

Section 10

General Regulations

The regulations below apply to all zoning districts, unless otherwise specified.

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

Section	Term and General Regulations	
<p>10.1</p>	<p>Antennae</p> <p>10.1.1 Except as exempted by the provisions of section 5.15, no person shall erect an antenna, including a satellite dish, without first obtaining a development permit from the Director of Planning.</p> <p>10.1.2 The Director of Planning may permit in any district, antennae including satellite dishes used for the transmission or reception of radio, television, satellite, microwave or related communications together with related masts, mechanical equipment and mechanical rooms, whether or not they are ancillary to the principal use on the site, and may permit such antennae at a greater height than otherwise permitted by this By-law provided that:</p> <p>(a) the Director of Planning is satisfied the antennae will not have an unduly detrimental effect on the site or adjacent properties, having particular regard to visual impact; and</p> <p>(b) before granting approval the Director of Planning notifies such adjacent property owners or persons the Director of Planning deems necessary.</p>	<p>Formerly 10.27</p>
<p>10.2</p>	<p>Birds and Animals</p> <p>10.2.1 Buildings or runs for the shelter or accommodation of birds or animals in any districts except RA-1 shall be located no closer than 9.1 m from any dwelling and 18.3 m from the front line of the site and, as accessory buildings, shall conform with all other applicable provisions of this By-law.</p> <p>10.2.2 Despite section 10.2.1, a building or other enclosure for keeping one or more hens:</p> <p>(a) must be no more than 9.2 m² in floor area;</p> <p>(b) must be no more than 2 m high;</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 10.18</p>

- (c) must be no closer than 3 m from any door or window of any dwelling;
- (d) must be situated only in a rear yard or a side yard;
- (e) may be anywhere in a rear yard;
- (f) must, on a corner flanking lot, be no less than the greater of a distance equal to:
 - (i) the existing setback of the principal building, and
 - (ii) the required setback for a principal building under this By-law,
 from the property line adjacent to the flanking street;
- (g) must be at grade level;
- (h) must be no less than 1 m from any property line; and
- (i) may be situate only in the RA, RS, RT, RM, FM, and First Shaughnessy Districts.

10.3

Boats, Vehicles, Equipment or Materials in Residential and Commercial Districts

Formerly 10.17

- 10.3.1 No boat, boat trailer, truck, bus or similar vehicle shall be placed or parked on any site in an R district except for the following:
- (a) one truck with a registered gross vehicle weight not exceeding 4 550 kg;
 - (b) one boat not exceeding 4.9 m in length, together with its accessory boat trailer;
 - (c) trucks temporarily involved in servicing the premises; or
 - (d) such boats or vehicles as may be approved by the Director of Planning where the Director of Planning considers that they will not have an unduly detrimental effect on the site or adjacent properties.
- 10.3.2 No equipment or materials shall be stored in an R or C district except where:
- (a) otherwise permitted by section 11.13 or as an accessory use pursuant to this By-law;
 - (b) temporarily required for the construction, repair, servicing or maintenance of the premises; or
 - (c) approved by the Director of Planning where the Director of Planning considers that an unduly detrimental effect is not created on the site or adjacent properties.

10.4

Building Length Exclusions

Formerly 10.9

- 10.4.1 The following features are excluded from any limitations to the maximum length of buildings or portions of buildings for the purpose of view obstruction:
- (a) eaves, gutters, sills, safety railings and chimneys;
 - (b) balconies, subject to the same conditions as in section 10.7.1(c);

[continued on the next page...]

	<p>(c) canopies over entrances to buildings, subject to the same conditions as set out in section 10.32.1(d); and</p> <p>(d) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.</p>
10.5	<p>Buildings on Site - Number</p> <p>10.5.1 The placing of more than one principal building on any one site shall not be permitted, except as otherwise provided for by this By-law.</p>
10.6	<p>Character House</p> <p>10.6.1 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.</p> <p>10.6.2 Computation of floor area in a character house may exclude:</p> <ul style="list-style-type: none"> (a) existing covered porches that: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p>10.6.3 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 10.6.2(a) may be excluded from the measurement of building depth.</p> <p>10.6.4 Covered porches that comply with section 10.6.2(a) may project into the required front yard.</p>
10.7	<p>Daylight Access and Angle Controls Exclusions</p> <p>10.7.1. The following features are excluded from regulations of daylight access and angle controls:</p> <ul style="list-style-type: none"> (a) steps; (b) eaves, gutters, sills and chimneys; <p style="text-align: right;"><i>[continued on the next page...]</i></p>

Formerly 10.1
See, for example, section 3.2.1(b)

Formerly 11.33

	<ul style="list-style-type: none"> (c) balconies, if: <ul style="list-style-type: none"> (i) they do not project more than 1.2 m into the area controlled by daylight angles, and (ii) the safety railing does not extend more than 1 070 mm above the floor of the balcony; (d) canopies over entrances to buildings, subject to the same conditions as set out in section 10.31.1(d); (e) safety railings, if they are not over 1 070 mm in height; (f) bay windows, if: <ul style="list-style-type: none"> (i) they do not project more than 540 mm into the area controlled by daylight angle, and (ii) the bottom outside edge of the bay is not less than 300 mm above the floor level; and (g) any other features, including vent shafts or mechanical equipment which, in the opinion of the Director of Planning, are similar to any of the features listed above. 	<p>Formerly 10.8</p>
<p>10.8</p>	<p>Demolition of a Building</p> <p>10.8.1 Except as exempted by the provisions of section 5, no person shall carry out any construction, engineering or other operation in, on, over or under any land which will result in the demolition of a building without first obtaining a development permit for the demolition from the Director of Planning.</p> <p>10.8.2 Except as set out in section 10.8.3, where development necessitates the demolition of existing residential rental accommodation, no development permit shall be issued for the demolition unless and until a development permit for the new development has been issued.</p> <p>The development permit for the new development shall not be issued unless and until all building permits for the new development and a building permit for the demolition are issuable.</p> <p>10.8.3 The following cases of residential rental accommodation are exempted from the provisions of section 10.8.2:</p> <ul style="list-style-type: none"> (a) where located in the RA-1 District, or any M or I district; (b) where located in a building damaged or destroyed by fire to the extent of 60% or more of its value above the foundations, as determined by the City Building Inspector; (c) where located above a commercial use and where the residential rental accommodation does not predominate in terms of floor space; (d) where located in a building deemed by the City Building Inspector to be beyond re-use or rehabilitation for residential purposes; (e) where located in a building deemed by the City Building Inspector to be appropriate for demolition because of hazard to public health or safety; <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 10.12</p> <p>Refer also to the Facilitate Demolition For Social Housing By-law</p>

- (f) where located in a multiple dwelling in which units are individually owned in accordance with the *Strata Property Act* (British Columbia) and no fewer than 75% of them are owner-occupied;
 - (g) where located in a multiple dwelling consisting of a co-operative tenure established prior to legislation permitting condominium ownership; and
 - (h) where located in a building deemed by Council to be appropriate for demolition because the premises are a nuisance.
- 10.8.4 Except as set out in sections 10.8.6, 10.8.7 and 10.8.8, where development necessitates the demolition of (a) a building listed on the Heritage Register or (b) a residential building located in the RS-1, RS-3, RS-3A, RS-5, RS-6, RS-7, or First Shaughnessy Districts no development permit shall be issued for the demolition unless the Director of Planning is satisfied that all applicable policies and guidelines adopted by Council have been met, and until a development permit for the new development has been issued. The development permit for the new development shall not be issued unless and until all building permits for the new development and a building permit for the demolition are issuable.
- 10.8.5 Except as provided in sections 10.8.6 and 10.8.7, where development necessitates demolition of a building listed in the Heritage Register as an “A” Evaluation Group heritage building and located in the RM-5, RM-5A, RM-5B, RM-5C and RM-5D, RM-6, or Downtown Districts, a development permit shall not be issued for the new development unless the applicant has complied with the provisions of section 10.8.4, except that the Director of Planning may also require that the applicant submit a calculation of density bonus to the City, to the satisfaction of the Director of Planning, before a development permit may be issued.
- 10.8.6 A building deemed by the City Building Inspector to be appropriate for demolition because of hazards to public health or safety is exempt from the provisions of sections 10.8.4 and 10.8.5.
- 10.8.7 A building deemed by Council to be appropriate for demolition because the premises are a nuisance is exempted from the provisions of sections 10.8.4 and 10.8.5.
- 10.8.8 A building which is a one-family dwelling, one-family dwelling with secondary suite, or two-family dwelling in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7, or First Shaughnessy Districts, which is not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction, is exempted from the provisions of section 10.8.4.

<p>10.9</p>	<p>Fences</p> <p>10.9.1 For the purposes of this section 10.9, the term “fence” shall include arbors, archways, boundary fences, gates, pergolas, screens, trellises, walls and similar structures.</p> <p>10.9.2 Height shall be measured from any point on the ground level of the site at the structure or fence line.</p> <p>10.9.3 A fence or similar structure shall be permitted in a required yard or on the boundaries of a required yard provided it does not exceed 1.9 m in height.</p> <p>10.9.4 Notwithstanding section 10.9.3, a fence or similar structure shall be permitted in a required front yard or on the boundaries of a required front yard located in the C-1 District or any R district provided it does not exceed 1.2 m in height.</p> <p>10.9.5 Where a fence is erected or placed above a common boundary retaining wall or within 1.0 m of a common boundary retaining wall, the maximum permissible height shall be reduced by half the height of the retaining wall.</p> <p>10.9.6 The Director of Planning may, at the Director of Planning's discretion, permit a fence or similar structure which does not comply with sections 10.9.3, 10.9.4, and 10.9.5; however, in the case of a relaxation of the height limitations of this section 10.9, the Director of Planning shall first notify such property owners as the Director of Planning deems necessary.</p>
<p>10.10</p>	<p>Floor Area Exclusions</p> <p>10.10.1 Floor area excluded from a computation of floor space ratio pursuant to this By-law shall not be put to any use other than that which justified the exclusion.</p>
<p>10.11</p>	<p>Floor Area Exclusions for Exterior Wall Thickness</p> <p>10.11.1 For residential buildings less than seven storeys in height, computation of floor area shall exclude 2% of the total area in buildings of three storeys or less if the majority of the exterior wall space contain at least 175 mm of thermal insulation in total thickness, or 1% of total area in buildings of four to six storeys where the majority of exterior wall space contain at least 100 mm of thermal insulation in total thickness.</p> <p>10.11.2 The Director of Planning may exclude an area equal to the area occupied by the insulation thickness that exceeds the applicable thermal performance value for exterior walls in the Building By-law, as verified by a building envelope professional, to a maximum exclusion of 330 mm of thickness for buildings of six storeys or less, and a maximum exclusion of 179 mm of thickness for all other buildings.</p> <p>10.11.3 Computation of floor area shall exclude an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm in thickness, as verified by a building envelope professional, to a maximum exclusion of 152 mm of thickness, except that this exclusion shall not apply to laneway houses or to one or two-family dwellings of three storeys or less with or without a secondary suite.</p>

Formerly 10.16

Formerly 10.28

Formerly 10.33

<p>10.12</p>	<p>Floor Area Exclusions for Heat Recovery Ventilation in a Passive House</p> <p>10.12.1 The Director of Planning may exclude the area occupied by heat recovery ventilators and connected shafts in a passive house, to a maximum exclusion of 2% of permitted floor area.</p>	<p>Formerly 10.41</p>
<p>10.13</p>	<p>Floor Area Exclusions for Kitchen Exhaust Shafts</p> <p>10.13.1 In buildings with commercial, retail or service use at grade, computation of floor area may exclude the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m² for each floor above the commercial, retail or service use.</p>	<p>Formerly 10.40</p>
<p>10.14</p>	<p>Floor Area Exclusions for Natural Ventilation and Lighting in CD-1 Districts</p> <p>10.14.1 Despite anything to the contrary in any CD-1 by-law listed in the CD-1 (Comprehensive Development) District Schedule, if:</p> <ul style="list-style-type: none"> (i) the distance from a floor to the floor above, or where there is no floor, to the top of the roof joists, exceeds 3.7 m, and (ii) the additional height is designed with venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation, <p>computation of floor area may exclude an amount equal to the area of the floor below the excess height, except that:</p> <ul style="list-style-type: none"> (iii) if the CD-1 by-law does not contain a 3.7 m clause, and (iv) if subsections (i) and (ii) are not applicable, <p>computation of floor area may exclude up to 1% of above grade floor area built as open to below.</p>	<p>Formerly 10.35</p>
<p>10.15</p>	<p>Floor Area Exclusions for Sites in a Designated Flood Plain in an R District</p> <p>10.15.1 The Director of Planning may exclude floors located at or below finished grade with a ceiling height of less than 1.5 m from the computation of floor area, in order to achieve flood construction levels on sites located in a designated flood plain in an R district.</p>	<p>Formerly 10.39</p>
<p>10.16</p>	<p>Floor Area Increase for Low Operational Cost Housing</p> <p>10.16.1 Notwithstanding the maximum permitted floor area regulation in any district schedule, the Director of Planning may approve an addition of up to 5% 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 District, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section 10.16 shall not apply to applications made after December 31, 2025.</p>	<p>Formerly 11.34</p>

<p>10.17</p>	<p>Frontage Determination</p> <p>10.17.1 The frontage of any site having more than one boundary on a street shall be:</p> <ul style="list-style-type: none"> (a) where street boundary lengths are equal, as determined by the Director of Planning; (b) in the case of a corner site, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning; and (c) where a site is composed of more than one lot, the shortest boundary abutting on a street, or as otherwise determined by the Director of Planning.
<p>10.18</p>	<p>Height of Building and Relaxation</p> <p>10.18.1 The height of a building shall, unless otherwise specified in a district schedule to this By-law, be measured as the vertical distance that the building extends above the base surface.</p> <p>10.18.2 Where the existing grade of a site is higher than the base surface and the Director of Planning is satisfied that the existing grade is compatible with the existing grade of the adjoining sites or the general topography of the area, height of building may be measured from a surface determined by joining the existing grade at all points around the perimeter of the proposed building. The Director of Planning may, if the Director of Planning deems necessary, require the applicant to furnish a plan of survey in accordance with section 4.1.3 of this By-law.</p> <p>10.18.3 Where the existing grade of a site is lower than the base surface, building height may be measured from the base surface provided the Director of Planning is satisfied that the proposed finished grade is compatible with the existing grade of the adjoining sites or the general topography of the area. The Director of Planning may, if the Director of Planning deems necessary, require the applicant to furnish a plan of survey in accordance with section 4.1.3 of this By-law.</p> <p>10.18.4 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement or the definition of partial storey to accommodate building features designed to reduce energy consumption in a passive house, if the Director of Planning first considers:</p> <ul style="list-style-type: none"> (a) the intent of the relevant schedule; (b) all applicable Council policies and guidelines; (c) the relationship of the development to nearby residential development; (d) the submission of any advisory group, property owner or tenant; and (e) the height relaxation does not exceed 1.25 m, except that this relaxation shall not apply to laneway houses or dwelling uses in an RS district. <p style="text-align: right;"><i>[continued on the next page...]</i></p>

Formerly 10.5

Formerly 10.10 and 10.11

10.18.5 The Director of Planning may, at the Director of Planning’s discretion, permit a greater height than otherwise permitted for the following items if, except for the items set out in subsection (d), they do not, in total, exceed one third of the width of the building or buildings as measured on any elevation drawings and do not, in total, cover more than 10% of the roof area on which they are located as viewed from directly above:

- (a) architectural appurtenances such as towers, turrets, and cupolas, provided:
 - (i) no additional floor area is created, and
 - (ii) no protrusion extends more than 1.1 m above the height limitation;
- (b) mechanical appurtenances such as elevator machine rooms;
- (c) chimneys;
- (d) access and infrastructure required to maintain green roofs or urban agriculture, or roof mounted energy technologies including solar panels and wind turbines, provided that the Director of Planning considers:
 - (i) their siting and sizing in relation to views, overlook, shadowing, and noise impacts, and
 - (ii) all applicable policies and guidelines adopted by Council;
- (e) venting skylights and opening clerestory windows designed to reduce energy consumption or improve natural light and ventilation; and
- (f) items similar to any of the above.

10.18.6 The Development Permit Board may, for any building higher than 30.5 m, permit a decorative roof, which may include items referred to in section 10.18.5, to exceed the maximum height otherwise specified in this By-law, provided that:

- (a) the Development Permit Board is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances;
- (b) the roof does not add to the floor area otherwise permitted; and
- (c) the Development Permit Board first considers all applicable policies and guidelines adopted by Council.

10.19

Land not Abutting a Street

10.19.1 Where an area of land does not abut a street and therefore is not defined as a site, development may be permitted by the Director of Planning if, in the Director of Planning’s opinion, the land is, or is likely to be, satisfactorily provided with the public utilities and services necessary for the development.

Formerly 10.3

<p>10.20</p>	<p>Landscape Setbacks in an M or I District or a CD-1 District</p> <p>10.20.1 Development in an M, I, or CD-1 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:</p> <ul style="list-style-type: none">(a) a setback shall be provided and maintained at a depth as set forth in Schedule C;(b) 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;(c) except as provided for elsewhere in this section 10.20, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning; and(d) the following may be permitted within the landscaped setback area by the Director of Planning:<ul style="list-style-type: none">(i) statuary, fountains and other objects of art,(ii) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art, and(iii) 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.
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Formerly 11.3

<p>10.21</p>	<p>Living Accommodation Below Finished Grade</p> <p>10.21.1 Living accommodation may be permitted below finished grade, subject to the following:</p> <ul style="list-style-type: none">(a) the floor must be no more than 0.8 m below the finished grade of the adjoining ground, except that if the Director of Planning, on the advice of the Chief Building Official, is satisfied about:<ul style="list-style-type: none">(i) the provision of adequate damp proofing, lighting, ventilation, heating and secondary access, the Director of Planning may increase this dimension to 1.5 m, or(ii) in the case of a one-family dwelling or a one-family dwelling with secondary suite, the same considerations as (i) above and the overall relationship of the resulting living accommodation to the surrounding grade, the Director of Planning may increase this dimension to 1.83 m; and(b) in the case of a multiple dwelling that has its existing utility, recreational or storage areas below finished grade, a minimum of 20% of the floor area below finished grade shall be retained for such uses, except that the Director of Planning may allow a lesser amount where the Director of Planning is satisfied that adequate utility, recreational and storage space is provided elsewhere in the building. <p style="text-align: right;"><i>[continued on the next page...]</i></p>
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Formerly 10.15

	<p>10.21.2 Storage rooms shall be excluded from the provisions of section 10.21.1.</p> <p>10.21.3 Recreation rooms and bedrooms in a one-family dwelling, two-family dwelling, multiple conversion dwelling, or laneway house, bathrooms, utility rooms and workshops shall be excluded from the provisions of section 10.21.1(a), except that no bedroom shall be permitted having a floor 1.5 m or more below the finished grade of the adjoining ground.</p>	
10.22	<p>Murals</p> <p>10.22.1 The Director of Planning may permit a mural in any district, provided that the Director of Planning first considers:</p> <ul style="list-style-type: none"> (a) all applicable policies and guidelines adopted by Council; and (b) the submission of any advisory group, property owner or tenant. 	Formerly 10.25
10.23	<p>Nuclear Weapons Prohibition</p> <p>10.23.1 No person shall use or occupy land and no development permit shall be issued for the manufacture, distribution or storage of a nuclear weapon or any component thereof</p>	Formerly 10.23
10.24	<p>Principal Pedestrian Access</p> <p>10.24.1 Except in the case of an approval pursuant to section 10.19, the principal pedestrian access to every principal building and separate use shall be directly from a street.</p>	Formerly 10.4
10.25	<p>Relocation of a Building</p> <p>10.25.1 Where an existing building is:</p> <ul style="list-style-type: none"> (a) relocated onto a different site; or (b) located elsewhere within the same site, <p>it shall conform with all the regulations of the district in which it is located.</p>	Formerly 10.13
10.26	<p>Site with Building Lines</p> <p>10.26.1 Where a building line has been established pursuant to section 14.1, the following measurements and calculations shall be made using the building line instead of the site boundaries:</p> <ul style="list-style-type: none"> (a) width or depth of a required yard; (b) depth of required setbacks for pump islands and canopies in gasoline station – full serve and split island; and (c) depth of a site for the purpose of yard reductions pursuant to section 10.29. 	Formerly 10.2

<p>10.27</p>	<p>Site, Corner – in an RA, RS, RT or C-1 District</p> <p>10.27.1 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:</p> <p>(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 applicable 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 applicable district schedule are provided; and</p> <p>(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.</p>	<p>Formerly 11.1</p>
<p>10.28</p>	<p>Site, Double Fronting – Design Approval</p> <p>10.28.1 The siting and design of all buildings on a double fronting site located in any district except an M or I district shall require the approval of the Director of Planning.</p>	<p>Formerly 10.14</p>
<p>10.29</p>	<p>Site, Shallow – in an RS, RT or C-1 District</p> <p>10.29.1 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:</p> <p>(a) the front yard to 20% 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; and</p> <p>(b) the rear yard to 30% 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.</p>	<p>Formerly 11.2</p>
<p>10.30</p>	<p>Vehicles on a Site – Maximum Number</p> <p>10.30.1 Where a provision of the Parking By-law prescribes a maximum number of off-street parking spaces for a site, no person shall park or place, or permit to be parked or placed, a greater number of vehicles on that site than the maximum number of off-street parking spaces prescribed, except that this section 10.30 shall not apply to businesses licensed for the sale or rental of motor vehicles.</p>	<p>Formerly 10.24</p>
<p>10.31</p>	<p>Yards – Development In</p> <p>10.31.1 No building or development shall be permitted in any required yard, except as otherwise provided for by this By-law or the Parking By-law.</p> <p>10.31.2 No portion of required yard or required open space for any development shall be provided from any yard or open space already required for any other development.</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 10.6</p>

- 10.31.3 No development shall be permitted beneath the normal finished grades of a required yard without the prior approval of the Director of Planning who shall, in the exercise of the Director of Planning's discretion, have due regard to:
 - (a) the effect on the amenity in the neighbourhood;
 - (b) the adjoining topography; and
 - (c) the design treatment of the open portions of the site, and shall be satisfied that the proposed development is unlikely to adversely affect the possible widening or future development of streets and lanes.
- 10.31.4 No accessory building shall be located closer than 6.0 m to the rear line of any site which adjoins without the intervention of a lane the front or side yards of a site in an R district, except that the Director of Planning may approve a lesser distance where in the Director of Planning's opinion no undue adverse effect on adjoining sites is likely to be created.

10.32

Yards - Projections Into

Formerly 10.7

- 10.32.1 The following features shall be permitted in any required yard:
 - (a) steps, except that no steps shall be permitted in any side yard except an exterior side yard;
 - (b) eaves, gutters, sills and chimneys or other similar projections as determined by the Director of Planning, if they do not project more than 540 mm, measured horizontally, into a required yard;
 - (c) balconies on multiple dwellings, if:
 - (i) they do not project more than 1.2 m into a required yard and in no case are closer than 2.1 m to an interior side property line, and
 - (ii) the safety railing does not extend more than 1 070 mm above the floor of the balcony;
 - (d) canopies, if:
 - (i) they are cantilevered,
 - (ii) they do not project more than 1.2 m measured at right angles to the face of the building, and
 - (iii) they are not located closer than 0.3 m measured horizontally from any window of a habitable room where any part of such window is located below the level of the canopy;
 - (e) bay windows, if:
 - (i) they do not project more than 540 mm into the required yard,
 - (ii) the bottom outside edge of the bay is not less than 300 mm above the floor level, and
 - (iii) the area contained within the bay window projection is not used for any purpose other than to provide light and ventilation;

[continued on the next page...]

- (f) fixed external shading devices, if:
 - (i) they are, in the opinion of the Director of Planning, suitably designed and located in a position that provides solar rejection,
 - (ii) they are cantilevered, and
 - (iii) they do not project more than 1.2 m measured at right angles to the face of the building;
- (g) demountable green walls, if:
 - (i) they do not project more than 254 mm into a required yard,
 - (ii) they comply with Building By-law requirements, and
 - (iii) they are, in the opinion of the Director of Planning, suitably designed and located to contribute to sustainable design performance; and
- (h) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

10.32.2 The following additional features may project into rear yards only:

- (a) open fire escapes; and
- (b) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

10.32.3 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the yard, setback or building depth requirement to accommodate building features designed to reduce energy consumption in a passive house, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed 1.25 m, except that this relaxation shall not apply to district schedules with yard relaxation provisions for passive house.