## 2 USE REGULATIONS

### 2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including section [2.2](#).

The uses identified in the table below as outright approval uses are permitted in these districts and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in these districts by the Director of Planning, with or without conditions, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

Uses are listed under their general land use category. Applicable use-specific regulations in section [2.2](#) of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

Use	Approval	Use-Specific Regulations
<b>Dwelling Uses</b>		
Infill	Conditional	<a href="#">2.2.1</a>
Multiple Conversion Dwelling	Conditional	<a href="#">2.2.1</a>
Multiple Dwelling, on a site without protected heritage property	Conditional	<a href="#">2.2.2, 2.2.3</a>
Seniors Supportive or Independent Living Housing	Conditional	
Single Detached House	Conditional	
Single Detached House with Secondary Suite	Conditional	
<b>Institutional Uses</b>		
Child Day Care Facility	Conditional	
Church, existing as of March 8, 2016	Conditional	
Community Care or Assisted Living Facility	Conditional	
Group Residence	Conditional	
Public Authority Use, essential in this district	Conditional	
<b>Office Uses</b>		
Office	Conditional	<a href="#">2.2.4</a>
<b>Retail Uses</b>		
Farmers' Market	Conditional	
<b>Service Uses</b>		
Bed and Breakfast Accommodation	Conditional	
Short Term Rental Accommodation	Conditional	
<b>Utility and Communication Uses</b>		
Public Utility	Conditional	
<b>uncategorized</b>		
Accessory Buildings, customarily ancillary to any use listed in this section <a href="#">2.1</a>	Conditional	<a href="#">2.2.5</a>
Accessory Uses, customarily ancillary to any use listed in this section <a href="#">2.1</a>	Conditional	<a href="#">2.2.6</a>
Deposition or extraction of material, which alters the configuration of the land	Conditional	

## 2.2 Use-Specific Regulations

- 2.2.1 For infill and multiple conversion dwelling the total number of dwelling units on a site must not exceed 6 dwelling units, except that:
- (a) on a site with protected heritage property:
    - (i) with a minimum site area of 4,645 m<sup>2</sup> or more, the total number of dwelling units permitted is increased to 8 dwelling units, or
    - (ii) with a minimum site area of less than 4,645 m<sup>2</sup>, the Director of Planning may increase the total number of dwelling units permitted to 7 dwelling units if the Director of Planning considers:
      - (A) all applicable Council policies and guidelines,
      - (B) the impact of any additional on-site parking on mature trees, existing gardens and landscape design, and
      - (C) the impact of the additional unit on the protected heritage property;
  - (b) on a site without protected heritage property, the total number of dwelling units permitted is increased to 8 dwelling units where all of the dwelling units are non-stratified and secured as residential rental tenure.
- 2.2.2 For multiple dwelling, the total number of dwelling units on a site must not exceed 6 dwelling units, except that the total number of dwelling units permitted is increased to 8 dwelling units where all of the dwelling units are non-stratified and secured as residential rental tenure.
- 2.2.3 For multiple dwelling, the Director of Planning may permit more than 1 principal building on a site, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.
- 2.2.4 Office is only permitted if it is a consulate on a site that abuts West 16th Avenue, King Edward Avenue or Granville Street.
- 2.2.5 Accessory building customarily ancillary to any use listed in section 2.1 of this schedule may only be permitted if:
- (a) no accessory building exceeds a building height of 4.5 m, measured to:
    - (i) the highest point of a flat roof, or
    - (ii) to the mean height level between the eaves and the ridge of a gable or hip roof, provided that no portion of an accessory building exceeds 6.1 m in building height;
  - (b) all accessory buildings are located:
    - (i) at least 3.0 m from a flanking street, and
    - (ii) at least 1.5 m from an interior property line;

- (c) the floor area of all accessory buildings for off-street parking on the site does not exceed 81 m<sup>2</sup>; and
- (d) an accessory building on a corner site which has located at its rear, a site that fronts the street flanking the corner site, has a setback of at least 7.3 m from the flanking street.

2.2.6 For all uses except for multiple dwelling, vehicle parking in a principal building is only be permitted if:

- (a) the parking was in existence on September 29, 2015; or
- (b) there is unnecessary hardship due to the slope or configuration of the site, or it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building.

### 3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

#### 3.1 Multiple dwelling on a site without protected heritage property

Multiple dwelling on a site without protected heritage property is subject to the following regulations.

##### 3.1.1 Density and Floor Area

3.1.1.1 The maximum floor space ratio is 0.25 plus 139 m<sup>2</sup> to a maximum permitted floor area of 911 m<sup>2</sup>.

3.1.1.2 Despite section 3.1.1.1 above, the Director of Planning may increase:

- (a) the permitted floor space ratio to a maximum of 0.50 for multiple dwelling containing no less than 4 and no more than 8 dwelling units where all of the dwelling units are secured as residential rental tenure, except that 1 dwelling unit may be occupied by a registered owner of the site;
- (b) the permitted floor space ratio to a maximum of 0.50 for multiple dwelling containing no less than 4 and no more than 6 dwelling units where at least 1 dwelling unit is developed as a below-market homeownership unit, if a partnering agreement between the City and the BC Housing Management Commission that establishes the terms and conditions related to a below-market homeownership program has been entered into and is in effect; or
- (c) the permitted floor area by 1 m<sup>2</sup> per amenity share or per affordable housing share provided to the City at no cost to the City, to a maximum floor space ratio of 0.50 for multiple dwelling containing no less than 4 and no more than 6 dwelling units,

if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

3.1.1.3 Despite section 3.1.1.2(c) above, the maximum floor space ratio achievable as a result of the provision of amenity shares or affordable housing shares must otherwise comply in all respects with this schedule and this by-law.

##### 3.1.2 Building Form and Placement

Regulations	FSD
3.1.2.1 Maximum building height for:	
(a) rear buildings	8.5 m and 2 storeys
(b) all other buildings	11.5 m and 3 storeys
3.1.2.2 Minimum front yard depth	8.5 m

Regulations		FSD
3.1.2.3	Minimum side yard width	4.5 m
3.1.2.4	Minimum rear yard depth for:	
	(a) buildings in a courtyard configuration	4.5 m
	(b) all other buildings	12.1 m
3.1.2.5	Maximum site coverage	35% of the site area
3.1.2.6	Maximum building depth	19.8 m
3.1.2.7	Maximum building width	17.4 m
3.1.2.8	Minimum separation between:	
	(a) buildings located on a site frontage	2.4 m
	(b) rear buildings	2.4 m
	(c) buildings located on a site frontage and rear buildings	6.1 m

### Building Separation

3.1.2.9 Minimum separation between buildings must be measured from the closest portion of the exterior walls of any other building on the site.

### Discretion to Vary Other Regulations

3.1.2.10 The Director of Planning may vary any of the regulations in this section [3.1.2](#) if the Director of Planning considers the height, bulk, location and overall design of the building or buildings and the impact on the site, surrounding buildings, neighbouring sites, streets and views and all applicable Council policies and guidelines.

## 3.2 Multiple conversion dwelling and infill

Multiple conversion dwelling and infill are subject to the following regulations.

### 3.2.1 Density and Floor Area

3.2.1.1 On a site with protected heritage property that is conserved, the maximum floor space ratio is 0.45.

3.2.1.2 On a site without protected heritage property, the maximum floor space ratio is 0.25 plus 139 m<sup>2</sup>, to a maximum permitted floor area of 911 m<sup>2</sup>.

3.2.1.3 Despite section 3.2.1.2 above, the Director of Planning may increase:

- (a) the permitted floor space ratio to a maximum of 0.45 for a site containing no less than 4 and no more than 8 dwelling units where all of the dwelling units are secured as residential rental tenure, except that 1 dwelling unit may be occupied by a registered owner of the site;
- (b) the permitted floor space ratio to a maximum of 0.45 for a site containing no less than 4 and no more than 6 dwelling units where at least 1 dwelling unit is developed as a below-market homeownership unit, if a partnering agreement between the City and the BC Housing Management Commission that establishes the terms and conditions related to a below-market homeownership program has been entered into and is in effect; or
- (c) the permitted floor area by 1 m<sup>2</sup> per amenity share or per affordable housing share provided to the City at no cost to the City for a site containing no less than 4 and no more than 6 dwelling units, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

3.2.1.4 Despite sections 3.2.1.1, 3.2.1.2 and 3.2.1.3 above, the maximum floor space ratio for infill is 0.30 of the infill site area as determined by the following calculation:

- (a) where the gross floor area of the basement, first and second storey of the principal building is equal to or less than 543 m<sup>2</sup>, the infill site area is the total site area minus 1,208 m<sup>2</sup>; and
- (b) where the gross floor area of the basement, first and second storey of the principal building is more than 543 m<sup>2</sup>, the infill site area is calculated in accordance with the following formula, where “x” equals the gross floor area of the basement, first and second storey of the principal building, measured in m<sup>2</sup>:

$$\text{site area for infill floor space ratio calculation} = \text{total site area} - \frac{x}{0.45}$$

3.2.1.5 Despite section 3.2.1.4 above, the maximum floor area for infill must not exceed 279 m<sup>2</sup>, or 50% of the gross floor area of the basement, first and second storey of the principal building, whichever is less.



3.2.1.6 Despite section 3.2.1.3(c) above, the maximum floor space ratio achievable as a result of the provision of amenity shares or affordable housing shares must otherwise comply in all respects with this schedule and this by-law.

### 3.2.2 Building Form and Placement

Regulations	FSD
3.2.2.1 Maximum building height for:	
(a) infill	7.6 m and 2 storeys
(b) principal buildings	10.7 m and 3 storeys
3.2.2.2 Minimum front yard depth	25% of the depth of the site
3.2.2.3 Minimum side yard width for a site with a frontage:	
(a) 22.9 m or greater	20% of the site width
(b) less than 22.9 m	15% of the site width
3.2.2.4 Minimum rear yard depth for:	
(a) infill	4.5 m
(b) all other buildings	12.1 m
3.2.2.5 Maximum site coverage	35% of the site area
3.2.2.6 Maximum building depth	40% of the site depth

#### Building Height

3.2.2.7 The Director of Planning may increase the maximum building height of a principal building to a height not exceeding 13.7 m, if the Director of Planning considers the impact of the additional height on neighbouring sites with respect to massing, shadowing and overlook, and all applicable Council policies and guidelines, and:

- (a) the roof has no flat portions;
- (b) the roof has a minimum slope of 8:12; and
- (c) the roof is a gable or hip roof.

### Front Yard

3.2.2.8 Despite the minimum front yard depth in section 3.2.2.2 above and section 10.8 of this by-law, basement floor area underneath entries, porches and verandahs may project into the front yard to a maximum of 1.8 m measured horizontally.

### Side Yard

3.2.2.9 The Director of Planning may decrease the minimum side yard width for an existing accessory building that is converted to residential use.

3.2.2.10 Despite section 3.2.2.3 above, the Director of Planning may increase the minimum side yard width if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

### Rear Yard

3.2.2.11 The Director of Planning may decrease the minimum rear yard depth for an existing accessory building that is converted to residential use.

3.2.2.12 Despite section 3.2.2.4 above, the Director of Planning may increase the minimum rear yard depth if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

### Building Depth

3.2.2.13 The Director of Planning may increase the maximum building depth to a maximum of 60% of the site depth if the Director of Planning considers:

- (a) the height, bulk, location and overall design of the building or buildings and the impact on the site, surrounding buildings, neighbouring sites, streets and views;
- (b) the amount of open space;
- (c) the preservation of the heritage character and heritage value of the area; and
- (d) all applicable Council policies and guidelines .

**3.3 Other Uses**

Uses not regulated by sections 3.1 and 3.2 of this schedule are subject to the following regulations.

**3.3.1 Density and Floor Area**

- 3.3.1.1 The maximum floor space ratio is 0.45 for protected heritage property that is conserved.
- 3.3.1.2 For all other developments, the maximum floor space ratio is 0.25 plus 139 m<sup>2</sup>, provided this maximum does not exceed a total floor area of 911 m<sup>2</sup>.

**3.3.2 Building Form and Placement**

Regulations	FSD
3.3.2.1 Maximum building height:	10.7 m and 3 storeys
3.3.2.2 Minimum floor elevation for the first storey	1.4 m above finished grade
3.3.2.3 Minimum front yard depth	25% of the depth of the site
3.3.2.4 Minimum side yard width for a site with a frontage:	
(a) 22.9 m or greater	20% of the site width
(b) less than 22.9 m	15% of the site width
3.3.2.5 Minimum rear yard depth	12.1 m
3.3.2.6 Maximum site coverage	35% of the site area
3.3.2.7 Maximum building depth	40% of the site depth
3.3.2.8 Maximum building footprint	Permitted floor area ÷ 2.5, up to a maximum of 557 m <sup>2</sup>

**Building Height**

- 3.3.2.9 Despite the maximum building height in section [3.3.2.1](#) above, the third storey must be a partial storey not exceeding 50% of the storey immediately below.
- 3.3.2.10 The Director of Planning may increase the maximum building height of a principal building to a height not exceeding 13.7 m, if the Director of Planning considers the impact of the additional height on neighbouring sites with respect to massing, shadowing and overlook, and all applicable Council policies and guidelines, and:
  - (a) the roof has no flat portions;

- (b) the roof has a minimum slope of 8:12; and
- (c) the roof is a gable or hip roof.

### **Floor Elevation**

3.3.2.11 The Director of Planning may reduce the minimum floor elevation if the Director of Planning considers the site context and all applicable Council policies and guidelines.

### **Front Yard**

3.3.2.12 Despite the minimum front yard depth in section 3.3.2.3 above and section 10.8 of this by-law, basement floor area underneath entries, porches and verandahs may project into the front yard to a maximum of 1.8 m measured horizontally.

### **Building Depth**

3.3.2.13 The Director of Planning may increase the maximum building depth to a maximum of 60% of the site depth if the Director of Planning considers:

- (a) the height, bulk, location and overall design of the building or buildings and the impact on the site, surrounding buildings, neighbouring sites, streets and views;
- (b) the amount of open space;
- (c) the preservation of the heritage character and heritage value of the area; and
- (d) all applicable Council policies and guidelines .

### **Building Footprint**

3.3.2.14 The Director of Planning may increase the maximum building footprint by an amount not exceeding 20% of the building footprint requirements in section 3.3.2.8 above if the Director of Planning considers:

- (a) the height, bulk, location and overall design of the building or buildings and the impact on the site, surrounding buildings, neighbouring sites, streets and views;
- (b) the amount of open space;
- (c) the preservation of the heritage character and heritage value of the area; and
- (d) all applicable Council policies and guidelines.

## 4 GENERAL REGULATIONS

All uses in this district are subject to the following regulations.

### 4.1 Amenity Shares and Affordable Housing Shares

- 4.1.1 For the purposes of this schedule, amenity has the meaning set out in [Schedule F: Affordable Housing and Amenity Share Cost Schedule](#) of this by-law.
- 4.1.2 For the purposes of this schedule, the cost of an amenity share or affordable housing share is the amount specified per m<sup>2</sup> in [Schedule F: Affordable Housing and Amenity Share Cost Schedule](#) of this by-law for the FSD zoning district.

### 4.2 Computation of Floor Area

- 4.2.1 Computation of floor area must include:
- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building;
  - (b) stairways, fire escapes, elevator shafts, and other features that the Director of Planning considers similar to the foregoing, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
  - (c) where the distance from a floor to the floor above, or where there is no floor above, to the top of roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.
- 4.2.2 Computation of floor area must exclude:
- (a) balconies, decks, and other appurtenances that in the opinion of the Director of Planning, area similar to the foregoing if the total area of these exclusions does not exceed 8% of the permitted floor area;
  - (b) areas of undeveloped floors that are located:
    - (i) above the highest storey or partial storey, and to which there is no permanent means of access other than a hatch, or
    - (ii) adjacent to a storey or partial storey with a ceiling height of less than 1.2 m;
  - (c) where floors or portions of floors are located in an accessory building, infill building, or a principal building, and are used for off-street parking or loading, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length;
  - (d) for all uses except for multiple dwelling, basements in principal buildings where the basement does not extend beyond the outermost walls of the first storey, including entries, porches and verandahs, except that this exclusion will only apply to that part of basements used for parking in principal buildings if:

- (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building,
  - (ii) the site has no lane access, and
  - (iii) the exclusion does not exceed 81 m<sup>2</sup>;
- (e) basements or cellars in protected heritage property, except that this exclusion will only apply to that part of basements or cellars used for parking in protected heritage property if:
- (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building, and
  - (ii) the exclusion does not exceed 81 m<sup>2</sup>;
- (f) entries, porches, verandahs, and covered porches above the first storey if:
- (i) they are open or protected by guards that do not exceed the required minimum height, and
  - (ii) the total area being excluded does not exceed 20% of the floor area being provided;
- (g) unconditioned floor areas with a ceiling height or height to the underside of the joists of less than 2.0 m, located below the floors of entries, porches and verandahs complying with section 4.2.2(f) above, to which there is no access from the interior of the building; and
- (h) for multiple dwelling, multiple conversion dwelling containing 3 or more dwelling units, or infill, floors or portions thereof that are used for heating and mechanical equipment or uses that the Director of Planning considers similar to the foregoing, up to a maximum of 3.7 m<sup>2</sup> per dwelling unit.

4.2.3 The Director of Planning may vary the requirements in section 4.2.1(c) above 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 provided that the total excluded area does not exceed 37 m<sup>2</sup>.

## 4.3 Measurements

4.3.1 Building depth is measured in a straight line parallel to the property line, from the required front yard to the required rear yard, except that where an existing building encroaches into the required front yard, the distance must be measured from the front exterior wall rather than the required front yard.

4.3.2 Projections into the front and rear yards that are permitted under section 3.3.2.12 of this schedule and section 10.8 of this by-law must not be included in the calculation of building depth.

## 4.4 Storm Water and Impermeability

4.4.1 This section applies to a permit for any development that:

- (a) increases the impermeable area of a site existing as of May 11, 1982, by more than 1% of the site area; or
- (b) creates a community care facility, group residence, multiple conversion dwelling, infill single detached house or infill duplex.

4.4.2 The Director of Planning must not issue a permit referred to in section 4.4.1 above, unless the property owner has first entered into a storm water storage agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:

- (a) construct a storm water storage system on the site that is designed and certified by a professional engineer to meet the following criteria:
  - (i) a minimum storage capacity equal to the volume of water that would be present if water 15 mm deep covered the entire site, and
  - (ii) equipped with a device to restrict the maximum storm water flow from the site into the public sewer to 17.5 litres per second per hectare of site area;
- (b) maintain the storm water storage system 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 storm water storage system.

## 5 RELAXATIONS

5.1 The Director of Planning may relax the front, side, and rear yard regulations prescribed in this schedule if, in the opinion of the Director of Planning, there is unnecessary hardship due to the configuration of the site and the Director of Planning considers:

- (a) all applicable Council policies and guidelines;
- (b) 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;
- (c) the amount of open space;
- (d) the preservation of the heritage character and heritage value of the area; and
- (e) the relaxation does not exceed 60% of the front, side, or rear yard requirements in this schedule.

5.2 The Director of Planning may relax any regulation in this schedule, except those regulations regarding use or density, with respect to protected heritage property that is conserved, if, in the opinion of the Director of Planning, the protected heritage property is conserved and the proposed development will make a contribution to conserving heritage property, except that, before granting a relaxation under this section, the Director of Planning must consider the intent of this schedule and all applicable Council policies and guidelines.