

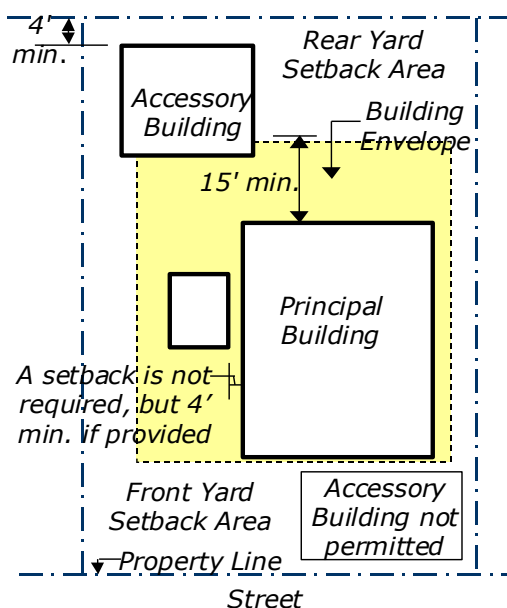
## 130 - General Regulations for Residential Zones and Uses Only

### 130.01 Accessory Buildings and Structures

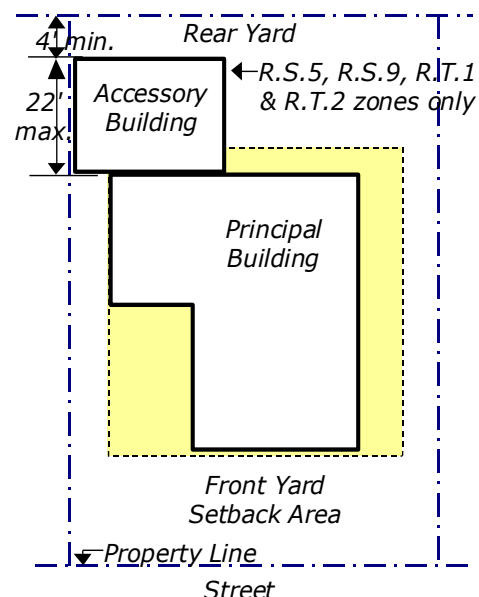
- (1) An accessory building or structure shall not be used as a dwelling.
- (2) An accessory building shall not be:
  - (a) internally connected to the principal building, or
  - (b) located above or below any portion of the principal building. (Bylaw #4679)
- (3) An accessory building or structure shall not exceed a height of:
  - (a) one storey plus basement; and
  - (b) 3.7 metres from the lower of the average natural or average finished grade, measured around the accessory building or structure, except on sites which include lands identified in Section 204.14 accessory buildings or structures located entirely in the rear 10 metres of the site shall not exceed a height of 3.7 metres from the elevation of the traveled lane surface directly adjacent the subject site. (Bylaw #4701)
- (4) An accessory building or structure shall maintain all setback requirements for the principal building, unless otherwise provided in this section.
- (5) Notwithstanding Section 130.01(4), the following are permitted anywhere on a lot or site:
  - (a) children's play equipment;
  - (b) flag poles for flags with a maximum size of 2 square metres on public property, school sites, and any site within a Marine Zone except Marine Zone 1. For all other zones or uses, one single flagpole for flags with a maximum size of 2 square metres shall be permitted;
  - (c) retaining walls;
  - (d) structures which are at or below the grade line; and
  - (e) trellises.
- (6) An accessory building may be connected to the principal building by a roof or deck not exceeding 1.8 metres in width. (Bylaw #4679)
- (7) A connecting walkway which is fully enclosed and heated or is greater than 1.8 metres in width shall render the accessory building to be a part of the principal building. (Bylaw #4679, #5110)
- (8) Where an accessory building is located at least 4.5 metres from the principal building, then the combined side yard setback shall be the combined minimum distances from the building line measured for each individual building or structure to the side site lines.
- (9) An accessory building wholly maintaining the yard requirements of the principal building may abut the principal building. If separated, the accessory building shall be at least 1.2 metres from the principal building (See Figure 1).
- (10) An accessory building located partly or entirely in the rear yard required for the principal building shall be at least 4.5 metres from the principal building (See Figure 1).

- (11) An accessory building shall be located at least 1.2 metres from the rear site line (See Figure 1 and Figure 2).
- (12) In the RS5, RS9, RD1 and RD2 zones and on any sites in the RS4 zone which include the lands identified as Sunset Lane Lands in Section 204.14: (Bylaw #4701)
  - (a) An accessory garage may be attached to the principal building, provided that the total length of the accessory garage face, which includes the attachment to the principal building, does not exceed 6.7 metres (See Figure 2).
  - (b) If a setback is provided between the accessory garage and the principal building, it shall be at least 1.2 metres.
- (13) Within the RS5, RS9, RD1 and RD2 zones, an accessory building located entirely within the rear 12.1 metres of a site need not provide a side yard (See Figure 1 and Figure 2).

**Figure 1**



**Figure 2**



- (14) An accessory building is permitted to be entirely within the rear yard setback. (Bylaw #4805)

**130.02 - Bed and Breakfast**

- (1) The maximum size of the bed and breakfast business shall be as follows:
  - (a) on a site of less than or equal to 557.5 square metres, one 1 room maximum providing temporary guest accommodation for a maximum of 2 adults; and (Bylaw #4679)
  - (b) on a site of greater than 557.5 square metres, 2 rooms maximum providing temporary guest accommodation for a maximum of 4 adults. (Bylaw #4679)
- (2) Temporary accommodations must not exceed 30 consecutive days.
- (3) In addition to the guest accommodation rooms, bed and breakfast's may include common rooms for guest use. (Bylaw #4679)

- (4) A dwelling containing a bed and breakfast business shall not concurrently:
  - (a) accommodate lodgers, or
  - (b) contain a secondary suite.
- (5) A bed and breakfast business operator shall reside on the premises where the bed and breakfast business is located.
- (6) All guest accommodation rooms shall be sited within the principal building.
- (7) No cooking facilities shall be provided within the temporary guest accommodation rooms.
- (8) One on-site parking space shall be provided for each available temporary guest accommodation room, in addition to any parking space(s) required for the remainder of the principal building. Where more than one parking space is required for the bed and breakfast business, such spaces may be located in tandem.
- (9) Parking areas shall be screened from neighboring properties.
- (10) Unless specifically permitted for an individual property, a bed and breakfast is not a permitted use in any zone.

### **130.03 - Commercial Vehicles and Equipment**

No person shall park or store, or cause to be parked or stored, any commercial vehicle, equipment or trailer which exceeds a licensed gross vehicle weight of more than 2,268 kilograms on any lot within a residential zone between the hours of 1:00 a.m. and 6:00 a.m. except if parked or stored wholly within an enclosed building.

### **130.04 - Home Based Business** (Bylaw #4679)

- (1) Where permitted, a home based business is subject to compliance with the following regulations:
  - (a) No non-family member, and no more than 2 persons of an immediate family shall be in any way engaged, occupied or employed to work on or from the premises in connection with such home based business, and such family persons shall reside in the dwelling. (Bylaw #4679)
  - (b) No goods, wares, merchandise or other commodities shall be sold directly in, or upon, or from the premises.
  - (c) No stock-in-trade, materials, supplies or goods related to the home based business shall be kept or stored outside any building on site.
  - (d) No more than one vehicle shall be used in connection with the home based business and no such vehicle shall be in excess of 2,268 kilograms gross vehicle weight.
  - (e) The home based business shall not generate more than one client to the site from which the business is being operated at any given time or cause more business related vehicle trips to the home than is normal in a residential area.
  - (f) The home based business shall not contribute or cause any noise, heat, glare, odour, electrical interference or other nuisance to the immediate neighbourhood.
- (2) Notwithstanding the provisions in this Section, a physician's office is permitted within dwellings in the RD1, RD2, RM1 and RM2 zones.

- (3) Bed and Breakfast is defined and regulated separately and is not a home based business for the purposes of this Zoning Bylaw.
- (4) Without limiting the generality of this section, the following are not permitted as home based businesses:
  - (a) beauty salon or barber shop;
  - (b) orchestra or band training;
  - (c) places of public assembly;
  - (d) real estate sales;
  - (e) restaurants;
  - (f) retail sales directly from the site;
  - (g) schools or recital areas;
  - (h) stables or kennels for the boarding and breeding of animals; and
  - (i) salvage or repair of vehicles.
- (5) All client parking associated with the home based business shall be accommodated on-site.

### 130.05 – Secondary Suites

- (1) Where permitted, a secondary suite is subject to compliance with the following regulations:
  - (a) a maximum of one secondary suite is permitted per lot;
  - (b) the secondary suite must not be detached from the principal building;
  - (c) the secondary suite must occupy a minimum floor area of 20 square metres and a maximum floor area of either 90 square metres or 40% of the total floor area of the building, excluding garage space, whichever is less;
  - (d) the registered owner of the lot must occupy, as his/her principal place of residence, either the principal dwelling unit or the secondary suite, or alternatively must: (Bylaw #4672)
    - (i) identify a property manager with an address within the District of West Vancouver or within the City or District of North Vancouver to manage tenancies of the principal dwelling unit and the secondary suite;
    - (ii) authorize the property manager to deal with complaints of neighbours or the District arising from the occupancy of the principal dwelling unit or the secondary suite including the parking of motor vehicles by the occupants; and
    - (iii) provide the District the name, address, telephone number and e-mail address of the property manager, and provide written authorization to the District to contact the property manager in the event of such complaints.
  - (e) the keeping of lodgers, a community care facility, a child care facility, or a bed and breakfast is not permitted in a building containing a secondary suite; (Bylaw #5110)
  - (f) the principal entrance to a secondary suite must be a separate exterior entrance from that of the principal dwelling unit;

- (g) the secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*, and (Bylaw #5055)
- (h) water service and electrical service for the secondary suite and the principal dwelling unit must not be metered separately. (Bylaw #5055)

**130.051 – Detached Secondary Suites** (Bylaw No. 4772)

- (1) Where permitted, a detached secondary suite is subject to compliance with the following regulations:
  - (a) a maximum of one detached secondary suite is permitted per lot;
  - (b) the detached secondary suite is not permitted in conjunction with a secondary suite on the same lot;
  - (c) the detached secondary suite is not permitted in conjunction with a duplex dwelling;
  - (d) the detached secondary suite shall be set back from the rear property line of the lot as follows:
    - (i) minimum 1.8 metres to the rear building wall; and
    - (ii) minimum 1.2 metres for any portion of the building containing an enclosed garage.
  - (e) the detached secondary suite shall be sited a minimum distance of 4.9 metres away from the principal dwelling on the lot;
  - (f) the detached secondary suite shall have a maximum of two storeys with maximum building heights as follows:
    - (i) 4.57 metres if one storey; or
    - (ii) 6.4 metres if two storeys.
  - (g) for two-storey dwellings, the upper storey shall have a maximum floor area not exceeding 60% of the main floor area;
  - (h) the detached secondary suite shall have a maximum floor area not exceeding the lesser of 10% of lot area or 111.5 square metres, whichever is less;
  - (i) the registered owner of the lot must occupy, as his/her principal place of residence, either the principal dwelling unit or the detached secondary suite;
  - (j) the keeping of lodgers, a personal care facility, a child care facility, or a bed and breakfast is not permitted on a lot containing a detached secondary suite;
  - (k) the detached secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*. (Bylaw #5055)

### 130.06 - Physicians' Office Regulations In Duplex Dwelling and Multiple Dwelling Zones

- (1) Each physician's office shall be for the sole practice of one physician only.
- (2) Only one physician's office shall be permitted in any one building.
- (3) The requirement of Section 130.04(1)(a) shall not apply to a physician's office.
- (4) In addition to any other off-street parking required for the use to which the building is being put, 3 off-street vehicle parking spaces shall be provided for the physician's office use.

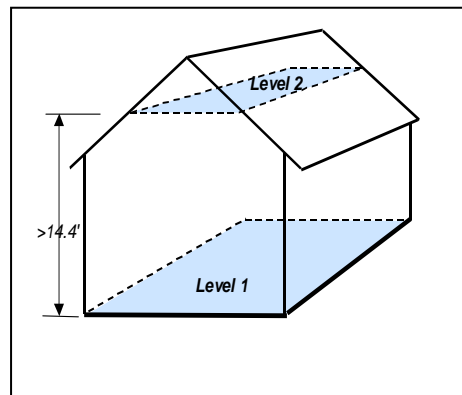
### 130.07 - Rooftop Equipment Enclosure

All equipment, excluding solar energy systems (Bylaw #4974), located on the top of a roof of a single dwelling or duplex dwelling shall be enclosed or screened so as to not be visible from external view.

### 130.08 - Floor Area – Single Family Dwelling Zones and Duplex Dwellings

- (1) Floor area includes the projected storey area of each building. Storey areas are measured to the exterior walls of the floor. The area of roof overhangs and trellises extending more than 1.2 metres over second storey decks are included in floor area. Floor area also includes bay windows, open stairwells, elevator shafts and all similar openings in a storey. (Bylaw # 4679)
- (2) Where the vertical distance between the floor and the horizontal structural members at 0.6 metre on-centre above exceeds 4.4 metres, that floor area shall be counted twice, as shown in Figure 1. (Bylaw # 4679)

Figure 1

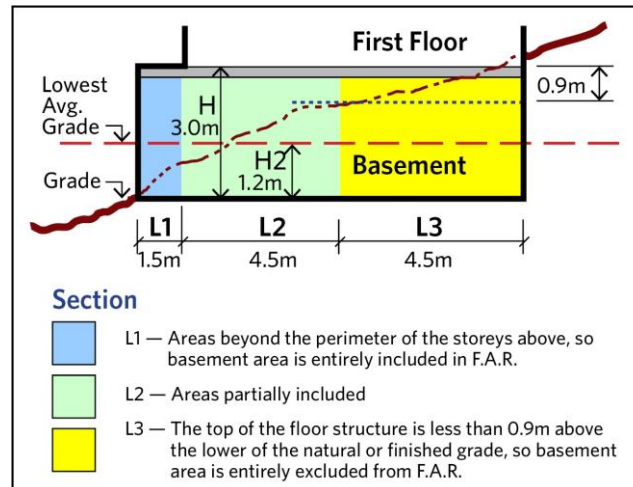


- (3) Floor area shall not include: (Bylaw #4974)
- (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the floor area specified in Section 120.29(2);
  - (b) interior areas used for the storage of vehicles with a combined area no greater than 41 square metres;
  - (c) accessory buildings other than garages provided that:
    - (i) no part is less than 4.5 metres from a principal building and the combined area is no greater than 22.5 square metres; or
    - (ii) a single building on the site no greater than 4.6 square metres;
  - (d) crawl spaces and non-habitable attics;
  - (e) underground basement provided that:
    - (i) no part is located outside of the perimeter defined by exterior walls of the story immediately above; and
    - (ii) the top of the floor structure immediately above is no greater than 0.9 metre above the lower of natural land finished grade at the perimeter;
  - (f) partially underground basement provided that:
    - (i) no part is located outside of the perimeter defined by the furthest extent of the exterior walls of any storey above; and
    - (ii) the excluded floor area is determined as the percentage of the total basement volume that is below the lower of average natural and average finished grade as shown in Figure 1, and calculated:

$$\frac{\text{average grade elevation} - \text{basement floor elevation}}{\text{main floor elevation} - \text{basement floor elevation}} \times 100$$

- (4) Floor area includes any portion of a basement that is not located beneath the building, as determined by the furthest extent of the exterior walls of any storey above. (Bylaw #4974)

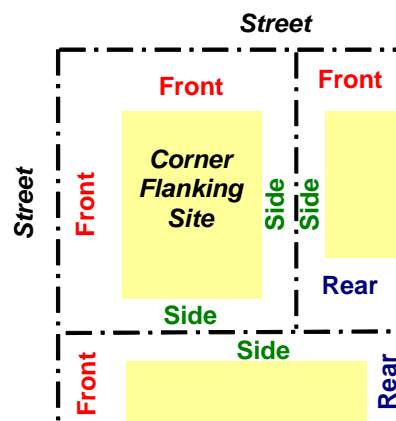
Figure 1



**130.09 – Front Yard Setbacks On Corner Flanking Lot Sites** (Bylaw # 4679)

Single dwellings or duplex dwellings on corner flanking lots shall provide the required front yard setback along both streets and other yards shall be considered side yards, as shown in Figure 1.

Figure 1



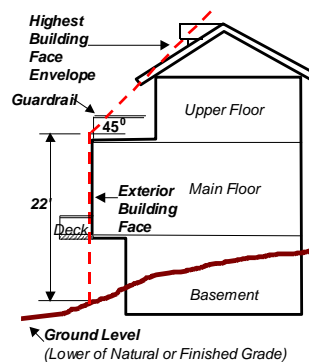
**130.10 - Highest Building Face Envelope**

- (1) Highest building face envelope is created by drawing a series of vertical lines at all points along the exterior face of a building, up to the height specified in the zone from ground level then inward over the building at right angles to the plane of the building face at an angle of 45°.



- (2) For purposes of this regulation, ground level:
  - (a) is measured from the outermost extent of the enclosed portion of the building projected to grade. (Bylaw #4679)
  - (b) in front of a garage door, is interpreted as a line joining the ground level at each side of the garage door;
  - (c) is the lower of the finished grade or natural grade.
- (3) One third of the length of the building need not comply with this requirement.
- (4) All other portions of the building must be within the highest building face envelope, except:
  - (a) where a building is designed to meet the Energy Step Code, the height specified in Section 120.29(1); (Bylaw #4974)
  - (b) decks, eaves, projecting decorative features not enclosing the interior of the building,
  - (c) the pitched roof portion of either gable ends or dormers; and
  - (d) for pitched roof portions:
    - (i) the area above the intersection of the ceiling joist and the exterior wall which encloses a non-habitable attic; and
    - (ii) the area above the intersection of the vaulted roof joist and the exterior wall.
- (5) Highest building face envelope is shown in Figure 1.

Figure 1



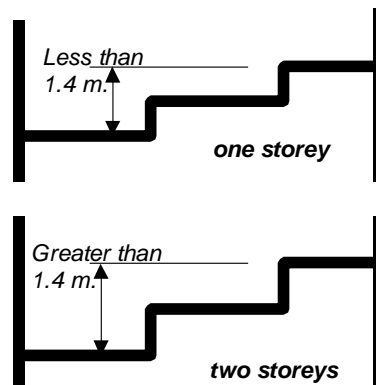
### 130.11 - Pools and Ponds

- (1) An in-ground pool or other similar use of land shall be located not less than:
  - (a) 1.5 metres from any property line; or
  - (b) 1.5 metres from a creek protection area;as measured to the inside edge of the pool. (Bylaw #4679)
- (2) An above ground:
  - (a) Must maintain the yard requirements for an accessory building or structure.
  - (b) The setback is measured from the outside edge of any walkway surrounding the pool. (Bylaw # 4679)

### 130.12 – Storeys – Exclusions and Inclusions

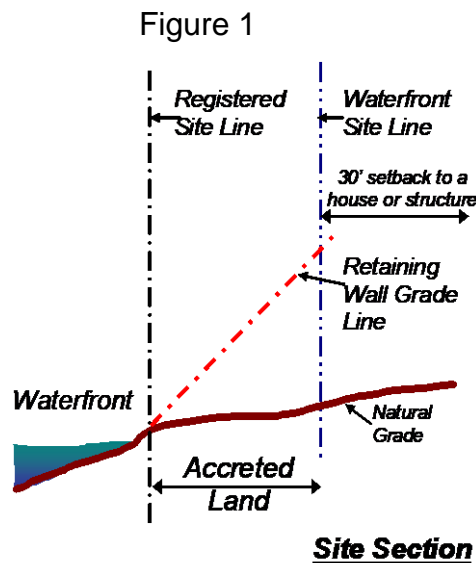
- (1) In determining the number of storeys of a building, one basement storey is exempted, unless the basement is used for commercial or industrial purposes.
- (2) In addition, for single dwellings and duplex dwellings, the following shall not be considered a storey:
  - (a) a crawl space,
  - (b) a non-habitable attic.
- (3) Where split level or stepped designs occur, a combination of floor levels within 1.4 metres vertical of the highest and lowest floor may be considered a single storey, as shown in Figure 1.

Figure 1



### 130.13 - Waterfront Yard Requirement

- (1) In any residential zone where lots abut the waterfront other than RS6, the waterfront yard shall be a minimum of 9.1 metres, measured from the waterfront site line to the building line.
- (2) For a waterfront property of which a registered plan incorporates accreted land or a corrected waterfront property line, the waterfront yard shall despite any such plan be measured from the registered waterfront site line listed in Section 851, except that:
  - (a) any structure (including a retaining wall or garden wall) not exceeding 1.2 metres in height above natural grade may be located anywhere on the property provided it is consistent with Retaining Wall Grade Line and Buildup of Grade requirements; and (Bylaw # 4679)
  - (b) an in ground pool may be located not closer than 1.5 metres from the waterfront site line indicated on the most recent registered plan.
- (3) The waterfront yard requirement is shown in Figure 1.



### 130.14– Site Width

- (1) Site width is measured at the front yard setback line. (Bylaw # 4712)

### 130.15 – Keeping of Chickens (Bylaw No. 4866)

- (1) Where permitted, the keeping of chickens is subject to compliance with the following regulations:
- (a) A maximum of 6 chickens are permitted per lot.
  - (b) A maximum of 1 chicken enclosure is permitted per lot.
  - (c) For clarity, a chicken enclosure is not an accessory building for the purposes of this Zoning Bylaw.
  - (d) The chicken enclosure shall be set back from the property lines as follows:
    - (i) a minimum distance of 1.2 metres from a rear lot line; and
    - (ii) a minimum distance of 1.5 metres from a side lot line.
  - (e) The chicken enclosure is not permitted within any front yard.
  - (f) The chicken enclosure shall be sited a minimum distance for 1.2 metres from any dwelling unit.
  - (g) The chicken enclosure shall have a maximum height of 2 metres.
  - (h) The chicken enclosure shall have a minimum floor area of 0.4 square metre per chicken to a total maximum floor area of 9 square metres, and at least 1 square metre of chicken run per chicken.
  - (i) The chicken enclosure must be kept in good repair and sanitary condition and be constructed to prevent access by wildlife and other animals.
  - (j) A person who keeps one or more chickens must register the keeping of chickens with the District.

- (k) A person who keeps one or more chickens must keep them for personal use only, and not sell, trade or barter eggs, manure, meat, or other products derived from the chickens.
- (l) The keeping of chickens shall not contribute to noise, odour, dust, or nuisance to the immediate neighbourhood and must comply with the Animal Control and Licence Bylaw, Noise Control Bylaw, Solid Waste Utility Bylaw and other applicable bylaws.

**130.16 – Site Landscaping** (Bylaw No. 4895, No. 5110)

- (1) Every lot in an RS2, RS3, RS4, RS5, RS6, RS7, RS9 or RS10 Zone on which a residential building is constructed pursuant to a building permit for which an application was made after April 18, 2016 must be landscaped in accordance with this Section and in accordance with an approved landscaping plan prepared and approved in accordance with this Section.
- (2) The landscaping required by this Section is landscaping of that portion of the Permitted Building Envelope on the lot that is not covered by the residential building, any permitted accessory building or structure such as a swimming pool or greenhouse, or any motor vehicle parking spaces or driveway.
- (3) Landscaping required by this Section may be any of the following, or any combination of the following:
  - (a) undisturbed natural vegetation, or natural vegetation that has been altered only by the removal of invasive plant species;
  - (b) ornamental lawns and gardens;
  - (c) vegetable gardens, orchards and berry patches; and
  - (d) walkways, fences, retaining walls, patios, children's play area and outdoor seating areas.
- (4) Every applicant for a building permit authorizing the construction of a dwelling on a lot to which this Section applies must include with the building permit application a landscaping plan and security in the amount of 100 percent of the cost to a maximum of \$50,000.00, estimated by a landscape architect or licensed landscape contractor, of installing the landscaping in accordance with the landscape plan.
- (5) Landscaping shown on a landscape plan and provided in accordance with this Section must:
  - (a) be designed to maximize the length of time during which precipitation falling naturally on the site is retained on the site, and may include ponds, wetlands and similar features for runoff retention and the provision of habitat for native species of fauna such as birds and insects;
  - (b) use species of vegetation that are native to the District landscape or that are drought-resistant;
  - (c) be designed so as to minimize or eliminate the need for artificial irrigation;
  - (d) not include the use of invasive plant species;

- (e) be designed so as to interrupt or alter natural topography and drainage patterns as little as practicable;
  - (f) on sloping sites, incorporate species of vegetation and structural features that will stabilize the slope, attenuate erosion and prevent the siltation of watercourses to which the site naturally drains;
  - (g) be designed so as to enhance privacy in the use of outdoor seating and children's play areas and to screen motor vehicle parking areas from adjacent sites, including by incorporating evergreen hedges and similar vegetation; and
  - (h) in the case of a site whose owner or developer intends to landscape the abutting District boulevard, be coordinated with the landscaping proposed to be installed on the boulevard.
- (6) Landscaping plans must:
- (a) be prepared at a minimum scale of 1:100;
  - (b) indicate topography based on a plan provided by a BC Land Surveyor;
  - (c) indicate by location and species, and by DBH in the case of trees, each tree, shrub or plant to be removed, retained or planted on the lot; delineate the area comprising the front yard as defined in this Zoning Bylaw, and the proposed location of driveways and pedestrian walkways; and
  - (d) indicate the percentage of the area of the front yard that is proposed to be covered, respectively, by impermeable surfaces and by impermeable and un-vegetated permeable surfaces collectively.
- (7) Impermeable surfaces and un-vegetated permeable surfaces in front yards must not exceed 50% of the area of the front yard as defined in this Zoning Bylaw, provided that in all cases a pedestrian sidewalk with a maximum width of 1.5 metres, a driveway with a maximum width of 4.5 metres, and a sufficient area for turning passenger vehicles are permitted in the front yard or the flanking yard on a corner flanking site to provide access by impermeable surface from the abutting street to the principal building on the site. (Bylaw #5110)
- (8) A building permit must not be issued for a lot to which this Section applies until the Director has approved the landscaping plan.
- (9) The Director may refuse to approve a landscaping plan that does not comply with this Section, or that contemplates the cutting of a tree that is protected by a covenant granted to the District under s. 219 of the *Land Title Act*, that contains the nest of an eagle or heron, or constitutes the habitat of a protected wildlife species.
- (10) An owner of land may, despite Part 6 of Interim Tree Bylaw No. 4892, 2016 or any successor District bylaw that regulates the cutting of trees, cut and remove without obtaining a tree cutting permit any tree that is located within the area dealt with in an approved landscaping plan and not designated in the landscaping plan as a tree to be retained.
- (11) A certificate of occupancy shall not be issued in respect of a dwelling on a lot to which this Section applies, unless the landscaping shown on the plan has been installed to the satisfaction of the Director.

- (12) In the event that a dwelling is occupied prior to the issuance of a certificate of occupancy and the landscaping shown on the landscaping has not been installed to the satisfaction of the District, the security provided by the applicant shall be forfeited to the District and used for the landscaping of public areas.
- (13) Landscaping provided on a lot in accordance with this Section shall be maintained in good condition and without limiting the generality of the foregoing, the owner of the lot must:
  - a. replace any tree, shrub or other plant that does not survive transplantation;
  - b. maintain the aesthetic value of the landscaping; maintain the runoff retention and erosion prevention functions of the landscaping;
  - c. maintain any screening effect of the landscaping; and
  - d. maintain the function of the landscaping in providing habitat for native species of fauna.
- (14) No person shall, having installed landscaping in accordance with this Section, alter the landscaping so as to increase the percentage of the area of the Permitted Building Envelope that is covered by impermeable surfaces or un-vegetated permeable surfaces except as permitted under any subsequently approved building permit application.

**130.17 – Fences** (Bylaw No. 4895, No. 5110)

- (1) The maximum height of a fence:
  - (a) in the RS5, RS9, RD1, RD2 and RD3 zones is 1.2 m within a front yard and 1.8 m at all other locations on the site; and
  - (b) on all other sites zoned for residential uses is 1.8 m within a front yard and 2.4 m at all other locations on a site.
- (2) Where a fence is located on or within 1.2 m of a retaining wall, the maximum combined height of the fence and wall is 2.4 m.
- (3) No fence or part of a fence in any zone may be constructed of barbed or razor wire.

**130.18 – Lot Consolidations** (Bylaw No. 4895, No. 5110)

- (1) On any lot that is subject to Section 200 of this Zoning Bylaw, the maximum floor area for a lot created by the consolidation of two or more lots after May 1, 2016 is the greater of:
  - a) the maximum floor area for the consolidated lot as calculated under Section 200, up to a maximum of 150% of the floor area permitted on a lot having the minimum site area for that zone;
  - b) the maximum permitted floor area that could have been constructed under Section 200 on the largest of the pre-consolidation lots; or;
  - c) if on May 1, 2016 a single lawfully constructed principal building is located on more than one of the pre-condition lots, the floor area of that principal building.