

**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## COUNCIL REPORT

Date:	June 10, 2021
From:	Courtney Miller, Senior Urban Design Planner Erika Syvokas, Community Planner
Subject:	Implementation of the Neighbourhood Character Working Group's Recommendations
File:	0117-20-NCWG 2020

### RECOMMENDATION

THAT proposed "Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021" be read a first time.

### RECOMMENDATION

THAT proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021" be read a first time.

### RECOMMENDATION

THAT proposed "Boulevard Bylaw No. 4886, 2016 Amendment Bylaw No. 5131, 2021" be read a first, second and third time.

### RECOMMENDATION

THAT proposed "Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021" be read a first, second and third time.

### RECOMMENDATION

THAT proposed "Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 5137, 2021" be read a first, second and third time.

### RECOMMENDATION

THAT proposed "Bylaw Notice Enforcement Bylaw No. 4368, 2004 Amendment Bylaw No. 5138, 2021" be read a first, second and third time.

### RECOMMENDATION

THAT proposed "Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 Amendment Bylaw No. 5139, 2021" be read a first, second and third time.

### RECOMMENDATION

THAT proposed "Fees and Charges Bylaw No. 5025, 2019 Amendment Bylaw No. 5134, 2021" be read a first, second and third time.

## **RECOMMENDATION**

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021” and “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021, be presented at a public hearing scheduled for July 27, 2021 at 6:00 p.m. in the Raven Room, and that notice be given of the scheduled public hearing.

### **1.0 Purpose**

The purpose of this report is to bring forward bylaw amendments, policies and guidelines that implement the Neighbourhood Character Working Group's (NCWG) recommendations.

### **2.0 Executive Summary**

At the December 7, 2020 Council meeting, the NCWG presented its final report to Council. At this meeting, Council directed staff to report back with implementing policies and guidelines with reference to the working group's recommendations. This report responds to this direction with proposed amendments to the Official Community Plan (OCP), Zoning Bylaw, other corresponding bylaws, and updated coach house design guidelines. Other associated deliverables – such as educational best practices materials, guidelines and website updates – would be subsequently prepared, pending Council's adoption of the bylaw amendments.

### **3.0 Legislation/Bylaw/Policy**

Official Community Plan Bylaw No. 4985, 2018, regulates land use and overall municipal policies and objectives.

Zoning Bylaw No. 4662, 2010 regulates development of property and buildings in the District.

Boulevard Bylaw No. 4886, 2016, regulates the use and occupation of highway boulevards.

Waterworks Regulation Bylaw No. 4490, 2006 regulates the waterworks system, the fixing of rates, connection fees, and meter rents with respect to the use of water.

Soil Removal and Deposit Regulation Bylaw No. 3786, 1992 regulates the removal from and deposit of soil on lands within the municipality, to require the holding of a permit for such purpose, and to fix a fee for such a permit.

Blasting Bylaw No. 4024, 1996 regulates and prohibits the use of explosive agents for blasting, and requires persons engaged in blasting to give security for damage.

Business Licence Bylaw No. 4455, 2005 provides for the granting of business licences, to fix and impose licence fees, and to regulate certain businesses.

Bylaw Notice Enforcement Bylaw No. 4368, 2004 is a bylaw respecting the enforcement of bylaw notices in conjunction with North Shore Bylaw Adjudication Registry.

Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 is a bylaw to implement the Municipal Ticket Information System pursuant to the *Community Charter* S.B.C. 2003.

Fees and Charges Bylaw No. 5025, 2019 establishes fees and charges for services and information.

The *Local Government Act* requires that a public hearing be held regarding the proposed OCP and Zoning Bylaw amendments.

#### **4.0 Council Strategic Objective(s)/Official Community Plan**

##### 2020-2021 Council Strategic Goals and Objectives

Council's Strategic Plan 2020-2021 includes the goal to "significantly expand the diversity and supply of housing, including housing that is more affordable". Specifically:

1.4 Create policies and guidelines for single family residential zones with reference to the findings in the Neighbourhood Character Working Group report.

##### Official Community Plan

The OCP includes a suite of policies to advance housing objectives in the District. These include policies to regenerate single-family oriented neighbourhoods with sensitive infill options (such as smaller homes on smaller lots and coach houses) and policies to respect neighbourhood character. Specifically:

2.1.1 Amend neighbourhood subdivision standards (including consideration of site-specific applications) to enable the development of smaller houses on smaller lots in existing detached residential areas.

2.1.2 Update zoning provisions (including consideration of site-specific applications) to increase the supply of coach houses ("detached secondary suites") in existing detached residential areas.

2.1.8 Ensure that new single-family dwellings respect neighbourhood character by:

- a. Reviewing regulations controlling the scale of new single-family dwellings; and
- b. Applying and updating built-form guidelines, as relevant, in regards to neighbourhood context and character, streetscape and natural features.

## 5.0 Financial Implications

The majority of the proposed amendments do not have financial implications. Staff are proposing to modify the current fees for a development permit for a detached secondary suite (coach house) and to add a fee for rock removal over the permitted amount. The proposed amendment to the Fees and Charges Bylaw, described later in this report, would allow for the collection of increased application fees to offset the costs associated with staff review and processing.

## 6.0 Background

### 6.1 Previous Decisions

At the December 7, 2020 Council meeting, Council passed the following resolutions:

*“THAT*

*1. the Neighbourhood Character Working Group Recommendations, attached as Appendix A to the report from the Senior Planner dated November 18, 2020, be received; and*

*2. staff report back with implementing policies and guidelines with reference to the Neighbourhood Character Working Group's recommendations by the second quarter of 2021.”*

### 6.2 History

The citizen-led NCWG was formed in 2018 with the mandate to “propose, consider and review regulations and policies that respect neighbourhood character, protect heritage and reduce the impacts of development in the District's single family dwelling zones”.

After a comprehensive two-year process – which included extensive background research, technical analysis, and public engagement – the NCWG submitted its final report with 35 recommendations to: reduce actual building size; encourage suites and coach houses; limit visual impact of buildings as seen from the street; encourage landscaping; simplify process(es) and encourage neighbourhood consideration.

Recent milestones regarding this topic are summarized below:

2013 – Council endorsed “housing and neighbourhood character” and “housing bulk” as priority work items, leading to the preparation of a discussion paper with options for consideration.

2014 – Staff engaged the community to seek input on draft regulations, informing Council consideration of Zoning Bylaw amendments. Council directed staff to further engage the community on a range of regulatory options.

2015 – Council considered a process for additional engagement, directing staff to work with the community to address concerns regarding the size, siting, massing, grading and landscaping of single-family dwelling zones.

2016 – Council adopted Zoning and Boulevard Bylaw amendments to address lot consolidation, site landscaping and boulevard regulations, directing staff to report back on the remaining issues. Council subsequently redirected resources to prioritize the consideration of tree protection and management.

2018 – The NCWG was formed and began meeting in August.

2020 – Following an extensive and considered process, the NCWG delivered its final recommendations to Council, with staff directed to reference these through implementing policies and guidelines (the subject of this report).

## **7.0 Analysis**

### **7.1 Discussion**

Following Council's direction from the December 7, 2020 meeting, staff undertook a detailed review of the NCWG recommendations. As described in the NCWG report the recommendations respond to issues related to building size, housing diversity, landscaping, approval processes and impact of construction on neighbours. Key to the overall intent of the proposed changes is that they would offer homeowners more choice in terms of housing options with bonuses for coach houses and secondary suites that would offset the proposed reduction in floor area for single family houses.

For the most part, staff are recommending the implementation of bylaw amendments as proposed by the NCWG. For some recommendations, the NCWG suggested flexibility for how staff could approach or "fine-tune" bylaw amendments to meet the preferred outcome. Accordingly, in some instances, staff have proposed a modification or alternative solution to achieve the same intent as the NCWG recommendation.

The implementation strategy is proposed to be divided into two categories: "Short-Term" and "Medium-Term" deliverables. A final category, "Not Recommended," identifies a small minority of items included in the NCWG report that staff are not recommending for implementation.

- "Short-Term" deliverables contained within this report include amendments to the OCP and Zoning bylaws, a streamlined process and updated development permit guidelines for detached secondary suites (coach houses) and amendments to corresponding bylaws. The OCP and Zoning bylaw amendments are proposed to be put into effect on January 31, 2022 (pending Council adoption) in order to allow industry and property owners

time to adapt to the new regulations. Corresponding bylaws are proposed to be effective immediately if adopted by Council.

- “Medium-Term” deliverables have been identified that require the bylaw amendments to be adopted first before developing and which further relate to implementation (i.e. process and educational NCWG recommendations).

The following sections describe the short- and medium-term deliverables and provide an explanation of the NCWG recommendations that are not recommended by staff.

## **A. Short-Term**

### OCP amendments

1. The working group recommended expanded consideration of atypical subdivision configurations such as panhandle lots. To address this, staff are proposing an amendment to OCP Policy 2.1.1 to expand the existing direction to explicitly consider alternate site configurations.
2. An amendment to OCP Policy 2.1.8 is proposed to add consideration of neighbourhood character in development permit applications, rezoning applications, and variance applications. This amendment will require corresponding updates to the submission requirements for these application types.
3. The working group recommended simplifying or streamlining the process for approval of one-storey zoning compliant coach houses by removing the requirement that a development permit be required for these types of coach houses (building permit only). The rationale being that one-storey coach houses without basement do not require site manipulation and are less impactful to neighbouring properties or the streetscape than one-storey plus basement or two-storey coach houses with or without basements. This recommendation will aid in achieving OCP objectives and will help incentivize coach houses. An amendment to OCP Policy BF-B3.1 for detached secondary suites (coach houses) is required to specify that a development permit is required for coach houses that are one-storey plus basement, two-storeys with or without basements, or for any coach house requiring a variance.
4. The coach house design guidelines have been updated to clarify and strengthen the existing design guidelines coach houses.

## Zoning Bylaw amendments

### 1. Building size and massing

- a) Floor Area Ratio (FAR)<sup>1</sup>:
  - i. Reducing FAR from 0.35 to 0.30 on lots greater than 681.3 m<sup>2</sup> (7,333 sq. ft.).
  - ii. Reducing FAR to a fixed buildable 206.2 m<sup>2</sup> (2, 200 sq. ft.) on lots between 408.8 m<sup>2</sup> (4,400 sq. ft.) and 681.3 m<sup>2</sup> (7,333 sq. ft.).
  - iii. No change to lots less than 408.8 m<sup>2</sup> (4,400 sq. ft. – i.e. FAR remains at 0.5).
- b) Reducing the total exemption for garages, carports and accessory buildings from 63.5 m<sup>2</sup> (683 sq. ft.) to 41 m<sup>2</sup> (441 sq. ft.). This amendment would allow options for homeowners to either provide parking for two cars or one car with accessory space (e.g. workshop, storage, etc.) to align with parking reductions from Council's climate action amendments.
- c) Floor area calculations:
  - i. Excluded basement calculation – the basement floor height is proposed to be lowered relative to natural grade (from 0.9 m/3 ft. to 0.45 m/1.5 ft.) above grade) and a maximum height of 2.75 m (9 ft.) below the main floor level is proposed for the purposes of floor area exemption. This change is intended ensure that basements are less visible and to deter falsely increasing the size of the basement exemption (and as a result allowing larger houses) by digging the basement floor deeper.
  - ii. Including all semi-enclosed spaces in FAR calculations with a restriction on privacy walls to limit these to the required safety height in the building code and including interior courtyards and exterior areas enclosed more than 85% as these spaces add to the apparent size of homes. These proposed zoning amendment also respond to the issue raised by the working group to limit the amount of blank side wall facing neighbouring houses.

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<sup>1</sup> For the described reductions in floor area to the principle house sites can "earn" the floor area back through the bonuses proposed for secondary suites and coach houses as described in the Housing Diversity section. For lands within the Future Neighbourhood Development Permit Area no change is proposed to floor area or subdivision standards as those lands are subject to area planning based on the Development Permit Area and policy guidance in the OCP. Also for RS6 (Eagle Island) these changes are not applicable as sites in this zone are not permitted to have coach houses.

- iii. Including over-height covered deck space in FAR calculations by:
    - Including all covered deck areas beyond 1.2 m (4 ft.) from building face in FAR, regardless of the height of the roof above the deck.
    - For cases where the roof overhang is greater than 4.4 m (14.4 ft.) above the ground or main floor height, the FAR calculated below is doubled. This would be consistent for how interior double height spaces are counted.
  - iv. Highest Building Face (HBF)
    - Street facing HBF overhang limited to 1.2 m (4 ft.).
    - 33% exclusion must be contiguous.
  - v. Reducing the front yard setback by 3 m (10 ft.) for garage doors that are oriented perpendicular to the street. The intent is to encourage fewer garage doors exposed to the street view.
  - vi. Restrictions to address grade manipulation including how grade is calculated and retaining wall restrictions.
  - vii. Limiting the height of butterfly and shed roofs to match flat roofs.
  - viii. Limiting the maximum buildable floor area for RS zones RS2, RS3, RS4, RS5, RS7, RS9 and RS10 to 150% of the FAR of the minimum lot size in the zone (based on today's zoning). Staff are recommending that the restriction is not applicable to RS1 and RS8 zones which only exist in the Upper Lands Future Neighbourhoods Development Permit Area and would be developed based on planning for those areas, or to the RS6 zone (Eagle Island). The proposed cap on floor area would be consistent with the restriction applied to consolidated lots.
- d) Allow for expansion of subdivision opportunities.
- i. As previously described, staff are proposing an amendment to the OCP provision expanding the existing direction to explicitly consider alternate site configurations.
  - ii. The working group also recommended reducing the minimum lot size where subdivision is permitted by 5%. Overall, approximately 11,400 RS zoned lots (excluding Eagle Island and the Upper Lands) would be impacted by this working group proposed zoning change. The

proposed 5% reduction in site area for subdivision would allow approximately 240 or 2% of lots to be subdivided. Whereas the maximum buildable floor area cap of 150% of the minimum lot size for the zone would impact approximately 3,400 or 30% of lots; of these, 2,100 or 19% of lots would be penalized since they could not be subdivided. Staff are proposing an alternative approach to better align the maximum floor area and minimum subdivision variables, by recommending allowing a 12.5% reduction in lot size. This would allow approximately 680 lots (6%) to be subdivided and is estimated to remove the maximum buildable floor area penalty (i.e. typical larger lots would generally be able to either achieve the 150% floor area cap or be able to be subdivided).

## 2. Housing diversity

- a) Provide a FAR bonus for a secondary suite:
  - i. Up to 46.5 m<sup>2</sup> (500 sq. ft.) or 0.05 FAR bonus whichever is less.
  - ii. The bonus area is located outside of the building footprint for livability but must be adjacent to the principle building.
- b) Provide a FAR bonus for a coach house:
  - i. 74.3 m<sup>2</sup> (800 sq. ft.) or 0.10 FAR whichever is less.
  - ii. The bonus is applied outright on lots with older homes built prior to 1976, provided that the principal dwelling is retained. The intention of allowing this is to discourage demolition of older homes and encourage the development of coach houses on lots with older houses.
- c) The secondary suite and coach house bonus is exclusive.
- d) Relaxing the restriction of 60% second storey space for coach houses above a garage to allow garage space to be counted on the main level. A modification is also proposed for flat roof buildings to further restrict the upper storey to 50% of the main level. This maintains the requirement for the upper level to be set back to reduce building bulk, but allows coach houses to be built above a garage.
- e) Allowing a secondary suite and coach house on same lot.
- f) Removing the cap on the maximum size of a secondary suite. The working group recommended maintaining the maximum size restriction of 90 m<sup>2</sup> (969 sq. ft.), however, it is proposed that this cap be removed in order to align with the BC Building Code.

- g) Consideration of stratification of coach houses was recommended by the Working Group, which is already allowed through a rezoning application based on direction in the OCP.
  - h) Additional improvements to coach house regulations:
    - i. Clarification to rear yard setbacks.
    - ii. Allowing the exemption for parking and accessory space 41 m<sup>2</sup> (441 sq. ft.) to be allocated to living space.
    - iii. Requiring a minimum 30% ground living space to ensure that coach houses have a pedestrian entry and presence at ground level.
    - iv. Allowing a maximum of one enclosed parking space of 20.5 m<sup>2</sup> (220.5 sq. ft.).
    - v. A cap on the maximum coach house size of 148.6 m<sup>2</sup> (1,600 sq. ft.) including garage, accessory building exemptions and basement floor area.
    - vi. Dormers restricted to 50% of building width and 30% of total building perimeter.
    - vii. Requiring a minimum of 6 m<sup>2</sup> of private outdoor space.
    - viii. Allowing for a registered owner who does not occupy, as their principal place of residence, either the principal dwelling unit or the coach house, to have a property manager for the site. Currently this provision is required for a secondary suite but not a coach house. It is proposed that the same conditions apply to both types of suites.
3. On site landscaping, fences and retaining walls:
- a) Reducing the maximum security required with a landscaping plan from \$50,000 to \$25,000 so it does not discourage high quality landscaping (a bond as a percentage of the cost of the landscaping can incent low-cost plans).
  - b) Applying the current maximum 50% impermeable surfaces in the front yard regulation to all street frontages to limit hard surfaces visible from the street.
  - c) Requiring that, in cases where more than 50% of the front yard may be impermeable surfaces in order to provide a pedestrian sidewalk and driveway, the amount over 50%:
    - i. Be a softer/greener form of hard material, such as turf blocks.
    - ii. Must be made up with vegetated permeable surfaces elsewhere on the lot.

- d) Limiting the height of a fence to 1.8 m (6 ft.) as viewed from the street and clarifying the existing regulations for the combined height of a fence and retaining wall.
- e) Limiting soil removal and addition by:
  - i. Reducing the allowance for retaining walls in the front and flanking side yards.
  - ii. Adding a setback for excavated retaining walls from the front or rear site line and requiring a minimum separation between excavated retaining walls.

### Corresponding bylaw amendments

#### *Boulevard Bylaw*

1. Repeal the Encroachment Bylaw No. 3050 and associated amendment bylaws as there is contradicting and overlapping information between the Encroachment Bylaw and Boulevard Bylaw. All relevant information from the Encroachment Bylaw would be incorporated into the draft Boulevard bylaw.
2. Apply the Boulevard Design plan review fee to all sites. Currently this fee is only for projects above the \$500,000 construction threshold (this is also reflected in the proposed fees and charges amendment).
3. Add new language to allow for removal or liming of trees that are obstructing sightlines in the boulevard.
4. Address the working group comments regarding parking pads not appearing as an extension of the property or property's driveway and requiring any remaining non-landscaped area of the boulevard to be landscaped if a parking pad is permitted.
5. Require landscaping in front of a fence/retaining wall on a street frontage.

#### *Waterworks Regulation Bylaw*

Staff are proposing that the minimum threshold for servicing review be raised from works valued in excess of \$50,000 to works valued in excess of \$150,000. The Waterworks Regulation Bylaw is anticipated to be updated in the fall to implement this change responding to issue raised by the working group regarding the threshold for engineering utility upgrades related to renovation projects.

#### *Soil Removal, Deposit, Blasting and Rock Breaking Bylaw*

1. Consolidate the Soil Removal and Deposit Regulation Bylaw and the Blasting Bylaw into a new "Soil Removal, Deposit, Blasting and Rock-breaking Bylaw" with the following updates are proposed:
  - a) Updated rock volume calculations to be based on lot size. The new method will provide more clarity regarding the allowable

volume since the building footprint does not need to be finalized prior to calculating the allowable rock removal volume. New volumes are 400 m<sup>3</sup> for lots less than 885 m<sup>2</sup> and 600 m<sup>3</sup> for lots over 885 m<sup>2</sup>. This is based on using the current system of 1.5 x the footprint of the building (or in this case the maximum site coverage).

- b) Rock removal permits to be extended to cover coach houses in addition to primary dwellings, garages, access driveways, and parking areas. Currently a separate application for rock removal is required for a coach house.
- c) Removal of ambiguous language surrounding length of rock removal permits and updated to allow 10 working days for lots less than 885 m<sup>2</sup> and 15 working days for lots over 885 m<sup>2</sup>. This is based on daily blasting rates from industry.
- d) Placing a limit on the quantity of rock that can be removed via splitting. Also, limiting the length of a splitting permit to 15 days to address rock removal continuing for over a month on sites and creating a disturbance for neighbours.
- e) Clarification regarding survey requirements to streamline submissions and decrease permit review times.

#### *Business Licence Bylaw*

1. Clarify licencing requirements and fees for detached secondary suites and secondary suites including defining and referencing detached secondary suites (coach houses).
2. Replace the incorrect reference to fees in the schedules attached to the bylaw with reference to the Fees and Charges Bylaw.
3. Add the requirement that a licence be obtained for a detached secondary suite or secondary suite.
4. Update the Table of Contents.

#### *Bylaw Notice Enforcement Bylaw & Municipal Ticket Information System Implementation Bylaw*

Add penalties for failure to licence a detached secondary suite or secondary suite, as well as for failure to identify, authorize or provide a Property Managers contact information for a secondary suite or a detached secondary suite.

### *Fees and Charges Bylaw*

1. Remove the separate application fee for a one-storey versus a two-storey detached secondary suite (coach house), and instead have one application fee for a coach house requiring a development permit that is delegated to the Director of Planning and Development Services for consideration (i.e. a one-storey plus basement or two-storey coach house or any coach house requiring a zoning variance).
2. Increase the fee for a coach house that requires Council consideration, generally consistent with other permits requiring Council consideration.
3. Update the wording to align with the proposed Soil Removal, Deposit, Blasting and Rock-breaking Bylaw. This includes consolidating the soil removal and deposit, blasting, and rock breaking fees into one section. No updates to the fees are proposed. Further, an additional fee for rock removal over the permitted amount is proposed.

### **B. Medium-Term**

The following are proposed to be completed late 2021 or early 2022:

- Updated boulevard guidelines (character, boulevards, landscaping, heritage, etc.).
- Various best practices pamphlets.
- Updated submission requirements to require neighbourhood character consideration.
- Updated Development Variance Permit (DVP) brochure to include consideration for front yard setback proposals to better match existing streetscape patterns and for renovation projects for non-conforming houses.
- Various web page updates and educational materials to encourage discussion with neighbours in the early stages of planning for building permit projects. Further, staff will explore alternative ways of notifying neighbours a project is coming including building permits, as well as consideration for requiring that a context plan be submitted with a building permit application.

### **C. Not Recommended**

The following recommendations from the working group have been considered by staff and are not recommended as described below:

- The working group recommended using form and character development permits for houses greater than 0.3 FAR and houses greater than 10,000 sq. ft. This approach is not permitted under the *Local Government Act* as this type of development permit is limited to higher intensity residential development.

- The working group recommended waiving Community Amenity Contributions (CAC's) on rezonings for small lot subdivisions. With the proposed expansion of subdivision opportunities across the District, this is largely addressed through these proposed amendments. For site specific rezoning applications for subdivision, these would continue to be reviewed on a case-by-case basis.
- The working group recommended reducing the building permit fees for renovation projects. Staff are not recommending fee reduction due to the requirement to cost recover the work related to these types of permits.
- The working group recommended a streamlined board of variance process. Staff reviewed this and are not able to change this process due to legislative requirements. However, updates to the DVP brochure are proposed as described above to allow expanded consideration for the types of renovation and front yard variance projects identified by the working group.
- The working group also recommended consideration for withholding demolition permits until a building permit is issued. Staff are not recommending this as it could contribute to derelict properties and squatting in unoccupied houses; as well this provision was recently changed to not require this except for Community Heritage Register properties.

## 7.2 Sustainability

The proposed policies and amendments would advance District social, economic and environmental sustainability objectives. Coach houses and smaller homes on smaller lots allow new development to be integrated within existing neighbourhoods, add to the diversity and relative affordability of ownership and rental housing options, and utilize existing infrastructure such as roads, sewer and water. Additionally, the proposed amendments encourage retention of older homes, helping to preserve community identity and character. Further, smaller dwellings and projects designed with lower site modification and placed more sensitively within their context have lower environmental impacts. Finally, proposed amendments include additional requirements for planting on the boulevard and restrictions on impermeable surfaces on private property.

### 7.3 Public Engagement and Outreach

The NCWG process, as overseen and supported by Council's Community Engagement Committee, included broad community consultation to determine issues of concern and identify potential solutions with respect to neighbourhood character. The NCWG typically met bi-weekly over the course of 26 months, and through its engagement completed 13 outreach events, reaching ~175 participants and collecting ~475 surveys and comment forms with over 5,250 responses to individual questions.

Following Council's December 7, 2020 direction to prepare implementing policies and guidelines, staff met with the members of the now disbanded NCWG to summarize the findings of staff's technical review, present the proposed implementation strategy, and receive comments.

### 7.4 Other Communication, Consultation, and Research

Planning staff have consulted with District staff from other departments as appropriate. As recommended in this report, a public hearing would be held to consider the proposed OCP and Zoning Bylaw amendments, with public notice given in accordance with legislative requirements and District procedures.

## 8.0 Options

### 8.1 Recommended Option

That Council give first reading to the proposed bylaw amendments and set the date for a public hearing.

### 8.2 Considered Options

- a) Give first reading to the proposed bylaw amendments and set an alternative date (to be specified) for a public hearing;
- b) Defer consideration pending the receipt of additional information (to be specified);
- c) Provide alternative direction (to be specified); or
- d) Reject the proposed bylaw amendments.

## 9.0 Conclusion

Staff have undertaken a detailed review of the NCWG's comprehensive report and recommend Council approval of the bylaw amendments described in this report subject to consideration of public input at the public hearing.

Authors:



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Erika Syvokas, Community Planner

Concurrence::



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Michelle McGuire,  
Senior Manager of Current Planning and Urban Design

### Appendices:

- A – Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021
- B – Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021
- C – Boulevard Bylaw No. 4886, 2016 Amendment Bylaw No. 5131, 2021
- D – Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021
- E – Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 5137, 2021
- F – Bylaw Notice Enforcement Bylaw No. 4368, 2004 Amendment Bylaw No. 5138, 2021
- G – Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 Amendment Bylaw No. 5139, 2021
- H – Fees and Charges Bylaw No. 5025, 2019 Amendment Bylaw No. 5134, 2021



District of West Vancouver

## **Official Community Plan Bylaw No. 4985, 2018 Amendment Bylaw No. 5135, 2021**

Effective Date:

**Official Community Plan Bylaw No. 4985,  
2018,  
Amendment Bylaw No. 5135, 2021**

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District of West Vancouver

# **Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021**

A bylaw to amend the Official Community Plan Bylaw No. 4985, 2018 to update policies regarding subdivision and consideration of neighbourhood character and to update Development Permit Guidelines BF-B 3.1.

Previous amendments: Amendment bylaws 5008, 5045, 5054, 5057, 5064, 5074 5076, 5120.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the designation of a Development Permit Area;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

## **Part 1 Citation**

- 1.1 This bylaw may be cited as Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021.

## **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Amendment to Section 2 [Community-Wide Directions]**

Schedule A of Official Community Plan Bylaw No. 4985, 2018, is amended by:

3.1 Deleting Policy 2.1.1 in its entirety and replacing with the following:

Amend neighbourhood subdivision standards (including consideration of site-specific applications) and consider alternate site configurations, such as panhandle lots, to enable the development of smaller houses on smaller lots in existing detached residential areas (see Map 1).

3.2 Deleting Policy 2.1.8 in its entirety and replacing with the following:

Ensure that new single-family dwellings respect neighbourhood character by:

- a. Reviewing regulations controlling the scale of new single-family dwellings;
- b. Applying and updating built-form guidelines, as relevant, in regards to neighbourhood context and character, streetscape and natural features, and
- c. Requiring all development permit applications, rezoning applications, and variance applications to include a section demonstrating how the proposed project respects or enhances existing neighbourhood character.

## **Part 4 Amendment to Schedule ii [Area-Specific Policies and Guidelines]**

Schedule A of Official Community Plan Bylaw No. 4985, 2018, is amended by:

- 4.1 Replacing Policies and Guidelines for Neighbourhoods section BF-B 3.1 Coach House Development in Existing Neighbourhoods with **Schedule A** to this bylaw.

## **Part 5 Effective Date**

- 5.1 Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5135, 2021 will be effective on January 31, 2022.

## **Part 6 Offence and Penalty**

- 5.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to

the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.

- 5.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the Offence Act.

## **Schedules**

Schedule A – Guidelines BF-B 3.1 Coach House Development in Existing Neighbourhoods

READ A FIRST TIME (MAJORITY VOTE IN THE AFFIRMATIVE) on [Date]

PUBLICATION OF NOTICE OF PUBLIC HEARING on [Date]

PUBLIC HEARING HELD on [Date]

READ A SECOND TIME (MAJORITY VOTE IN THE AFFIRMATIVE) on [Date]

READ A THIRD TIME (MAJORITY VOTE IN THE AFFIRMATIVE) on [Date]

ADOPTED by the Council (MAJORITY VOTE IN THE AFFIRMATIVE) on [Date].

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Mayor

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Corporate Officer

## **Schedule A – Guidelines BF-B 3.1 Coach House Development in Existing Neighbourhoods**

# Coach House Guidelines



**June 2021**

District of West Vancouver

*Please contact the District of West Vancouver's  
Planning and Development department for  
additional information.*

604.925.7055

**[planningdepartment@westvancouver.ca](mailto:planningdepartment@westvancouver.ca)**

cover images / [lanefab.com](http://lanefab.com)

## Development Permit Area Designation and Interpretation

### Policy BF-B 3.1

Ensure that coach houses (detached secondary suites) meet a high quality of building and landscape design, and are compatible both with the principal dwelling on the lot, and the built form character of the local neighbourhood.

#### Development Permit Area Designation BF-B 3.1

<b>Coach House Design Guidelines</b>	<b>Category:</b>	Local Government Act s. 488 (1) (e), (h), (i) and (j)
	<b>Conditions:</b>	<p>The development permit area designation is warranted to provide for the compatibility of intensive residential development with the established built form character of existing neighbourhoods.</p> <p>The Development Permit Area Designation is applicable to:</p> <ul style="list-style-type: none"> <li>» coach houses that are two storeys (with or without basement) and one storey plus basement; and</li> <li>» coach houses requiring a zoning variance.</li> </ul>
	<b>Objectives:</b>	<ul style="list-style-type: none"> <li>› to provide for the successful integration of coach houses with the built form and landscape character of existing neighbourhoods;</li> <li>› to minimize site alteration and retain natural site features;</li> <li>› to promote a high standard of design, construction and landscaping; and</li> <li>› to promote energy and water conservation and the reduction of greenhouse gas emissions.</li> </ul>
	<b>Guidelines Schedule:</b>	Guidelines BF-B 3.1 shall apply to coach houses that are two storeys (with or without basement), one storey plus basement, or any coach house requiring a zoning variance. However, applicants are encouraged to review and consider the guidelines for all coach house proposals.
	<b>Exemptions:</b>	<p>Development may be exempt from the requirement for a Development Permit if the proposal:</p> <ul style="list-style-type: none"> <li>› is for a one storey coach house without a basement that is zoning compliant;</li> <li>› is for a renovation or small addition to a coach house that is considered to have no material change to the external appearance of the premises, meets all requirements of the Zoning Bylaw, and conforms to Guidelines BF-B 3.1.</li> </ul>



**Fig 0.1:** High quality materials and details in a contemporary coach house.

photo: [christopherrollett.com](http://christopherrollett.com) / design: [alexlegg.com](http://alexlegg.com)

# Welcome

Welcome to the District of West Vancouver’s Design Guidelines for coach houses.

Coach houses are explicitly referenced in the District’s Official Community Plan as a form of housing capable of regenerating primarily detached, single-family neighbourhoods, without significantly changing the character of the neighbourhood. Coach houses provide rental opportunities, multi-generational housing options for family, more compact and affordable housing in existing neighbourhoods close to amenities, efficient use of existing services and infrastructure, potential supplemental income opportunities for homeowners, increased safety and beautification of lanes, and support the ongoing renewal and revitalization of established neighbourhoods. They are typically found at the rear of a lot and are often referred to as laneway houses or garden suites.

The guidelines are organized to provide guidance at three scales - the neighbourhood, the site, and the coach house.

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**07** ‘Good Neighbour’ Considerations

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**10** Frontage

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**12** Landscaping

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## 3.0 THE COACH HOUSE

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**18** Design Elements

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*There are many things to consider when building a coach house, including understanding how it will fit with the character of your neighbourhood, how it can be situated on your lot to retain natural landscapes and maintain the privacy of adjacent properties, and how to design it to an appropriate scale and with quality materials.*

## The Neighbourhood

What needs to be considered at the neighbourhood scale? How is my coach house going to complement and contribute to the neighbourhood? What about my neighbourhood will help inform my coach house design?

## The Site

What needs to be considered at the site scale? What are the qualities of my site that I should incorporate into my design? Does it suggest where I should put my coach house on the lot?

## The Coach House

What needs to be considered at the building scale? What style of coach house am I considering and how will the materials and design I've selected contribute to neighbourhood character? How does the coach house relate to my main house? Does it complement the primary house?



# 1.0 The Neighbourhood

*This section encourages the applicant to think about the neighbourhood character, its characteristics and qualities that contribute to its sense of place and reflect on these when considering a coach house.*

## 1.1 NEIGHBOURHOOD CHARACTER CONSIDERATIONS

Coach houses contribute to the residential character of a neighbourhood. They should be designed to be sensitive to the built-form patterns already established by existing houses, streets, and landscapes, and should be respectful of the principal dwelling.

Some key ways coach houses can contribute to the neighbourhood include:

- › providing a welcoming ‘face’ to lanes from front doors, windows, and landscaping that reinforce the residential character;
- › being of a scale that reinforces a residential neighbourhood with buildings that aren’t too high, or too bulky;
- › designing to allow for personal expression and to respond to the site and climate;
- › emphasizing sustainable landscapes; and
- › respecting adjacent properties and private open space.

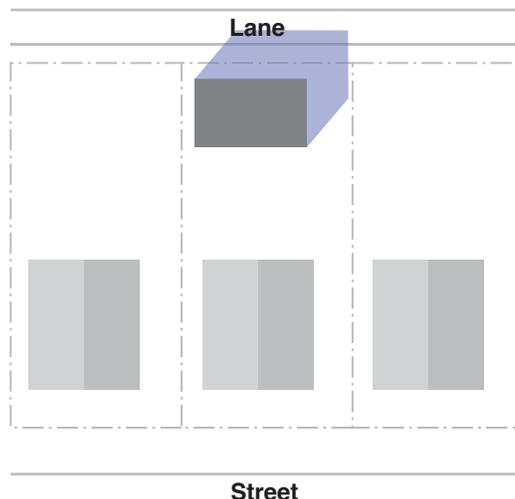


**Fig 1.1:** Example of a well detailed, modest coach house that illustrates residential character and identity.

## 1.2 ‘GOOD NEIGHBOUR’ CONSIDERATIONS

It’s important for coach houses to consider adjacent buildings and surrounding sites - to be ‘good neighbours’. When first considering a new coach house you should understand how it impacts your neighbours, including:

- › siting your coach house to avoid overlook into adjacent properties and to minimize shadow impacts;
- › siting your coach to respect established views from surrounding properties, both near and far;
- › locating windows where they minimize overlook onto a neighbouring property especially into bedrooms and outdoor space such as patios;
- › organizing building massing to respect any unique characteristics of neighbouring properties such as large setbacks or open space; and
- › respecting how entrances are handled, especially for coach houses accessed by a lane.



**Fig 1.2:** Consider the impact of shadows on adjacent properties when starting your design process.



**Fig 2.0:** For corner lots, the main entry should be oriented towards the flanking street.

[/ smallworks.ca](http://smallworks.ca)

## 2.0 The Site

*This section encourages the applicant to think about their lot. To consider how the coach house sits on the lot and how the coach house will fit best considering site constraints and opportunities.*

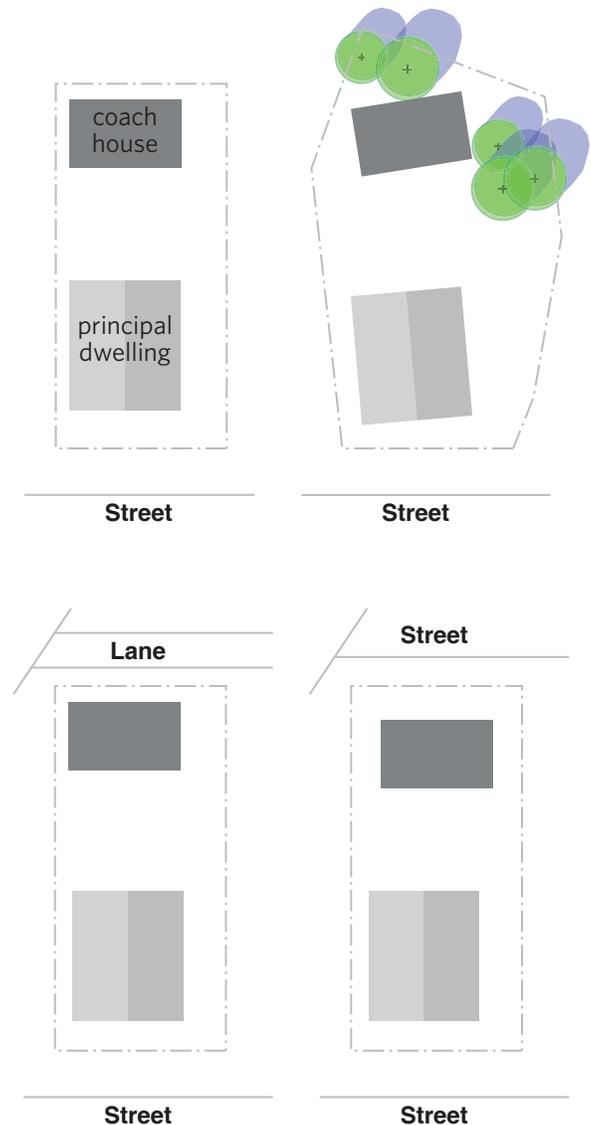
### 2.1 SITING

Siting - where the coach house is situated on the lot - is an important consideration for the successful introduction of coach houses in established neighbourhoods. There are generally two types of lots: those accessed by a rear lane and those accessed by a fronting street. In addition, lots can be regular or irregularly shaped.

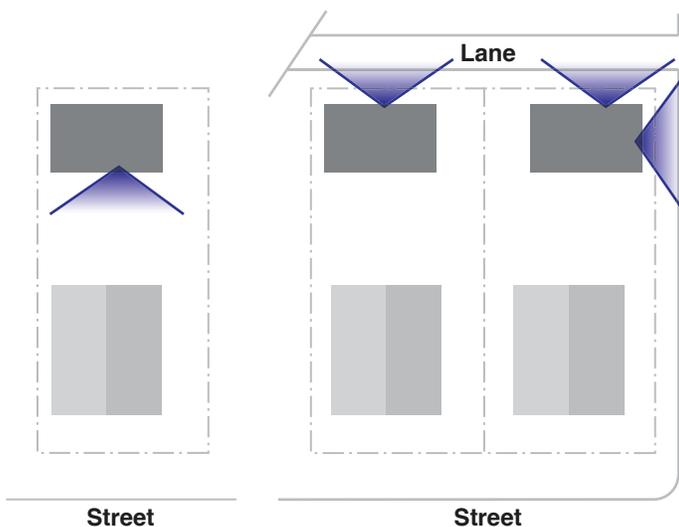
In general, coach houses should be located in the rear portion of the lot. However, if site constraints do not permit the construction of a coach house in the rear, front yard coach houses may be considered but they must still adhere to the design guidelines.

Alternative siting proposals that require a variance but ultimately lead to a better outcome, should be considered:

- › to avoid significant grade alterations and use of retaining walls on sloping lots or to encourage retention of natural site features;
- › to address other unique site conditions such as irregularly-shaped lots.



**Fig 2.1:** Coach houses should generally be located in the rear of the lot with the final location respectful of natural site features and landscapes.



**Fig 2.2:** General siting of coach houses at the rear of a lot. For sites without a lane, the building front towards the interior yard. For sites with a lane, the building should front towards the lane.

## 2.2 FRONTAGE

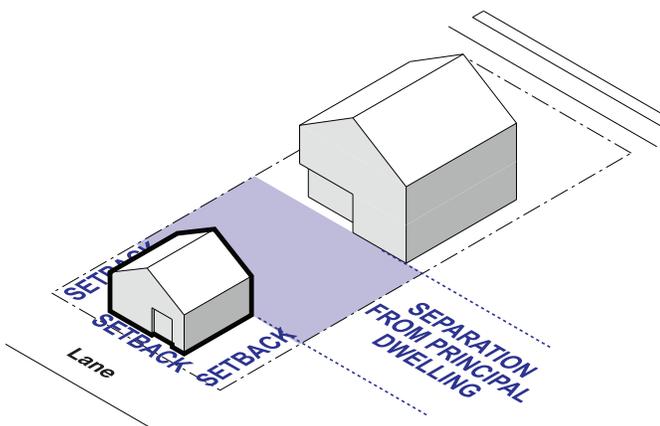
How the coach house faces the lane or street is important to how it contributes to the activities and vibrancy of the lane and in turn, the neighbourhood.

- › **Lots with a lane:** For sites with a lane, the coach house should face the lane (i.e. entry off lane).
- › **Lots without a lane:** For sites without a lane, a coach house should be accessed by a walkway from the fronting street. The walkway should be visible and provide direct access to the coach house from the front of the property.
  - » For sites with an existing driveway to a rear yard garage, direct access to the coach house should be via the driveway or if space allows, a separate pedestrian path. In both cases, effort should be made to minimize impermeable surfaces.
- › **Corner sites:** For corner sites, the coach house should be designed to take advantage of the dual frontage with the entry fronting the street or the lane.
- › **Site fronting two streets:** On through (or double-fronting) lots, a coach house should be located in the yard opposite the principal dwelling and present a frontage to the secondary street.

### 2.2.1 Setbacks and Separation

Setbacks (rear yard and side yard) and separation distance from principal dwelling must adhere to the District of West Vancouver Zoning Bylaw.

- › Zoning variances for setbacks and separation distance can be considered to protect natural site features such as mature landscapes and trees.
  - » Where variances are considered, care must be given to minimizing overlook onto adjacent properties.



**Fig 2.3:** Setbacks are prescribed distances from property lines around your lot; separation from principal dwelling means a clear zone between the coach house and principal dwelling.

- › A minimum distance is required between the coach house and principal dwelling to maintain privacy and sun access between the two buildings.
  - » A reduction of 1m may be considered to accommodate thicker energy efficient walls, facilitate the retention of an existing tree or natural feature, or to facilitate a single storey accessible unit.

On larger lots, where space permits, generous setbacks should be provided to minimize overview and privacy impacts on neighbours.

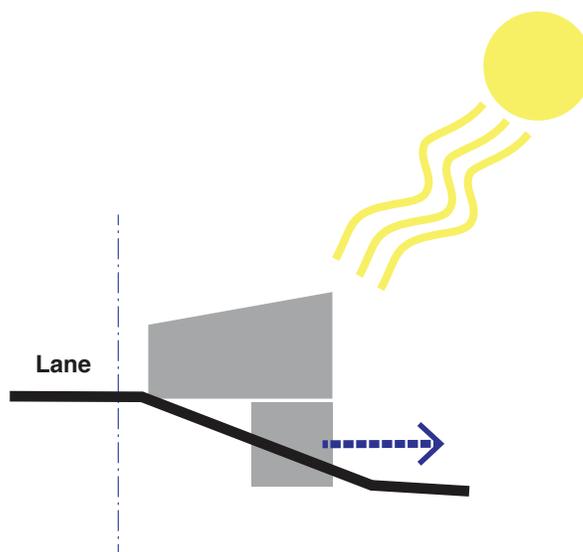
## 2.3 TOPOGRAPHY + GRADE

The hillside nature of West Vancouver is one of its most distinguishable characteristics. Many lots benefit from south-facing views and increased access to sunlight. Careful consideration should be given to the role that topography plays when planning a coach house.

The existing topography and natural grade should be respected as much as possible when designing a coach house:

- › alterations of existing grades and natural site features should be minimized;
- › site clearing and excavation that includes significant removal of earthworks should be avoided;
- › ground floors should reflect the site's existing grade and should not be unduly excavated for at-grade access.

Basements are permitted and should be designed to be as livable as possible and with access to natural light. To that end, basement should generally be no more than 1.8m below grade.



**Fig 2.4:** Basements are permitted, however they should address livability by seeking opportunities to have direct access to outdoor space and natural light.

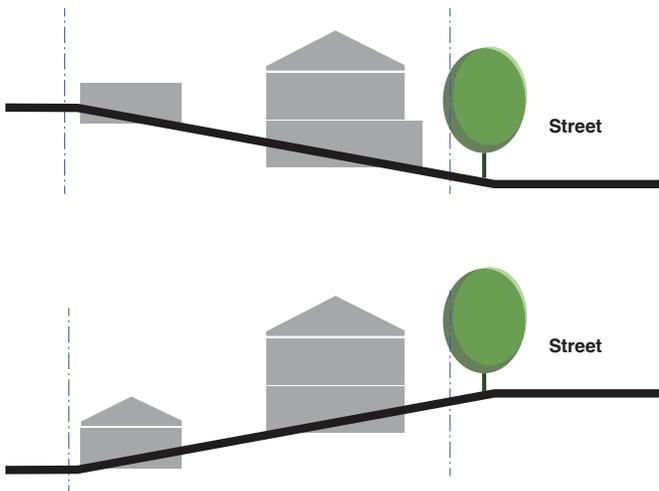
### 2.3.1 Sloped Lots

Moderating the scale and massing of the new coach house will ensure it remains compatible with the principal dwelling and neighbourhood.

- › Retaining walls at the property line are discouraged.
- › Coach houses on uphill lots should minimize exposed foundations unless they are architecturally considered.
- › Coach houses on downhill lots should consider how effective unit planning can reduce the need for excavation to facilitate usable outdoor space at grade. For example, locating living space on the upper floor to match exterior grade on the lot should be considered.

Where a lane exists, massing should respect the grades to reduce the visual impact of the coach house on the lane (i.e. upper storey setback).

Where possible, coach houses should be fully accessible.



**Fig 2.5:** On both uphill and downhill lots, coach houses need to consider massing implications from the fronting street and the lane, and seek to minimize excavation and exposed foundation walls.

## 2.4 LANDSCAPING

The retention of existing mature trees, vegetation, and natural landscape features should inform early siting and landscape design concepts.

Access to outdoor space, such as to a yard or patio, is an important consideration for the livability of coach houses and dedicated space for the coach house residents - distinct from the principal dwelling's open space - needs to be accommodated.

All areas adjacent to the coach house should be landscaped and designed to:

- › reflect the principles of sustainability and include permeable paving materials for outdoor patios, walkways, and driveways;
- › incorporate established vegetation and rock outcrops into the design;
- › incorporate rainwater collection systems (rain barrels) where irrigation is required and utilize rain gardens or bioswales to facilitate natural filtration of rainwater into the ground;
- › strategically provide screening or definition between different outdoor spaces and between neighbouring properties; and
- › reflect best practices regarding low-irrigation to limit maintenance and to support sustainable landscapes.

### 2.4.1 Plant Selection

Low maintenance landscapes should be incorporated wherever possible to minimize the use of potable water for irrigation purposes.

Yards should be landscaped with a variety of species including trees, shrubs, and grasses. Sufficient planting medium and irrigation are essential to the long-term health of the landscape and should be considered in the selection of landscapes.

- › Include indigenous and native plant species.
- › Include a diverse selection of plants to improve the biodiversity of residential landscapes.
- › Encourage edible landscapes.

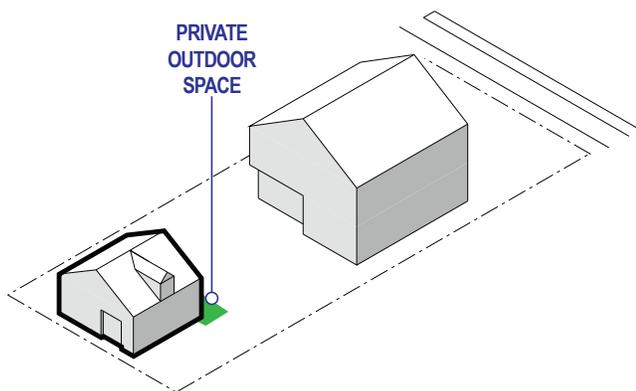
## 2.4.2 Private Open Space

Private outdoor space for the coach house should be provided and should be:

- › located directly adjacent to the coach house and be at-grade and accessible;
  - » where lot configuration or natural grade make this challenging, a combination of at-grade, on structure (deck) and ground floor open space may be combined to achieve the minimum space requirement, as long as both are accessible from the ground floor.
- › separate from the open space for the principal dwelling through vegetative screening or other means;
- › designed to maintain the privacy of each unit and minimize overlook onto adjacent properties; and
- › designed to maximize access to a natural environment and should include a mixture of hard space for exterior passive enjoyment and soft landscaping.

Planting, architectural elements such as low ornamental fencing, and changes in grade should be used whenever possible for natural screening of outdoor space.

Where walls or fences are required, they should be combined with soft landscaping to provide visual depth and layering.



**Fig 2.6:** Private outdoor space that respects the privacy of neighbouring houses is to be provided and should demonstrate a commitment to biodiversity and sustainable landscapes.

## 2.4.3 Lane Treatment

Landscaping within the lane setback is required to enhance the quality of the lane environment. Where the coach house is set back sufficiently from a rear lane, consideration should be given to more extensive landscaping adjacent to the lane, including shrubbery and modest-size trees. It should be designed with CPTED (Crime Prevention Through Environmental Design) principles.

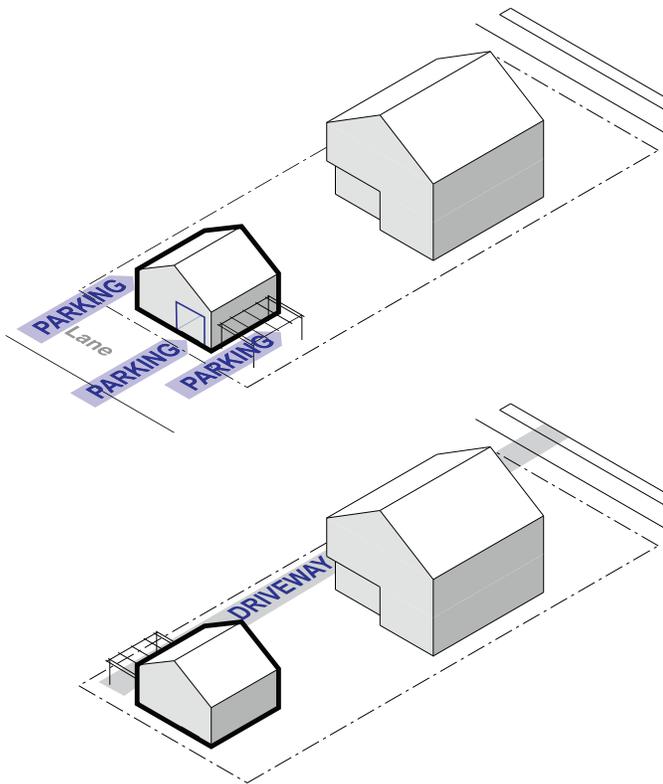
Other elements to improve the quality of the pedestrian environment should be included, such as:

- › lighting that illuminates the entry;
- › bollard lighting that adheres to dark sky compliant guidelines; and
- › planting to transition between grades where necessary.

Areas for waste and recycling containers should be provided on the lot with convenient access, shared with the principal dwelling, and should be located away from outdoor space and the lane.

External mechanical equipment and utility meters should be located on a side or back wall of the coach house, not facing the street or the principal dwelling on the lot.

- › Any visual or noise impacts on adjacent properties should be avoided where possible, and otherwise mitigated.



**Fig 2.7:** Parking should be provide in a surface space or in an enclosed garage in the coach house provided at least 30% of the gross floor area is located on the ground floor.



**Fig 2.8:** Where driveways are required, consider alternative paving materials that reduce runoff.

## 2.5 PARKING + DRIVEWAYS

To optimize open space, minimize unnecessary bulk facing the lane, and to retain sufficient ground level habitable floor area and residential character, parking should be managed appropriately:

- › only one driveway access should be provided on each lot;
- › for lots within 400m of a bus stop, no off-street parking is required;
- › off-street coach house parking may be:
  - » a surface parking space, unenclosed but may be covered;
  - » enclosed in a garage integrated with the coach house; or
  - » a dedicated space within the principal dwelling's attached garage.
- › for corner sites, exterior surface parking should be located at the interior side yard;
- › parking pads must consist of permeable materials such as pavers, gravel, grass-crete or landscape strips;
  - » the requirement for a fully permeable space may be waived to enable full accessibility for persons with disabilities.
- › for sites with a rear lane, parking should be accessed via the lane, however, if no lane exists, parking may be accessed via a shared driveway from the street provided:
  - » there is access to an existing garage; and
  - » the driveway does not require excessive excavation or retaining walls through the property.

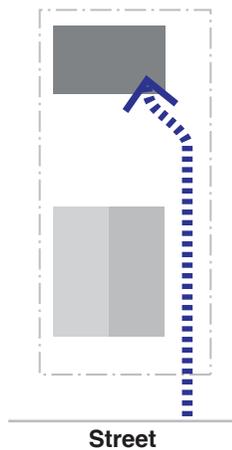
### 2.5.1 Garage Expression

Garages integrated into a couch house should be designed to minimize their visual presence by emphasizing residential living space and designing the garage door to be a secondary element on the facade.

## 2.6 PEDESTRIAN ACCESS

On lots without a lane, coach houses should be directly accessible from a street via a pathway for emergency responders and visitors.

- › Access should be clearly provided by a pathway and integrated with the side yard. It should be well-lit and as direct as possible given the dimensions of the lot, location of the coach house, and site grading.
- › Avoid stairs that limit accessibility to the coach house.



**Fig 2.9:** On lots without a lane, a clear pedestrian path should be provided from the fronting street to the coach house. For lots with a lane, access should be from the lane.

## 2.7 ENVIRONMENTAL

A coach house should be sited and designed to preserve existing trees, including those on neighbouring properties and District property. Variances to zoning, setbacks and parking requirements may be considered in order to retain significant trees or natural features (i.e. water courses).

- › Tree retention should be maximized including trees covered by the District's Tree Bylaw as well as trees that are smaller than the minimum size protected but still contribute to the health and biodiversity of the neighbourhood.

Natural features (e.g. creeks) should be incorporated into a project's site planning stage to minimize the impact on natural water courses consistent with the District's policy. Landscape design should incorporate stormwater management features and mitigation strategies.



**Fig 3.0:** Single-storey coach house with high quality materials and functional outdoor space allows for aging in place.

/ photo + design: [studionorth.ca](http://studionorth.ca)

## 3.0 The Coach House

*This section encourages the applicant to think about the design of the coach house itself, its architectural expression, scale, and materiality to address the design principles.*

### 3.1 ARCHITECTURAL EXPRESSION

Coach houses are ground-oriented dwellings that should express a residential use. Building massing and composition should respond to the scale of the lane or street on which they face, or where none exists, to the neighbouring properties and principal dwelling. Single storey coach houses may be more compatible in urban neighbourhoods by limiting overlook onto adjacent properties.

- › A minimum of 30% of the frontage facing the lane should communicate the residential uses within, such as in the use of windows and doors.
  - » At least one window no smaller than 1.1m<sup>2</sup> must face the lane.
- › Garage doors should be designed to minimize their visual appearance on the lane through sensitive detailing and appropriate sizing to emphasize the living space within.

Coach houses should be designed to complement and respect the architecture of the principal dwelling where appropriate, however, in certain circumstances it might be preferable to depart from the style of the principal dwelling.

Regardless of the architectural expression pursued, a clear and demonstrable adherence to a single design philosophy should guide the design, from conception to execution. The coach house should respond to its context and take advantage of a lot's natural environment, sun access, and relationship to adjacent properties.

The guidelines will help to ensure a consistent and harmonious project is realized, one that suits the site and neighbourhood.

#### 3.1.1 Massing

Massing should minimize shadowing onto adjacent properties especially onto outdoor social space such as seating areas.

For lots with a lane, coach houses should be articulated to reduce the scale on the lane by using stepbacks and recesses.

- › Roof design and orientation should be considered to minimize apparent scale.

For sites without a lane, the massing should be sensitive to the appearance and scale as seen from the street as well as surrounding properties.

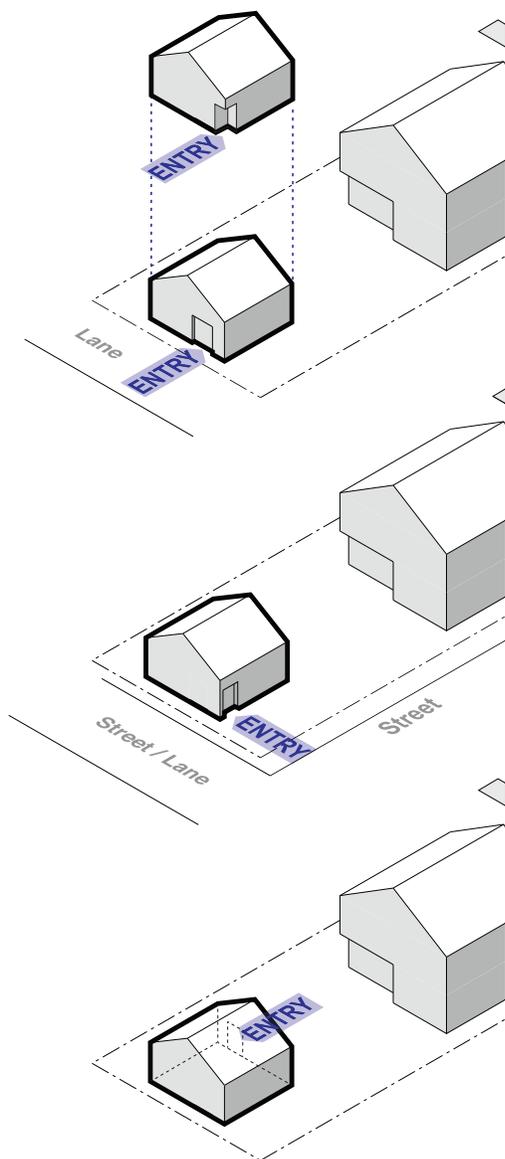
On sloping sites, the building form should follow the natural slope of the lot.

#### 3.1.2 Composition

Coach houses should express a one storey or one-and-a-half storey form to minimize the impact of the upper storey. As such:

- › the upper storey shall be limited to no more than 60% of the main floor area for sloped roofs, and limited to 50% of the main floor area for flat roofs.

Building elements should be well-considered and coordinated to present an appropriate scale to one another and to the whole. The scale should be mindful of the surrounding context, including streets and lanes, natural features, and adjacencies.



**Fig 3.1:** For lots with a lane or street, the entry should be oriented towards, or be visible from, the lane or street. For lots without a lane, the entry should be located on the side or interior yard.

## 3.2 DESIGN ELEMENTS

Coach houses should be well considered and designed in a thoughtful manner.

### 3.2.1 Entry

To reinforce ground-oriented housing, the entry and face of the coach house should be oriented towards the rear lane, the exterior side yard on corner lots, or interior lot where no lane exists. The entry may be oriented towards the side yard if it is:

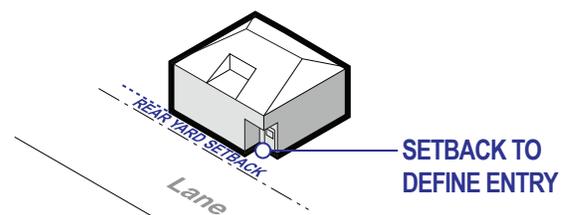
- › at least 3m from the side yard property line, and;
- › within 1m of the street- or lane-facing wall of the coach house to ensure the visibility of the entry.

The entry should be set back from the rear property line to allow safe access and to provide a recess. Minor grade changes to the entry are permitted to help with a sense of privacy, however, accessibility should be a key design objective of the entry (i.e. minimize stairs and grade transitions).

The entry should be identified in some way such as with an awning, focused lighting, or similar entry feature.

Weather protection should be designed for functionality and comfort, and to emphasize entry to the building.

- › Overhangs should be no more than 1.8m from the coach house.
- › Entries should be expressed with a recess of at least 0.5m and/or a canopy integrated with the design.
- › Where a street exists, entries may be located along the interior yard to maintain comfortable access.



**Fig 3.2:** An entry facing the lane should be set back from the rear property line to allow for safe access.

### 3.2.2 Roof Massing and Expression

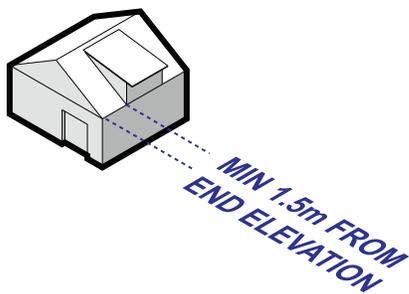
Roofs should be part of a single architectural expression (avoid multiple or overly complex roof lines) and should generally be simple in nature.

Roofs should complement the principal dwelling and should be expressed as a secondary building element to the main coach house to convey a pedestrian scale and reduce the overall height of the coach house. As such:

- › the spring height (intersection of wall plane and roof plane) for sloped roofs should be no more than 4m;
- › upper floor areas are required to be integrated into the roof form on gabled roofs;
- › the roof should not visually dominate the coach house massing, but should be scaled appropriately for the size of building; and
- › roof designs that accentuates the upper massing should be avoided.

Where dormers are used to provide interior room height:

- › the exterior face of the dormer may be flush with the exterior wall edge;
- › they should be designed to maintain appropriate building and roof proportions; and
- › they should be sloped and must be set back from the end elevation by a minimum of 1.5m.



**Fig 3.3:** To manage scale, dormers should be sloped and be set back from the end elevation.

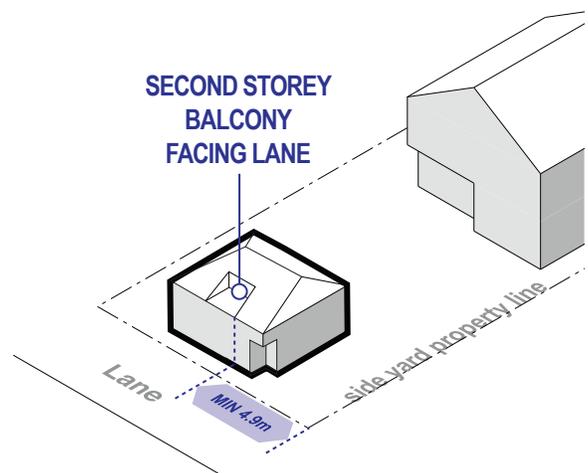
### 3.2.3 Privacy and Overlook

Second storey balconies are permitted to face the lane or the street on corner lots. Where no lane exists, they may face the interior yard if privacy impacts on neighbouring properties can be mitigated.

- › To reduce overlook, upper balconies are not permitted within 4.9m of a side yard property line where a lane exists, or rear property line if there is no lane.
- › They should have a minimum dimension of 1.5m.
- › They should be screened to prevent overlook onto adjacent properties.

Upper decks must be contained within the footprint of the coach house to avoid adding bulk to the building. They should read as secondary elements to the building form and not overwhelm the massing.

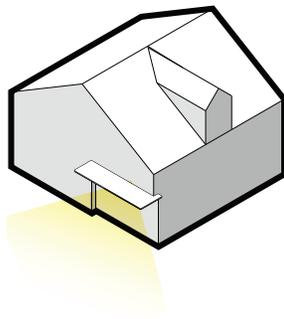
Rooftop outdoor space is not permitted in order to mitigate privacy concerns.



**Fig 3.4:** Upper decks should be oriented towards the lane where applicable and set back from side yards to avoid overlook onto adjacent properties.



**Fig 3.5:** High quality materials can be used across a variety of architectural styles.



**Fig 3.6:** Lighting should be strategically located to minimize light pollution and impact on adjacent properties.

### 3.2.5 Materiality

High-quality materials will ensure a sense of timelessness and fit with the neighbourhood. Cladding materials should be durable and robust, and consistently applied across the coach house. Vinyl siding should be avoided.

Transitions in materials should only occur on inside corners.

- › Outside transitions or transitions across flush faces should be avoided.
- › Materials should extend to all sides of the coach house to provide a balanced and logical application of materials.

Materials as thin veneer should be avoided.

### 3.2.6 Exterior Lighting

Exterior lighting should be used to enhance outdoor space, improve wayfinding and safety along pathways, and contribute to the pedestrian experience.

Soffit lighting or uplighting of the coach house is not permitted so as to avoid glare into neighbouring properties, reduce light pollution, and allow the building massing to retreat against the night sky.

Modest, downcast lighting is permitted on pathways and entries to ensure safe access. For coach houses with lane access:

- › focused lighting should be directed on the entry but scaled to minimize light pollution and light spillage onto adjacent properties; and
- › minor, architectural landscape feature lighting is permitted if it complies with the guideline above.

### **3.2.7 Windows**

The general orientation of windows should be away from neighbouring properties. Windows on upper storeys should also respect the privacy of adjacent properties.

For coach houses on a lane:

- › windows from living spaces towards the lane should be provided to support animation of the lane;
- › secondary windows may face the side yard to enhance livability, however, they should be designed to minimize overlook onto neighbouring properties.

For sites without a lane:

- › the primary windows should face the interior of the property, or the flanking street where available;
- › secondary windows may face the side yard and rear yard to enhance livability, however, they should be designed to minimize overlook onto adjacent properties.

Skylights and clerestory windows should be considered to provide natural light to living areas.

All dormers are required to have windows.

### **3.2.8 Other Design Considerations**

Adequate space for bicycle parking and storage should be considered in the design of a coach house.



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District of West Vancouver

**Zoning Bylaw No. 4662, 2010,  
Amendment Bylaw No. 5122, 2021**

Effective Date:

# Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021

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District of West Vancouver

## **Zoning Bylaw No. 4662 2010, Amendment Bylaw No. 5122, 2021**

A bylaw to provide for amendments recommended by the Neighbourhood Character Working Group.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, 4828, 4854, 4873, 4866, 4895, 4839, 4898, 4927, 4944, 4905, 4974, 4967, 4982, 4962, 4928, 4992, 5001, 5021, 5024, 5009, 4938, 5044, 5055, 5051, 5068, 5065, 5087 and 5110.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendments to consider neighbourhood character;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, provision, paragraph, subparagraph, clause or phrase.

## Part 3 Amendment of Regulations

3.1 Zoning Bylaw No. 4662, 2010 is amended by:

3.1.1 Deleting the definition “Basement” in its entirety and replacing with the following, referencing regulation 130.08(4):

a storey, the floor of which is more than 0.30 metre below the average grade elevation.

3.1.2 Adding the definition “Building face” following the definition “Building, apartment garden”:

any one of four elevations (front, rear, left side or right side) that together comprise the entire perimeter of a building.

3.1.3 Deleting the definition “Grade, average” in its entirety and replacing with the following, referencing regulation 120.17:

the measure of ground level of a building or structure from which height is determined.

3.1.4 Deleting the definition “Grade, finished” in its entirety and replacing with the following, referencing regulation 120.17(3):

the elevation of the surface of the ground of a completed development at any point on a site, excluding

(a) local mounding of soil;

(b) planters less than 1.8 metres in width measured out from the wall; and

(c) window wells with a clear distance measured out from the wall of less than 0.9 metre to a maximum of 3.0 metres in cumulative length along each building face.

3.1.5 Deleting the definition “Grade, natural” in its entirety and replacing with the following, referencing regulation 120.17(3):

the elevation of the surface of the existing, undisturbed, formed without human intervention, ground at any point on a site. Where this elevation cannot be ascertained on account of existing landscaping, buildings or structures, and appears to have been significantly altered, the level of natural grade shall be determined by the District Building Inspector, who may rely on the professional opinion of a British Columbia Land Surveyor on

the determination of natural grade at the cost to the property owner.

- 3.1.6 Deleting the definition “Highest building face” in its entirety and replacing with the following, referencing regulation 130.10:

the building face with the lowest average grade.

- 3.1.7 Deleting the definition “Highest building face envelope” in its entirety and replacing with the following, referencing regulation 130.10:

a three dimensional envelope measured at the highest building face, within which the entire building must be situated.

- 3.1.8 Adding the definition “Roof, flat” following the definition “Retaining wall”, referencing regulation 120.19(1):

any roof with a slope of less than 2 in 12.

- 3.2 Zoning Bylaw No. 4662, 2010 is amended by:

- 3.2.1 Deleting section 120.17 in its entirety, retitling it “120.17 Average Grade Calculation” and replacing with the following:

(1) Define the perimeter of the building or structure as the outermost projection of the exterior walls inclusive of basements and upper floor overhangs:

(a) including attached garages and carports (measured to the posts); but

(b) excluding decks.

(2) Divide this perimeter into wall sections with endpoints defined by:

(a) corners; and

(b) significant changes in elevation or slope along a wall including where the ground:

(i) changes from level to sloping; or

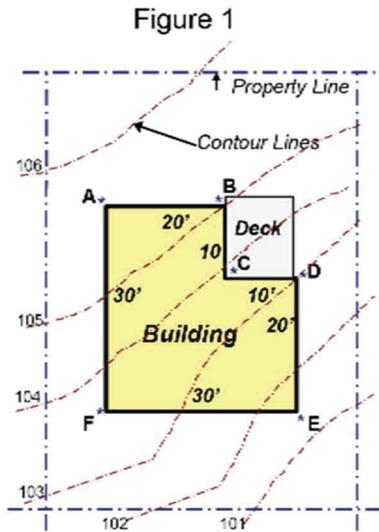
(ii) steps with retaining walls;

(3) Determine the grade of each wall section by:

- (a) finding the natural grade and finished grade at each endpoint;
- (b) using the lower of these measured at each endpoint for the purpose of grade calculation;
- (c) notwithstanding (b) above, along the entire perimeter, one continuous wall section may be calculated using only the natural grade found in (a) above, provided that this wall section is:
  - (i) the lesser length of 5.0 metres or 15% of the building or structure perimeter;
  - (ii) not contiguous to or combined with a window well, and the combined length of this wall section and window wells is less than 50% of the building face to which they form a part; and
  - (iii) clearly defined as part of the permit application, including the natural grade determined for each endpoint.
- (d) adding this grade at each endpoint, dividing by two and multiplying by the length of the wall section:

$$\frac{(\text{Grade 'x'} + \text{Grade 'y'})}{2} \times \text{Length 'xy'}$$

- (4) Determine average grade for the building or structure (Figure 1) by:
  - (a) Adding the resulting grade of each wall section determined in 120.17(3) for all wall sections that comprise the perimeter; and
  - (b) Dividing the sum of (a) above by the total perimeter.



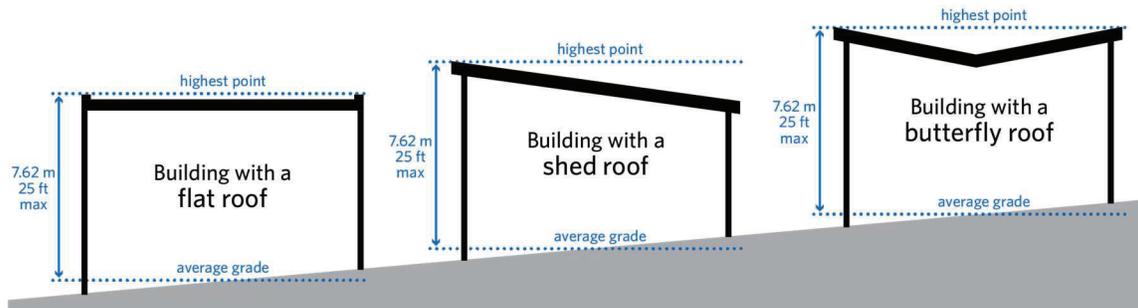
Wall Section (lower of natural grade and finished grade at each endpoint)

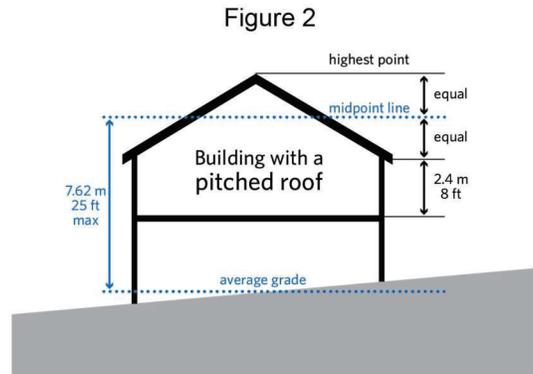
Average Grade	X	Length	= Y
A-B $106.5 + 105.0 \div 2$	X	6 m	= 634.50
B-C $105.0 + 104.0 \div 2$	X	3 m	= 313.50
C-D $104.0 + 103.0 \div 2$	X	3 m	= 310.50
D-E $103.0 + 101.5 \div 2$	X	6 m	= 613.50
E-F $105.5 + 104.0 \div 2$	X	9 m	= 942.75
F-A $104.0 + 106.5 \div 2$	X	9 m	= 947.25
<b>Totals:</b>		<b>36 m</b>	<b>= 3744</b>

3.2.2 Deleting section 120.19 in its entirety and replacing with the following:

- (1) Height of a building is the vertical distance from average grade measured in accordance with 120.17 to the:
  - (1) highest point, inclusive of roof finish, parapet and roof deck railing of a building with a flat roof, butterfly roof or shed roof (Figure 1);
  - (2) midpoint between the highest point of a pitched roof or projected peak of an irregular pitched roof (e.g. pitched roof rising to a flat portion) and a point 2.4 metres above the floor immediately below (Figure 2); or
  - (3) greater of (a) and (b) above for a roof composed of a combination of pitched and flat elements.

Figure 1



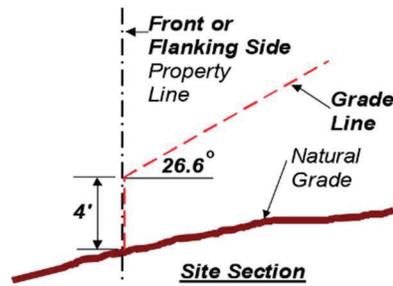


- (2) Height of a structure is the vertical distance from average grade measured in accordance with 120.17 to the highest point.
- (3) Height determined in (1) and (2) above shall not include:
- (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the height specified in Section 120.29(1);
  - (b) chimneys no greater than 1.8 metres in horizontal length and vent pipes;
  - (c) mechanical equipment and enclosures, provided that no part is greater than 0.6 metre above the permitted height;
  - (d) skylights and solar energy systems no greater than 3.0 metres in horizontal length, provided that no part is greater than:
    - (i) 0.6 metre above the permitted height of a building with a flat roof; and
    - (ii) 0.6 metre above the finished roof of a building with a pitched roof, shed roof or butterfly roof, to a maximum not to exceed the highest point of the building.

3.2.3 Deleting section 120.22(2)(a) in its entirety and replacing with the following:

a front site line or flanking side site line - up 1.2 metres and then in towards the property at a 50% slope (Figure 1);

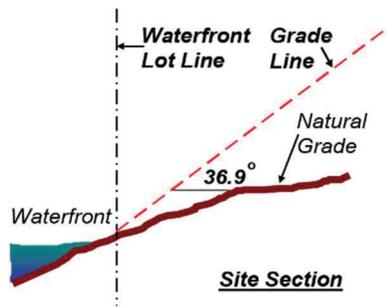
Figure 1



3.2.4 Deleting section 120.22(2)(b) in its entirety and replacing with the following:

waterfront site line - in towards the property at a 75% slope from the natural grade (i.e. not from a point 1.2 metres above it and not from finished grade) (Figure 2);

Figure 2



3.2.5 Deleting section 120.22(7) in its entirety and renumbering the subsequent sections.

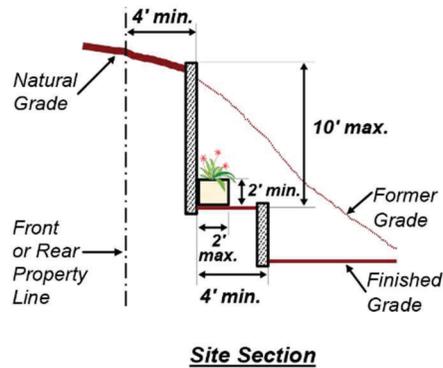
3.2.6 Deleting renumbered section 120.22(8) in its entirety and replacing with the following:

For an excavated retaining wall (a shoring wall below natural grade) the:

- (1) minimum setback for a wall from a front site line or rear site line is 1.2 metres;
- (2) minimum distance between walls is 1.2 metres; and
- (3) exposed retaining wall height is measured from:
  - (a) finished grade, or
  - (b) a permanently constructed and integral structure at the base of the retaining wall and at least 0.6 metre in depth

provided the combined exposed height of such excavated retaining wall and structure does not exceed 3.0 metres from finished grade (Figure 6).

Figure 6



3.2.7 Adding section 120.27(7)(e) after section 120.27(7)(d) as follows:

garage, exclusive of any rooftop railing or structures, up to a maximum of 18.3 square metres where the garage door is oriented 90 degrees from the street (plus or minus 10 degrees), within 3.0 metres in the front yard only.

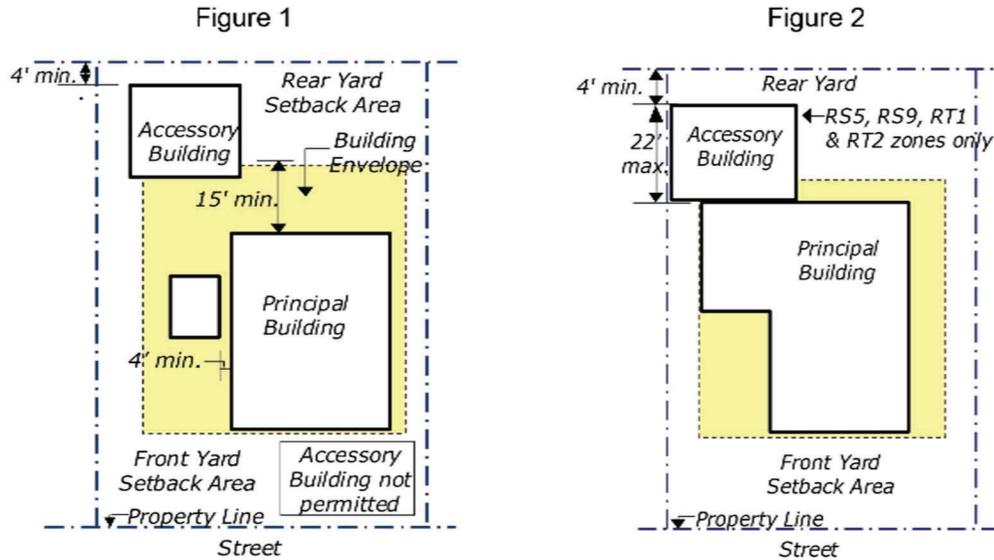
3.3 Zoning Bylaw No. 4662, 2010 is amended by:

3.3.1 Deleting Section 130.01 in its entirety and replacing with the following:

- (1) An accessory building or structure shall not be used as a dwelling.
- (2) An accessory building shall not be:
  - (a) located directly above or below any portion of a principal building; or
  - (b) part of a principal building by means of:
    - (i) an interior door or other interconnection; or
    - (ii) a fully enclosed walkway that is heated or greater than 1.8 metres in width;
    - (iii) notwithstanding (ii) above, an accessory building may be connected to a principal building by a roof or deck not exceeding 1.8 metres in width.

- (3) No part of an accessory building or structure shall be located in a required yard, unless otherwise provided for by this Zoning Bylaw.
- (4) Notwithstanding Section 130.01(3), the following are permitted anywhere on a lot or site:
  - (a) children's play equipment;
  - (b) flag poles allowing for flags no larger than 2 square metres located:
    - (i) on public property, school sites, and any site within a Marine Zone except Marine Zone 1; and
    - (ii) elsewhere to a maximum of one flagpole on a site;
  - (c) retaining walls;
  - (d) structures with no part higher than the grade line; and
  - (e) trellises.
- (5) An accessory building for the purpose of parking motor vehicles shall be allowed to be attached to the principal building within the RS5, RS9, RD1, RD2 zones and on sites that include lands identified in Section 204.13 Sunset Lane Lands provided that:
  - (a) the total length of the building face of the accessory building, including the attachment to the principal building, does not exceed 6.7 metres; and
  - (b) where not attached, be separated by no less than 1.2 metres;
- (6) Where no part of an accessory building is located outside of the required yards of the principal building (Figure 1), the accessory building shall:
  - (a) abut the principal building; or
  - (b) where not abutting, be separated by no less than 1.2 metres.
- (7) An accessory building located partly or entirely within the rear yard shall be:
  - (a) no less than 1.2 metres from the rear site line;

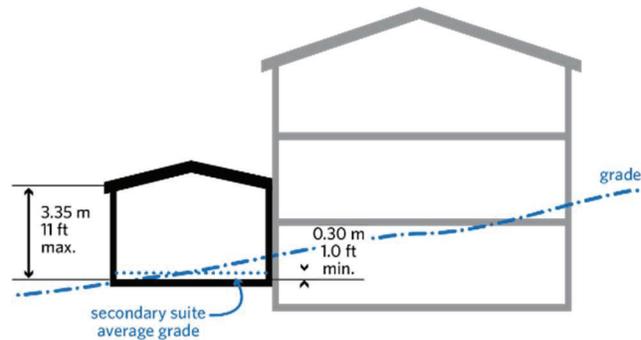
- (b) no less than 4.5 metres from the principal building; and
  - (c) permitted to be located within the side yards in the RS5, RS9, RD1 and RD2 zones where no part of the accessory building is further than 12.1 metres from the rear site line (Figure 2).
- (8) Where an accessory building is located at least 4.5 metres from the principal building, 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) Unless otherwise provided for in this Zoning Bylaw, an accessory building shall be located a minimal distance of:
- (a) 4.5 metres from a principal building, with the exception of no more than 4.6 square metres of the floor area otherwise permitted on the site that may be located in a single accessory building abutting the principal building;
  - (b) 3.0 metres from a building containing a detached accessory suite; and
  - (c) 1.2 metres from another accessory building.
- (10) An accessory building or structure shall not exceed a height of:
- (a) one storey plus basement; and
  - (b) 3.7 metres from the average grade elevation measured:
    - (i) from the accessory building or structure perimeter;
    - (ii) notwithstanding (i) above, for sites that include lands identified in Section 204.13 Sunset Lane Lands, from the elevation of the traveled lane surface directly adjacent to the subject site for accessory buildings and structures located so that no part is greater than 10 metres from the rear property line.



3.3.2 Deleting section 130.05 in its entirety and replacing with the following:

- (1) The number of secondary suites shall not exceed:
  - (a) one on a lot with a single-family dwelling; or
  - (b) two on a lot with a duplex dwelling, with no more than one secondary suite accessory to each principal dwelling.
- (2) A secondary suite shall:
  - (a) be part of the principal building; or
  - (b) comprise the use of the whole of a separate building abutting the principal building (Figure 1) that:
    - (i) is a single basement storey with no part located directly beneath the perimeter defined by the exterior walls of any story of the principal building above;
    - (ii) has a floor area no greater than 46.5 square metres with no interior doors or other interconnection with the principal building; and
    - (iii) is calculated with a separate average grade from the principal building and has a height measured in accordance with Section 120.19 no greater than 3.35 metres.

Figure 1



- (3) A secondary suite shall have:
- (a) a floor area no less than 20 square metres; and
  - (b) a separate, exterior entrance from that of the principal dwelling unit.
- (4) A secondary suite shall not:
- (a) be permitted on a lot where there is the keeping of lodgers, a community care facility, a child care facility, or a bed and breakfast;
  - (b) be subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act; or
  - (c) have separate metering for water service and electrical service from the principal dwelling unit.
- (5) The registered owner of a lot with a secondary suite shall:
- (a) occupy, as their principal place of residence, either the principal dwelling unit, detached secondary suite or the secondary suite on the lot, or;
  - (b) identify a property manager with an address within the District of West Vancouver, City of North Vancouver or District of North Vancouver to manage the principal and accessory units and their occupants by:
    - (i) authorizing the property manager to address complaints of neighbours or the District arising from occupancy including the parking of motor vehicles by the occupants; and

- (ii) providing the District the name, address, telephone number and e-mail address of the property manager and authorizing the District to contact them in the event of such complaints.

3.3.3 Deleting section 130.051 in its entirety and replacing with the following:

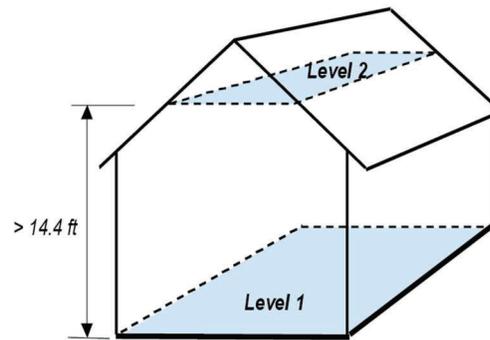
- (1) The number of detached secondary suites shall not exceed one per lot, and shall not be permitted on a lot with a duplex.
- (2) The maximum floor area of a detached secondary suite shall not exceed the greater of:
  - (a) 111.5 square metres; and
  - (b) 10% of the site area.
- (3) Notwithstanding (2) above, the gross floor area of a building containing a detached secondary suite shall be no greater than 148.6 square metres, inclusive of all floor area:
  - (a) specified in Sections 130.08(4) and 130.08(5) and part of the building containing a detached secondary suite, and
  - (b) located within any accessory building connected by a roof or covered deck to the building containing the detached secondary suite.
- (4) A detached secondary suite shall not be permitted on a lot where there is
  - (a) an accessory building for the purposes of vehicle storage; or
  - (b) greater than 20.5 square metres of vehicle storage within the building containing the detached secondary suite.
- (5) where there is the keeping of lodgers, a community care facility, a child care facility, or a bed and breakfast; or
- (6) The maximum number of storeys of a building containing a detached secondary suite shall be 2 plus basement provided that the:
  - (a) main storey shall have:

- (i) no less than 30% of the total habitable space of the suite; and
  - (ii) no more than 20.4 square metres of space for storage of vehicles;
- (b) upper storey shall have a floor area no more than:
  - (i) 60% of the main floor area for a building with a pitched roof in accordance with Section 120.19(1)(b); and
  - (ii) 50% of the main floor area for a building with any other roof form.
- (7) The maximum height of a building containing a detached secondary suite shall be:
  - (a) 4.57 metres if one storey; or
  - (b) 6.40 metres if two storeys.
- (8) The combined width of dormers of a building containing a detached secondary suite shall be limited to no more than:
  - (a) 50% of a building face; and
  - (b) 30% of the building perimeter.
- (9) No part of a building containing a detached secondary suite shall be located in a required yard, except the minimum setback to a rear site line is:
  - (a) 1.2 metres for a one-storey building;
  - (b) for a two-storey building, the greater of
    - (i) 1.52 metres; and
    - (ii) 10% of site width to a maximum of 3.0 metres;
  - (c) notwithstanding (b) above, where a rear site line is shared with an open lane:
    - (i) the minimum setback from the site line shared with an open lane for a building of any height is 1.2 metres; and

- (ii) the front entry of the building must face the open lane and be set back a minimum of 1.8 metres from the site line.
- (10) No part of a building containing a detached secondary suite shall be located less than 4.9 metres from a principal building.
- (11) A lot with a detached secondary suite shall include a minimum 6.0 square metres of exterior site area for the exclusive use of the occupants of the detached secondary suite.
- (12) A detached secondary suite shall not:
  - (a) be permitted on a lot where there is the keeping of lodgers, a community care facility, a child care facility, or a bed and breakfast; or
  - (b) be subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.
- (13) The registered owner of a lot with a detached secondary suite shall:
  - (a) occupy, as their principal place of residence, either the principal dwelling unit, detached secondary suite or the secondary suite on the lot; or
  - (b) identify a property manager with an address within the District of West Vancouver, City of North Vancouver or District of North Vancouver to manage the principal and accessory units and their occupants by:
    - (i) authorizing the property manager to address complaints of neighbours or the District arising from occupancy including the parking of motor vehicles by the occupants; and
    - (ii) providing the District the name, address, telephone number and e-mail address of the property manager and authorizing the District to contact them in the event of such complaints.

- 3.3.4 Deleting section 130.08 in its entirety and replacing with the following:
- (1) The overall floor area of development on a site is the sum of the areas of all buildings, structures, and enclosed or partially enclosed areas, unless specifically provided for in this Zoning Bylaw, including:
    - (a) the projected storey area measured to the exterior walls of each floor inclusive of basements, bay windows, and open stairwells, elevator shafts and all similar openings in a storey;
    - (b) buildings, portions of buildings or structures for the storage of vehicles including carports measured to the outermost projection of the exterior walls or posts;
    - (c) the portions of decks or other exterior areas covered by roofs, trellises, decks or other overhangs:
      - (i) more than 1.2 metres from the exterior wall of the building and located above the first storey; or
      - (ii) with more than 60% of the perimeter enclosed by walls, doors, windows, privacy screens, retaining walls or railings higher than the lesser of 1.1 metres or the height required by the BC Building Code, located on any storey or on the ground surface;
    - (d) courtyards or other uncovered, exterior areas with more than 85% of the perimeter enclosed by walls, doors, windows or privacy screens, located on any storey or on the ground surface.
  - (2) All floor area where the vertical distance between the floor and the horizontal structural members at 0.6 metre on-centre above exceeds 4.4 metres (Figure 1), with the exception of uncovered areas in accordance with Section 130.08(1)(d) shall be:
    - (a) counted twice; or
    - (b) counted once for any portion otherwise excluded by this Zoning Bylaw.

Figure 1



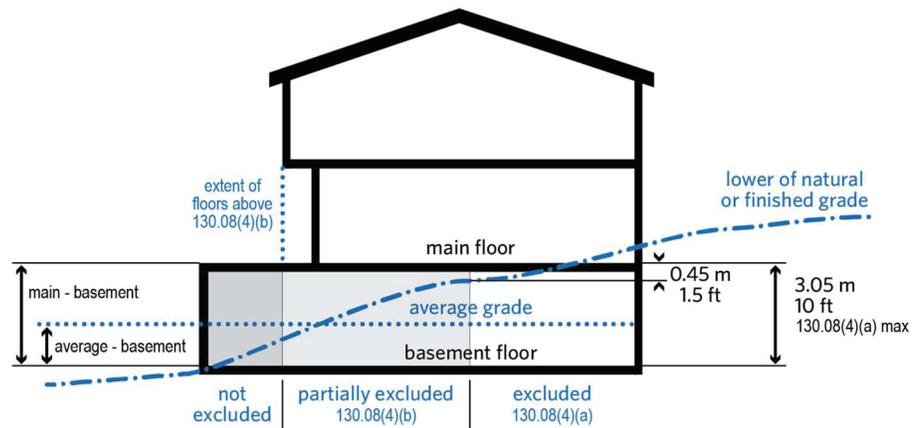
- (3) Floor area counted in 130.08(1) shall exclude the following non-habitable spaces:
- (a) crawl spaces and non-habitable attics; and
  - (b) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the floor area specified in Section 120.29(2).
- (4) Floor area counted in 130.08(1) shall exclude or partially exclude the following basement areas (Figure 2):
- (a) an underground basement or portion thereof provided that:
    - (i) no part is located outside of the perimeter defined by the exterior walls of the story immediately above;
    - (ii) the top of the floor structure immediately above is no greater than 0.45 metre above the lower of natural and finished grade at the perimeter; and
    - (iii) the top of the floor structure immediately above is no greater than 2.75 metres above the basement floor;
  - (b) a partially underground basement or portion thereof provided that:
    - (i) no part is located outside of the perimeter defined by the exterior walls of any story above; and
    - (ii) the excluded floor area is calculated (all measurements in metric) as the basement floor area times the lesser of:

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

and

$$\frac{\text{average grade} - \text{basement floor elevation}}{2.75 \text{ metres}}$$

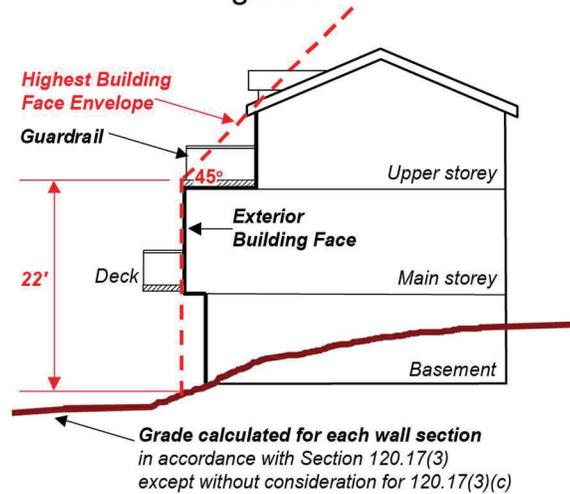
Figure 2



- (5) Floor area counted in 130.08(1) shall exclude the following spaces:
- (a) no more than 41.0 square metres in total for the following purposes on a lot:
    - (i) storage of vehicles within a principal building, accessory building, or a building containing a detached secondary suite;
    - (ii) secondary suite within a building abutting a principal building in accordance with Section 130.05(2)(b);
    - (iii) detached secondary suite; and
    - (iv) accessory buildings;
  - (b) where the floor area of a site in accordance with Section 130.08 is no greater than the maximum specified by the zone, and the site is located in the RS2, RS3, RS4, RS5, RS7, RS8, RS9 or RS10 zones, either, but not both:

- (i) a secondary suite or portion thereof within a building abutting a principal building in accordance with Section 130.05(2)(b) to the maximum of 46.5 square metres or 0.05 times the site area, whichever is less; or
  - (ii) a detached secondary suite or portion thereof to the maximum of 74.3 square metres or 0.10 times the site area, whichever is less;
- (3) where the floor area of a site in accordance with Section 130.08 is greater than the maximum specified by the zone, and the site is located in the RS2, RS3, RS4, RS5, RS7, RS8, RS9 or RS10 zones, (b) above shall apply provided that:
- (a) the existing principal building was issued a building permit prior to January 1, 1976;
  - (b) the floor area on the site is no greater than the maximum specified by the zone in this Zoning Bylaw in accordance with those regulations in place on January 1, 2021; and
  - (c) no building permit increasing floor area in accordance with this Zoning Bylaw has been issued later than January 1, 2021.
- 3.3.5 Deleting section 130.10 in its entirety, retitling it “Highest Building Face Envelope Calculation” and replacing with the following:
- (1) The highest building face envelope is calculated by defining a series of lines at all points along the highest building face by:
    - (a) starting from the grade determined in accordance with 120.17(3), except without consideration for any adjustment on account of provision 120.17(3)(c);
    - (b) projecting vertical to the height specified in the zone;
    - (c) proceeding perpendicular to the building face as viewed in plan, while inclining inward at a 45° angle (Figure 1).

Figure 1



- (2) All portions of the building must be within the highest building face envelope defined by 130.10(1), except:
- (a) one continuous section with a maximum length equal to 33% of the length of the highest building face;
  - (b) where a building is designed to meet the Energy Step Code, the height specified in Section 120.29(1);
  - (c) pitched roof portions of either gable ends or dormers including:
    - (i) non-habitable attic above the intersection of the ceiling joist and the exterior wall; and
    - (ii) the area above the intersection of the vaulted roof joist and the exterior wall;
  - (d) decks, eaves and decorative projections not enclosing the interior of the building;
  - (e) notwithstanding 130.10(2)(d), where the highest building face is within 3.0 metres of a required yard and is parallel or approximately parallel to a site line shared with an open or un-opened public street right-of-way, not including a lane, eaves shall project no more than 1.2 metres into the highest building face envelope.

3.3.6 Amending section 130.16(4) by deleting “\$50,000.00,” and replacing with “\$25,000.00,”.

- 3.3.7 Deleting section 130.16(7) in its entirety and replacing with the following:

Impermeable surfaces and un-vegetated permeable surfaces of each yard adjacent to an open or un-opened public street right-of-way, not including a lane, shall not exceed the lesser of:

- (1) the area required to provide access from the abutting street to the principal building of the site by means of a pedestrian sidewalk with a maximum width of 1.5 metres, driveway with a maximum width of 4.5 metres, and a sufficient area for turning passenger vehicles in accordance with this Zoning Bylaw; and
- (2) 50% of the site area of the yard.

- 3.3.8 Adding section 130.16(8) after section 130.16(7) as follows, renumbering the remainder of the section:

Any additional site area covered by impermeable surfaces or un-vegetated permeable surfaces regulated by and in excess of that allowed by section 130.16(7) shall be:

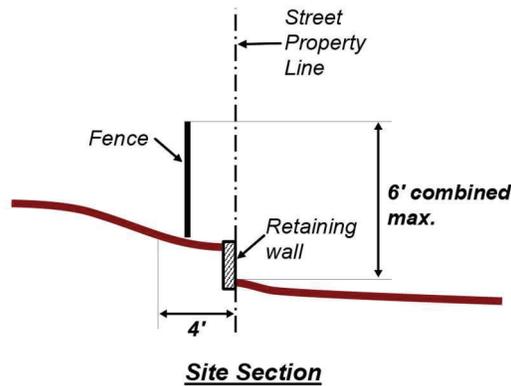
- (1) turf blocks or similar material; and
- (2) permitted only where an equal or greater area of vegetated, permeable surfaces is located elsewhere on the site.

- 3.3.9 Deleting section 130.17(2) in its entirety and replacing with the following:

Where a fence is located on or within 1.2 m of a retaining wall, the maximum combined height of the fence and retaining wall is the lesser of:

- (1) 1.8 metres if located in a yard adjacent to an open or un-opened public street right-of-way, not including a lane (Figure 1);
- (2) 2.4 metres if located elsewhere on the site; and
- (3) the fence height specified in (1) above.

Figure 1



3.4 Zoning Bylaw No. 4662, 2010 is amended by:

3.4.1 Deleting section 141.03(1)(a) in its entirety and replacing with the following:

extends no more than 0.45 metre above the average grade elevation at any point along its perimeter, except directly in front of the garage door; and

## Part 4 Amendment of Zones

4.1 Zoning Bylaw No. 4662, 2010 is amended by:

4.1.1 Adding section 211 after section 210 as follows:

### 211 – RS2-UL Single Family Dwelling Zone 2 – Upper Lands

SECTION	REGULATION
---------	------------

<b>211.01</b>	<b>Permitted Uses</b>
---------------	-----------------------

- |     |   |
|-----|---|
| (a) | accessory buildings and uses  |
| (b) | child care  |
| (c) | community care  |
| (d) | detached secondary suite  |
| (e) | golf courses excluding commercial driving ranges and miniature golf courses |
| (f) | home based business   |
| (g) | keeping of chickens   |
| (h) | lodgers   |

- (i) secondary suites
- (j) single family dwellings

**211.02 Conditions of Use**

The keeping of not more than 2 lodgers within a single family dwelling.

**211.03 Site Area**

1,858 square metres minimum

**211.04 Site Width and Depth**

Width - 24.4 metres minimum; except 30.4 metres minimum for a flanking lot

Depth - shall be a minimum of 39.6 metres and shall not exceed 3 ½ times the site width

**211.05 Site Coverage**

Either:

- (1) 30% of site area maximum, if site area is greater than 885 square metres; or
- (2) 266 square metres maximum, if site area is 664 square metres to 885 square metres; or
- (3) 40% of site area maximum, if site area is less than 664 square metres

**211.06 Floor Area Ratio**

Either:

- (1) 0.35 of site area maximum, if site area is greater than 677 square metres; or
- (2) 237 square metres maximum, if site area is 474 to 677 square metres; or
- (3) 0.50 of site area maximum, if site area is less than 474 square metres

**211.07 Front Yard**

9.1 metres minimum

**211.08 Rear Yard**

9.1 metres minimum

**211.09 Side Yard and Combined Side Yard**

- (1) Dwellings of 1 storey, with or without basement; or 2 storeys, with or without basement, in which the upper storey width is less than 2/3 the minimum main storey width:

- (a) minimum side yard:
  - (i) 1.52 metres
- (b) minimum combined side yard:
  - (i) 4.9 metres if site width is less than 24.3 metres; or
  - (ii) 20% of site width, but need not exceed 12.1 metres
- (2) All other dwellings (i.e. dwellings of 2 storeys, with or without basement, in which the upper storey width is greater than 2/3 the minimum main storey width):
  - (a) minimum side yard:
    - (i) 1.52 metres if site width is less than 15.2 metres; or
    - (ii) 10% of site width, to a maximum of 3 metres
  - (b) minimum combined side yard:
    - (i) 4.9 metres if site width is less than 19.5 metres; or
    - (ii) 25% of site width, but need not exceed 18.2 metres
- (3) Where vehicular entrance to a private parking garage is provided from a side street and where the garage door faces the side street, a side yard of 4.5 metres minimum shall be provided to the building containing the private parking garage
- (4) Where a pedestrian entrance is provided to a side street, any door facing the side street shall be no closer than 4.5 metres to the entrance side site line
- (5) A building on a corner flanking site shall maintain the front yard requirements of both streets
- 211.10 Building Height**  
7.62 metres maximum
- 211.11 Number of Storeys**  
2 plus basement maximum
- 211.12 Highest Building Face**  
6.7 metres in height
- 4.1.2 The lands shown shaded on the map attached as Schedule A to this bylaw are rezoned from RS2 – Single Family Dwelling Zone 2 to RS2-UL Single Family Dwelling Zone 2 – Upper Lands.
- 4.1.3 Adding section 212 after section 211 as follows:

## 212 – RS3-UL Single Family Dwelling Zone 3 – Upper Lands

### SECTION REGULATION

#### 212.01 Permitted Uses

- (a) accessory buildings and uses
- (b) child care
- (c) community care
- (d) detached secondary suite
- (e) golf courses excluding commercial driving ranges and miniature golf courses
- (f) home based business
- (g) keeping of chickens
- (h) lodgers
- (i) secondary suites
- (j) single family dwellings

#### 212.02 Conditions of Use

The keeping of not more than 2 lodgers within a single family dwelling.

#### 212.03 Site Area

1,115 square metres minimum

#### 212.04 Site Width and Depth

Width - 24.4 metres minimum; except 29 metres minimum for a flanking lot

Depth - shall not exceed 4 times the site width

#### 212.05 Site Coverage

Either:

- (1) 30% of site area maximum, if site area is greater than 885 square metres; or
- (2) 266 square metres maximum, if site area is 664 square metres to 885 square metres; or
- (3) 40% of site area maximum, if site area is less than 664 square metres

#### 212.06 Floor Area Ratio

Either:

- (1) 0.35 of site area maximum, if site area is greater than 677 square metres; or
- (2) 237 square metres maximum, if site area is 474 to 677 square metres; or
- (3) 0.50 of site area maximum, if site area is less than 474 square metres

**212.07 Front Yard**

9.1 metres minimum

**212.08 Rear Yard**

9.1 metres minimum

**212.09 Side Yard and Combined Side Yard**

- (1) Dwellings of 1 storey, with or without basement; or 2 storeys, with or without basement, in which the upper storey width is less than  $\frac{2}{3}$  the minimum main storey width:
  - (a) minimum side yard:
    - (i) 1.52 metres
  - (b) minimum combined side yard:
    - (i) 20% of site width, but no less than 4.9 metres or more than 12.1 metres
- (2) All other dwellings (i.e. dwellings of 2 storeys, with or without basement, in which the upper storey width is greater than  $\frac{2}{3}$  the minimum main storey width):
  - (a) minimum side yard:
    - (i) 1.52 metres if site width is less than 15.2 metres; or
    - (ii) 10% of site width, to a maximum of 3 metres
  - (b) minimum combined side yard:
    - (i) 25% of site width, but no less than 4.9 metres or more than 18.3 metres
- (3) Where vehicular entrance to a private parking garage is provided from a side street and where the garage door faces the side street, a side yard of 4.5 metres minimum shall be provided to the garage door
- (4) Where a pedestrian entrance is provided to a side street, any door facing the side street shall be no closer than 4.5 metres to the entrance side site line
- (5) A building on a corner flanking site shall maintain the front yard requirements of both streets

- 212.10 Building Height**  
7.62 metres maximum
- 212.11 Number of Storeys**  
2 plus basement maximum
- 212.12 Highest Building Face**  
6.7 metres in height

4.1.4 The lands shown shaded on the map attached as Schedule B to this bylaw are rezoned from RS3 – Single Family Dwelling Zone 3 to RS3-UL Single Family Dwelling Zone 3 – Upper Lands.

4.1.5 Adding section 213 after section 212 as follows:

### **213 – RS8-UL Single Family Dwelling Zone 3 – Upper Lands**

#### SECTION REGULATION

##### **213.01 Permitted Uses**

- (a) accessory buildings and uses
- (b) child care
- (c) cluster housing
- (d) community care
- (e) detached secondary suite
- (f) home based business
- (g) keeping of chickens
- (h) lodgers
- (i) real estate presentation centre, office and park accessory uses at McGavin Field
- (j) secondary suites
- (k) single family dwellings

##### **213.02 Conditions of Use**

- (a) The keeping of not more than 2 lodgers within a single family dwelling
- (b) Bistro – maximum 1 instance in this zone with a maximum gross floor area of 180 m<sup>2</sup>

##### **213.03 Site Area**

929 square metres minimum

##### **213.04 Site Width and Depth**

Width - 21.3 metres minimum; except 24.3 metres minimum for a flanking lot

Depth - shall not exceed 3 times the site width

**213.05 Site Coverage**

Either:

- (1) 30% of site area maximum, if site area is greater than 885 square metres; or
- (2) 266 square metres maximum, if site area is 664 square metres to 885 square metres; or
- (3) 40% of site area maximum, if site area is less than 664 square metres

**213.06 Floor Area Ratio**

Either:

- (1) 0.35 of site area maximum, if site area is greater than 677 square metres; or
- (2) 237 square metres maximum, if site area is 474 to 677 square metres; or
- (3) 0.50 of site area maximum, if site area is less than 474 square metres

**213.07 Front Yard**

9.1 metres minimum

**213.08 Rear Yard**

9.1 metres minimum

**213.09 Side Yard and Combined Side Yard**

- (1) Dwellings of 1 storey, with or without basement; or 2 storeys, with or without basement, in which the upper storey width is less than  $\frac{2}{3}$  the minimum main storey width:
  - (a) minimum side yard:
    - (i) 1.52 metres
  - (b) minimum combined side yard:
    - (i) 20% of site width, but no less than 3 metres or more than 12.1 metres
- (2) All other dwellings (i.e. dwellings of 2 storeys, with or without basement, in which the upper storey width is greater than  $\frac{2}{3}$  the minimum main storey width):
  - (a) minimum side yard:

- (i) 10% of site width, but no less than 1.52 metres or more than 3 metres
- (b) minimum combined side yard:
  - (i) 25% of site width, but no less than 6.7 metres or more than 18.2 metres
- (3) Where vehicular entrance to a private parking garage is provided from a side street and where the garage door faces the side street, a side yard of 4.5 metres minimum shall be provided to the garage door
- (4) Where a pedestrian entrance is provided to a side street, any door facing the side street shall be no closer than 4.5 metres to the entrance side site line
- (5) A building on a corner flanking site shall maintain the front yard requirements of both streets

**213.10 Building Height**

7.62 metres maximum

**213.11 Highest Building Face**

6.7 metres in height

**213.12 Number of Storeys**

2 plus basement maximum

**213.13 Zone Density**

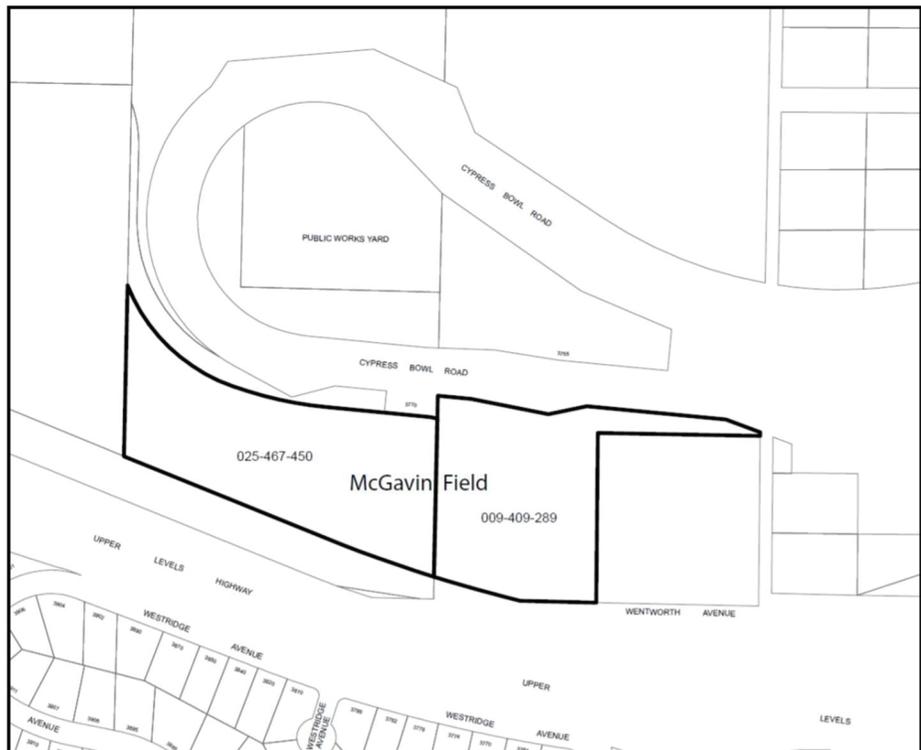
- (1) Notwithstanding any of the provisions of this subdivision, the overall density in this zone shall be the lesser of:
  - (a) 1.5 dwellings per 0.4 hectare, and
  - (b) the number of lots per hectare which could be created pursuant to the provisions of Sections 208.04 and 208.07 to 208.09
- (2) Subject to the provisions of this section, the density for a parcel of land may be increased to a maximum of 20 dwellings per gross hectare, provided that:
  - (a) the overall density of this zone does not exceed that provided for in Section 208.14(1);
  - (b) there is an equal and off-setting reduction in the number of dwellings or lots for which other developable land in this zone might otherwise be developed in accordance with Section 208.13(1), in which case:
    - (i) if land is to be completely divested of the right to be developed to any density, title to that land shall be

conveyed to the District in fee simple free and clear of all encumbrances except statutory rightsof-way and reservations contained in the original grant from the Crown; or

- (ii) where land has been partially divested of the right to be developed to the maximum density permitted by Section 208.13(1), a covenant pursuant to Section 219 of the Land Title Act shall be granted to the District to provide that the land shall only be developed or used for the number of dwellings to which entitlement for development of that land has been reduced.

**208.14 McGavin Field**

McGavin Field is legally described as PID: 025-467-450, Lot 1 District Lot 888 Group 1 New Westminster District Plan BCP389 and 009-409-289, Loc C of Block 2 District Lot 888 Group 1 New Westminster District Plan 21528 and as shown on the map below.



4.1.6 The lands shown shaded on the map attached as Schedule C to this bylaw are rezoned from RS8 – Single Family Dwelling Zone 8 to RS8-UL Single Family Dwelling Zone 8 – Upper Lands.

4.1.7 Adding section 214 after section 213 as follows:

## 214 – RS10-UL Single Family Dwelling Zone 10 – Upper Lands

### SECTION REGULATION

#### 214.01 Permitted Uses

- (a) accessory buildings and uses
- (b) child care
- (c) community care
- (d) detached secondary suite
- (e) golf courses excluding commercial driving ranges and miniature golf courses
- (f) home based business
- (g) keeping of chickens
- (h) lodgers
- (i) secondary suites
- (j) single family dwellings

#### 214.02 Conditions of Use

The keeping of not more than 2 lodgers within a single family dwelling.

#### 214.03 Site Area

1,115 square metres minimum

#### 214.04 Site Width and Depth

Width - 24.4 metres minimum; except 30.4 metres minimum for a flanking lot

Depth - shall not exceed 3 1/2 times the site width

#### 214.05 Site Coverage

Either:

- (1) 30% of site area maximum, if site area is greater than 885 square metres; or
- (2) 266 square metres maximum, if site area is 664 square metres to 885 square metres; or
- (3) 40% of site area maximum, if site area is less than 664 square metres

#### 214.06 Floor Area Ratio

Either:

- (1) 0.35 of site area maximum, if site area is greater than 677 square metres; or
- (2) 237 square metres maximum, if site area is 474 to 677 square metres; or
- (3) 0.50 of site area maximum, if site area is less than 474 square metres

**214.07 Front Yard**

9.1 metres minimum

**214.08 Rear Yard**

9.1 metres minimum

**214.09 Side Yard and Combined Side Yard**

- (1) Dwellings of 1 storey, with or without basement; or 2 storeys, with or without basement, in which the upper storey width is less than  $\frac{2}{3}$  the minimum main storey width:
  - (a) minimum side yard:
    - (i) 1.52 metres
  - (b) minimum combined side yard:
    - (i) 4.9 metres if site width is less than 24.3 metres; or
    - (ii) 20% of site width, but need not exceed 12.1 metres
- (2) All other dwellings (i.e. dwellings of 2 storeys, with or without basement, in which the upper storey width is greater than  $\frac{2}{3}$  the minimum main storey width):
  - (a) minimum side yard:
    - (i) 1.52 metres if site width is less than 15.2 metres; or
    - (ii) 10% of site width, to a maximum of 3 metres
  - (b) minimum combined side yard:
    - (i) 4.9 metres if site width is less than 19.5 metres; or
    - (ii) 25% of site width, but need not exceed 18.2 metres
- (3) Where vehicular entrance to a private parking garage is provided from a side street and where the garage door faces the side street, a side yard of 4.5 metres minimum shall be provided to the building containing the private parking garage
- (4) Where a pedestrian entrance is provided to a side street, any door facing the side street shall be no closer than 4.5 metres to the entrance side site line

(5) A building on a corner flanking site shall maintain the front yard requirements of both streets

**214.10 Building Height**

7.62 metres maximum

**214.11 Number of Storeys**

2 plus basement maximum

**214.12 Highest Building Face**

6.7 metres in height

4.1.8 The lands shown shaded on the map attached as Schedule D to this bylaw are rezoned from RS10 – Single Family Dwelling Zone 10 to RS10-UL Single Family Dwelling Zone 10 – Upper Lands.

4.2 Zoning Bylaw No. 4662, 2010 is amended by:

4.2.1 Deleting section 202.03 in its entirety and replacing with the following:

1,625 square metres minimum

4.2.2 Deleting section 202.04 in its entirety and replacing with the following:

Width 18.3 metres minimum; except 22.8 metres for a flanking lot

Depth shall be a minimum of 29.7 metres and shall not exceed 4 ½ times the site width

4.2.3 Deleting section 202.06 in its entirety and replacing with the following:

Either:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 975.5 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

4.2.4 Deleting section 203.03 in its entirety and replacing with the following:

975 square metres minimum

- 4.2.5 Deleting section 203.04 in its entirety and replacing with the following:

Width 18.3 metres minimum; except 21.7 metres for a flanking lot

Depth shall not exceed 5 times the site width

- 4.2.6 Deleting section 203.06 in its entirety and replacing with the following:

Either:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 585.4 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

- 4.2.7 Deleting section 204.03 in its entirety and replacing with the following:

731 square metres minimum

- 4.2.8 Deleting section 204.04 in its entirety and replacing with the following:

Width 17.1 metres minimum; except 20.1 metres for a flanking lot

Depth shall not exceed 5 times the site width

- 4.2.9 Deleting section 204.06 in its entirety and replacing with the following:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 438.9 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

4.2.10 Deleting section 205.03 in its entirety and replacing with the following:

488 square metres minimum

4.2.11 Deleting section 205.04 in its entirety and replacing with the following:

Width 13.3 metres minimum; except 18.1 metres for a flanking lot

Depth shall not exceed 4.5 times the site width

4.2.12 Deleting section 205.06 in its entirety and replacing with the following:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 293 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

4.2.13 Deleting section 207.03 in its entirety and replacing with the following:

812 square metres minimum

4.2.14 Deleting section 207.04 in its entirety and replacing with the following:

Width 15.9 metres minimum; except 18.2 metres for a flanking lot

Depth shall not exceed 4 times the site width

4.2.15 Deleting section 207.06 in its entirety and replacing with the following:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 487.7 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

4.2.16 Deleting section 207.13 in its entirety.

4.2.17 Deleting section 208.01(i) in its entirety and renumbering subsequent sections.

4.2.18 Deleting section 208.02 in its entirety and replacing with the following:

The keeping of not more than 2 lodgers within a single family dwelling.

4.2.19 Deleting section 208.03 in its entirety and replacing with the following:

812 square metres minimum

4.2.20 Deleting section 208.04 in its entirety and replacing with the following:

Width 15.9 metres minimum; except 18.2 metres for a flanking lot

Depth shall not exceed 4 times the site width

4.2.21 Deleting section 208.06 in its entirety and replacing with the following:

(1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 487.7 square metres; or

(2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

(3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

4.2.22 Deleting section 208.13 in its entirety.

4.2.23 Deleting section 208.14 in its entirety.

4.2.24 Deleting section 209.02 "Site Area" in its entirety.

- 4.2.25 Adding section 209.03 “Site Area” after section 209.02 as follows, renumbering the subsequent sections:
- 325 square metres minimum
- 4.2.26 Deleting renumbered section 209.04 in its entirety and replacing with the following:
- Width 8.7 metres minimum; except 14.1 metres for a flanking lot
- Depth shall not exceed 4.5 times the site width
- 4.2.27 Deleting renumbered section 209.06 in its entirety and replacing with the following:
- (1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 195 square metres; or
- (2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or
- (3) 0.50 of site area maximum, if site area is less than 408.8 square metres.
- 4.2.28 Deleting section 210.03 in its entirety and replacing with the following:
- 975 square metres minimum
- 4.2.29 Deleting section 210.04 in its entirety and replacing with the following:
- Width 18.3 metres minimum; except 22.8 metres for a flanking lot
- Depth shall not exceed 4.5 times the site width
- 4.2.30 Deleting section 210.06 in its entirety and replacing with the following:
- (1) 0.30 of site area maximum, if site area is greater than 681.3 square metres, to a floor area maximum of 585.4 square metres; or
- (2) 206.2 square metres maximum floor area, if site area is between 408.8 square metres and 681.3 square metres; or

- (3) 0.50 of site area maximum, if site area is less than 408.8 square metres.

## **Part 5 Effective Date**

- 5.1 Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5122, 2021 will be effective on January 31, 2022.

## **Part 6 Offence and Penalty**

- 6.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 6.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

## **Schedules**

- Schedule A – RS2-UL Amendment to Zoning Maps
- Schedule B – RS3-UL Amendment to Zoning Maps
- Schedule C – RS8-UL Amendment to Zoning Maps
- Schedule D – RS10-UL Amendment to Zoning Maps

READ A FIRST TIME on [Date]

PUBLICATION OF NOTICE OF PUBLIC HEARING on [Date]

PUBLIC HEARING HELD on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

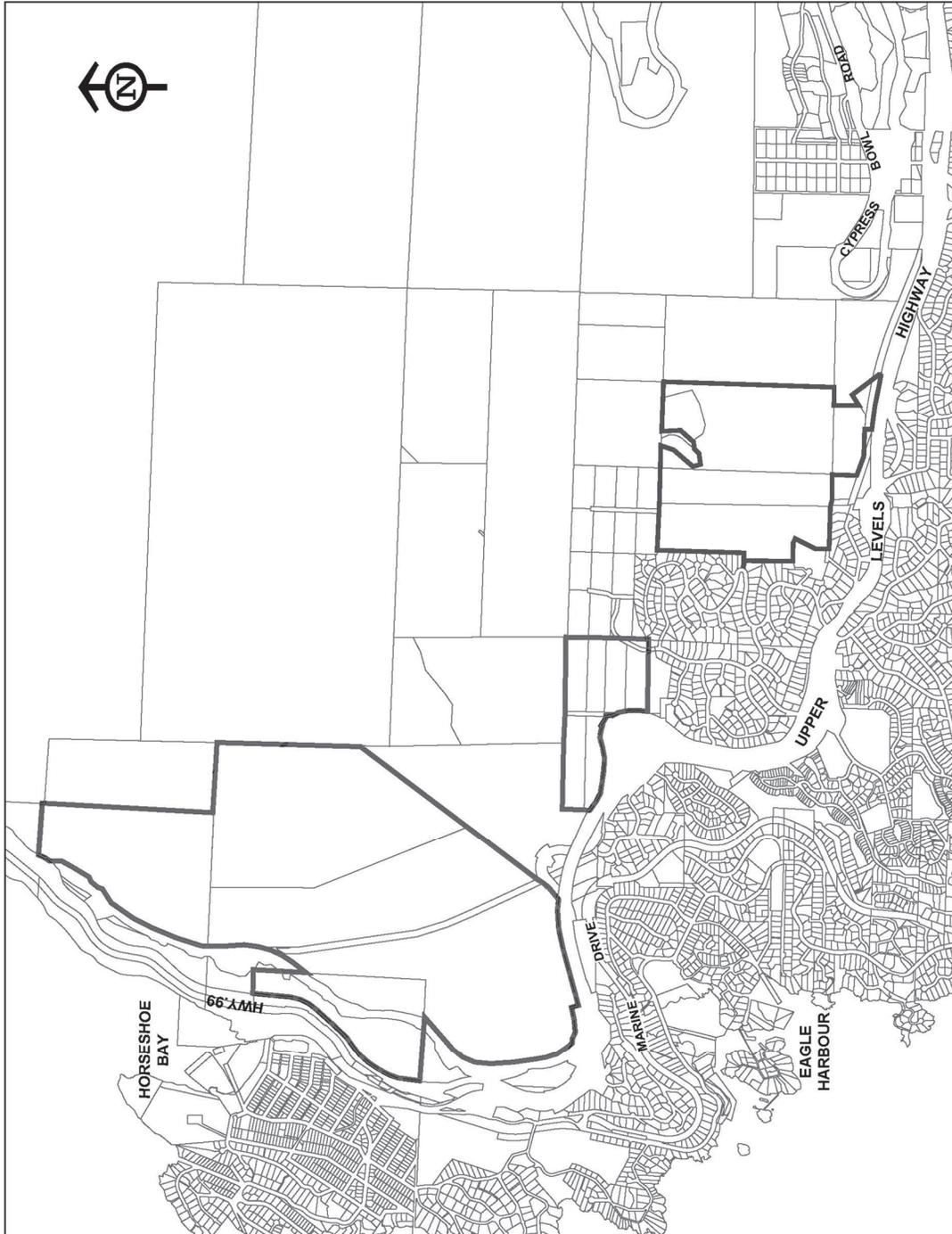
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Corporate Officer

## Schedule A – RS2-UL Amendment to Zoning Maps

Amendment to Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Maps.

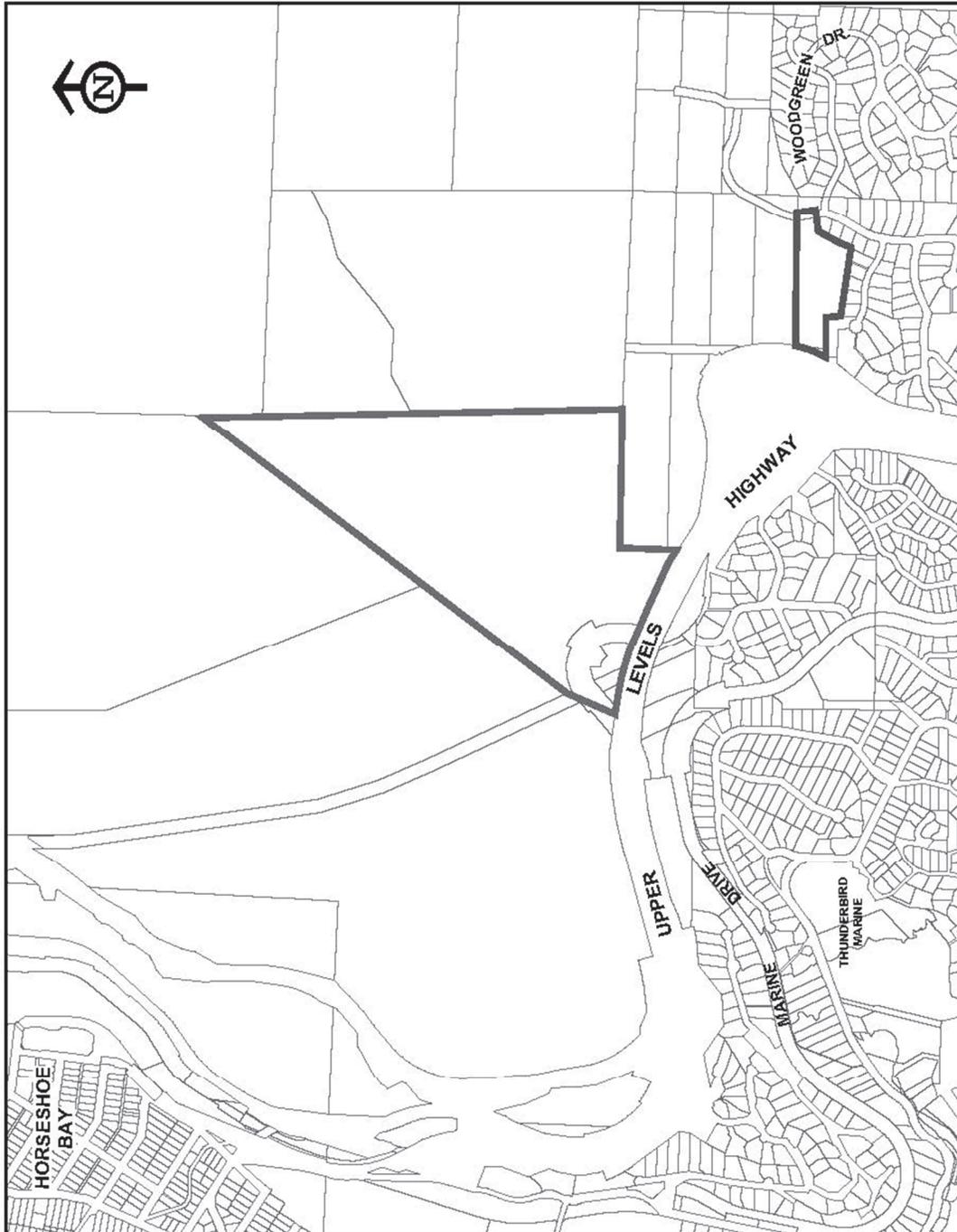
Sketch plan showing the area to be rezoned to RS2-UL.



## Schedule B – RS3-UL Amendment to Zoning Maps

Amendment to Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Maps.

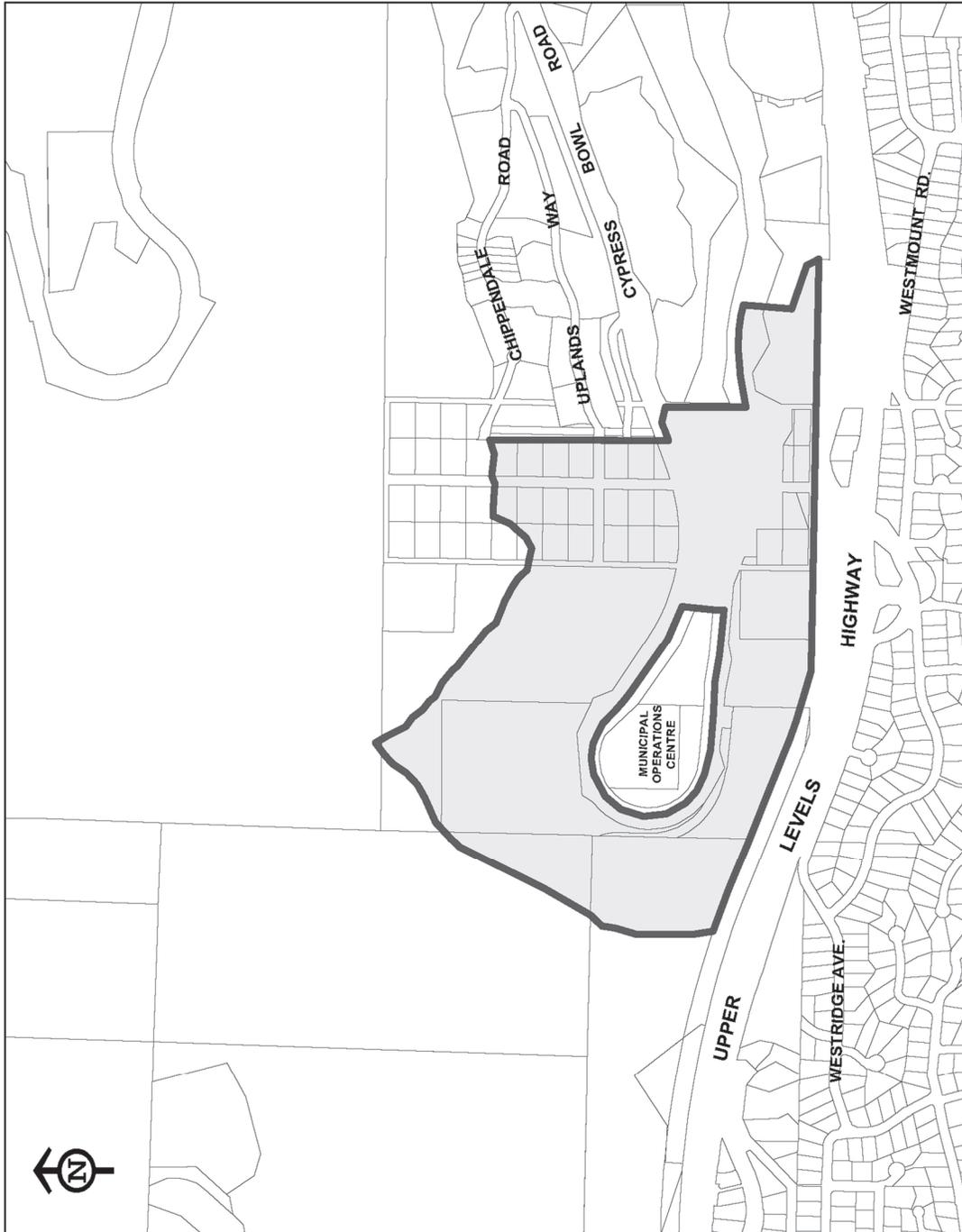
Sketch plan showing the area to be rezoned to RS3-UL.



## Schedule C – RS8-UL Amendment to Zoning Maps

Amendment to Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Maps.

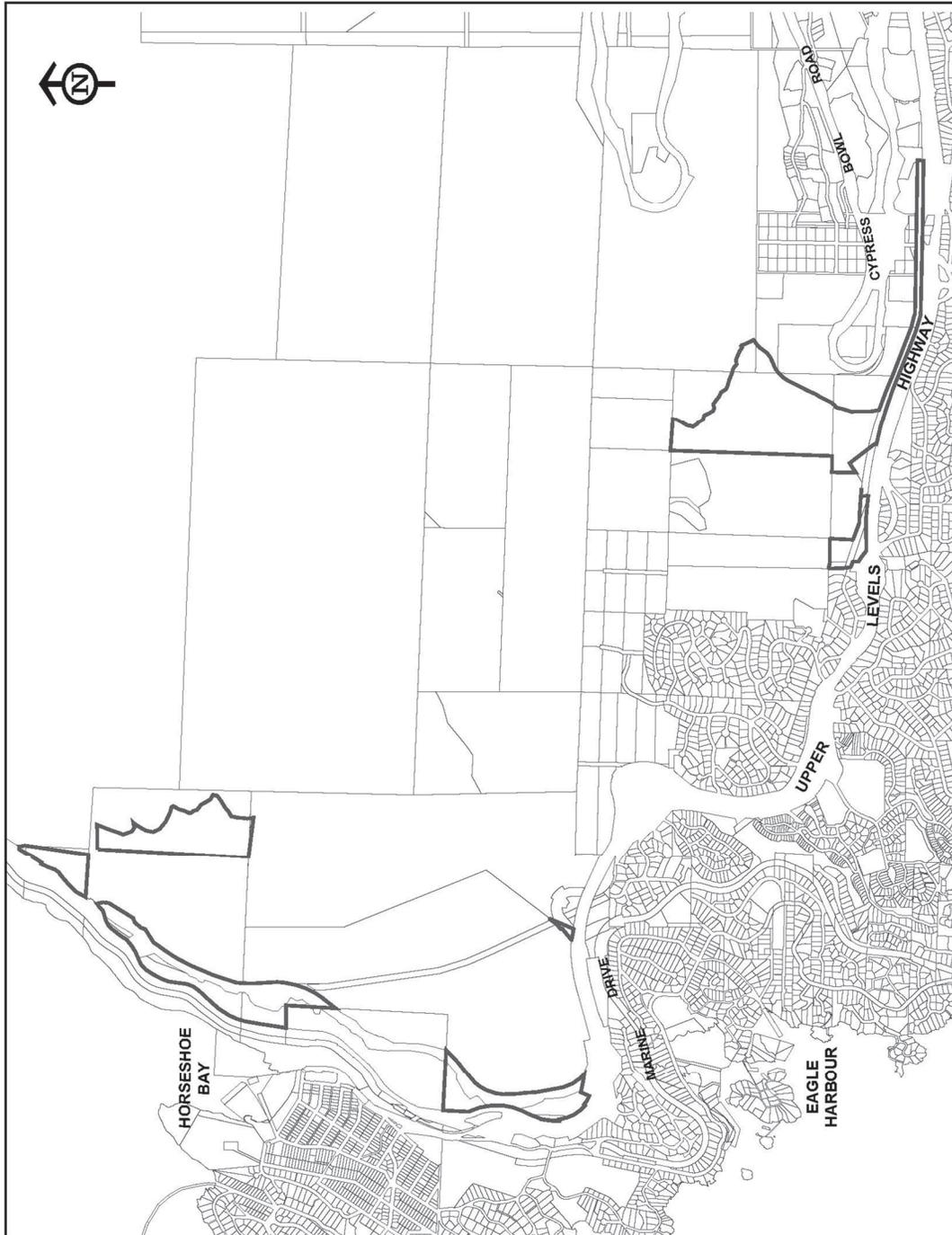
Sketch plan showing the area to be rezoned to RS8-UL.



## Schedule D – RS10-UL Amendment to Zoning Maps

Amendment to Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Maps.

Sketch plan showing the area to be rezoned to RS10-UL.



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District of West Vancouver

**Boulevard Bylaw No. 4886, 2016,  
Amendment Bylaw No. 5131, 2021**

Effective Date:

# **Boulevard Bylaw No. 4886, 2016, Amendment Bylaw No. 5131, 2021**

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District of West Vancouver

## **Boulevard Bylaw No. 4886, 2016, Amendment Bylaw No. 5131, 2021**

A bylaw to amend the Boulevard Bylaw No. 4886, 2016.

Previous amendments: Boulevard Bylaw 4886, 2016 Amendment Bylaw 5090, 2020

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for Boulevard Bylaw No. 4886, 2016

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Boulevard Bylaw No. 4886, 2016, Amendment Bylaw No. 5131, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Part 3 Previous Bylaw Repeal**

- 3.1 Encroachment Bylaw No. 3050, and the following amendment bylaws are hereby repealed:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 3255, 1986	December 15, 1986

## Part 4 Amends Definitions

Boulevard Bylaw No. 4886, 2016 Part 4 Definitions is amended by:

- 4.1 Replace ““Encroachment Bylaw” means Encroachment Bylaw No. 3050” with ““Encroachment” means the occupation of a part of the surface, sub-surface of or airspace above a highway by a building, structure or physical object.”
- 4.2 Add ““Owner” means any person who is the registered owner or owner under agreement of real property.”

## Part 5 Amends Landscaping on Boulevards

Boulevard Bylaw No. 4886, 2016 Part 5 Landscaping on Boulevards is amended by:

- 5.1 Replacing section 5.1.1 with the following:

Sodding or planting it with lawn and planting shrubs, ground covers, flowers, grasses or similar ornamental landscaping materials, but in no case any gravel or river rock except where permitted under section 7.5.1 herein, and in no case invasive plants; and

- 5.2 Replacing section 5.1.2 with the following:

Improving it with an encroachment that is authorized by or under this bylaw, or with a driveway crossing authorized under the Driveway Crossings Bylaw.

- 5.3 Adding new section 5.4 as follows:

Where obstruction of site lines may be a concern within the boulevard areas, as determined by the Director, height of mature shrubs must not exceed 0.6 m. Upon review by the Director the trees may be required to be limbed so that there is a 3.0 m clearance from the grade. Additionally, landscaping within a 1.0 m setback from the edge of travelled surface must provide clear sightlines between 0.6 m and 3 m in height.

- 5.4 Renumbering former section 5.4 to 5.5 and amending as follows:

Sections 5.3 and 5.4 do not authorize an owner to cut any boulevard tree with a DBH of 5 cm or more without obtaining a permit under Part 8.

- 5.5 Replacing former section 5.5 with the following and renumbering to section 5.6:

An owner who provides a landscaping plan pursuant to Section 130.16 of the Zoning Bylaw and who wishes to use an abutting boulevard under the authority of this bylaw must include the boulevard in the landscaping plan, and improve the boulevard in accordance with the approved landscaping plan and this bylaw. The landscaping plan application shall include the Boulevard Design Plan Review fee set out in Fees and Charges Bylaw No. 5025, 2019, as amended from time to time.

- 5.6 Adding new section 5.7 as follows:

Where a fence is permitted under section 130.17 of the Zoning Bylaw abutting the boulevard, landscaping, in accordance with Part 5, is required on the boulevard between the permitted fence and edge of travelled surface. The landscaping shall include shrubs, in accordance with this Bylaw, along the length of the fence on the street facing side. The Director may provide an exemption of the latter requirement based on an assessment of the site conditions.

- 5.7 Renumbering former sections 5.6 to 5.8 accordingly.

## **Part 6 Other Encroachments on Boulevards**

Boulevard Bylaw No. 4886, 2016 Part 6 Other Encroachments on Boulevards is amended by:

- 6.1 Replace section 6.3 with the following:

No person shall, except as authorized by an Encroachment Permit under this Bylaw or a crossing permit under the Driveway Crossings Bylaw, excavate in, construct or maintain any building, structure, or physical object on a boulevard.

- 6.2 Replacing section 6.5.4 with the following:

Does not, in the opinion of the Director, interfere with any tree;

- 6.3 Replacing section 6.5.5 with the following:

Does not obstruct sight lines from driveways or sidewalks or, when located near an intersection, obstruct driver sight lines to intersecting streets;

- 6.4 Adding section 6.5.6 as follows:

Is of a semi-permanent nature and may be easily removed;

6.5 Adding section 6.5.7 as follows:

Is not necessarily for the exclusive benefit of the owner of the real property to which the encroachment is adjacent to in the opinion of the Director;  
and

6.6 Adding section 6.5.8 as follows:

Has, as one of its principle purposes, in the opinion of the Director, the beautification or enhancement of the utility of such real property.

## **Part 7 Amends Encroachment Permits and Procedures**

Boulevard Bylaw No. 4886, 2016 Part 7 Encroachment Permits and Procedures is amended by:

7.1 Replacing section 7.1 with the following:

An owner of a lot abutting a boulevard or their authorized agent may apply to the Director for an Encroachment Permit in respect of any encroachment on the boulevard that is not permitted by Part 5 or Part 6, other than an encroachment that is within the scope of the Driveway Crossings Bylaw.

7.2 Replacing section 7.5.1(a) with the following:

An uncurbed, compacted surface up to 2.7 m in width and 7 m in length for one motor vehicle parking space parallel to the roadway, provided that such encroachment is consistent with and contributes to the established character of the boulevard and the street of which it forms a part and does not appear, or could not be construed, at the sole discretion of the Director, as an extension of the property or property's driveway. The Director may provide an exemption for the latter requirement based on an assessment of the site conditions; and

7.3 Replacing section 7.9 with the following:

An encroachment permit expires and is of no further force or effect if the encroachment that it authorizes has not been constructed or installed within 6 months of the date of issuance of the permit, unless an extension by the Director is granted in writing. All amounts paid by the owner with respect thereto shall be forfeited to and become property of the District, and such owner shall have no recourse whatsoever against the District by reason of the termination of the agreement or the permission granted thereunder.

7.4 Adding section 7.17.5 as follows:

The Director may enter into and upon the premises of the owner for the purpose of constructing, inspecting, maintaining, or removing any public works or utilities that have been or may in the future be installed in the highway in proximity to any encroachment.

7.5 Adding section 7.17.6 as follows:

The Director may enter into and upon the premises of the owner for the purpose of inspecting the encroachment in accordance with this Bylaw and the terms of any agreement entered into pursuant to this Bylaw.

7.6 Renumber former section 7.17.5 to 7.17.7 accordingly.

7.7 Adding section 7.17.10 as follows:

Where a motor vehicle parking space is permitted under section 7.5.1, any remaining non-landscaped areas of the boulevard adjacent to the lot and parking space must be landscaped in accordance with Part 5.

7.8 Adding section 7.17.12 as follows:

The encroachment agreement provided shall be registered as a charge against the interest of the owner in the real property to which the encroachment is adjacent to. The Director may provide an exemption of this requirement based on an assessment of the permitted encroachment and site conditions.

## **Part 8 Add Part 11 Pre-existing Encroachments**

Boulevard Bylaw No. 4886, 2016 Part 11 Pre-existing Encroachments is added as follows:

8.1 Adding Section 11.1 as follows:

Nothing in this Bylaw shall be construed so as to condone the existence or the continuation of an encroachment which was constructed prior to the passage of this Bylaw without the express knowledge and permission of the District.

## **Part 9 Add Part 12 Indemnity**

Boulevard Bylaw No. 4886, 2016 Part 12 Indemnity is added as follows:

9.1 Adding section 12.1 as follows:

Every owner who excavates for, constructs, maintains, or permits the existence of, or uses any encroachment adjacent to their real property under the provision hereof or otherwise, shall at all times be liable for and shall indemnify the District against any and every claim, loss, expense or damage, and any suit or demands which may be occasioned by or incidental to the construction, existence, use or maintenance of an encroachment, and the amount of any loss or damage occasioned to the District thereby, except as otherwise herein provided, shall be lien or charge on all real property to which such encroachment is adjacent to.

## **Part 10 Add Part 13 Joint and Several Liability**

Boulevard Bylaw No. 4886, 2016 Part 13 Joint and Several Liability is added as follows:

10.1 Adding section 13.1 as follows:

The liability of owners under this Bylaw, where there is more than one such owner, shall be deemed to be, and shall be, for all purposes joint and several.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer

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District of West Vancouver

**Soil Removal, Deposit, Blasting and  
Rock Breaking  
Bylaw No. 5130, 2021**

Effective Date:

# Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021

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District of West Vancouver

## **Soil Removal, Deposit, Blasting, and Rock Breaking Bylaw No. 5130, 2021**

A bylaw to regulate the removal from and deposit of soil on lands within the Municipality, to regulate and prohibit the use of explosive agents for blasting, to require the holding of a permit for such purposes, and to fix a fee and security for such permit.

WHEREAS the Community Charter authorizes Council by bylaw, to regulate, prohibit and impose requirements in relation to public safety;

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the removal and deposit of soil from or on lands within the Municipality be regulated;

AND WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to restrict the provisions related to explosive agents for blasting and include a clear definition of explosives for blasting.

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### Part 3 Previous Bylaw Repeal

- 3.1 Blasting Bylaw No. 4024, 1996 (adopted on November 25, 1996) is hereby repealed:
- 3.2 Soil Removal and Deposit Regulation Bylaw No. 3786, 1992 (adopted on March 22, 1993) and the following amendment bylaws are hereby repealed:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 4703, 2011	November 28, 2011
Bylaw No. 4521, 2007	October 22, 2007
Bylaw No. 4148, 1999	February 8, 1999
Bylaw No. 4025, 1996	November 18, 1996
Bylaw No. 3981, 1996	February 12, 1996
Bylaw No. 3854, 1993	January 10, 1994

### Part 4 Definitions

- 4.1 In this bylaw:

“**Approving Officer**” means the approving officer for the District under the British Columbia Land Title Act;

“**Affected Owners**” means the owners or occupiers of parcels of land to be inspected before a Blasting Permit is issued pursuant to Section 7.2.14;

“**Application**” means a document with the requirements outlined in Schedule A or Schedule B depending on the type of permit requested;

“**Blast**” or “**Blasting**” means the use of explosives, or chemicals, for the purpose of moving, displacing or breaking rock or other material;

“**Blaster**” means the person, firm or corporation engaged by the Owner to conduct Blasting and includes an agent, contractor or employee of the Blaster;

“**Blasting Permit**” means the written authority granted by the Director pursuant to this Bylaw for the purposes of Blasting.

“**Building Permit**” a permit in good standing issued by the District of West Vancouver in accordance with the Building Bylaw No. 4400, 2004, as amended from time to time;

“**Control Measures/Blasting Plan**” means a document that complies with the requirements set out in Section 7.2.9;

“**Council**” means the duly elected Council of The Corporation of the District of West Vancouver;

”**Deposit**” means the act of moving soil or rock and placing it on land or into a stockpile or other storage facility;

“**Director**” means the Director of Planning of the District and any person designated by the Director to exercise the Director's powers under this Bylaw;

”**District**” means The Corporation of the District of West Vancouver;

”**Engineer**” means a professional engineer who specializes in rock mechanics and has expertise in blasting in urban areas, is independent of the Blaster, is acceptable to the Director, and who is retained to carry out the duties under Section 7.2;

“**Explosive(s)**” includes any chemical compound or mechanical mixture which by fire, friction, concussion, percussion or detonation, may cause a sudden release of gasses having pressure capable of producing destructive effects;

“**Hospital**” means a hospital or licensed hospital under the Hospital Act;

“**Letter(s) of Assurance**” means a document or documents, in the form set out in Schedule E, to be completed, executed and delivered by the Engineer under Section 7.2.8;

“**Lot**” means real property registered as a parcel in the records of the applicable land title office;

“**Other Material**” means non-degradable construction or demolition waste, such as masonry rubble, concrete rubble and asphalt;

“**Owner**” means the person registered in the Land Title Office as entitled to the fee simple of a parcel, holders of a registered right to purchase a parcel, or holders of a right of way in favour of a statutory authority and a person authorized in writing by the Owner to act as the Owner's agent for purposes of this Bylaw;

“**Public Lands Application**” means an “Application” by a person or entity, other than the District, for rock removal on a highway, park, right of way or other area that is owned or controlled by the District;

“**Removal**” means the act of removing rock or soil from land or from a stockpile or other storage on land;

“**Rock-breaking**” means the removal of boulders or bedrock from land by drilling, percussive breaking (not hammering), or splitting, but excluding blasting;

“**Rock-breaking Permit**” means the written authority granted by the Director pursuant to this Bylaw for the purposes of Rock-breaking;

“**Soil**” means peat, clay, silt, sand, gravel, cobbles, boulders, bedrock or other substance of which land is naturally composed, as well as “Other Material” (as defined above) but shall not include stumps or logs;

“**Soil Permit**” means the written authority granted by the Director pursuant to this Bylaw for the removal or deposit of soil from or on land within the District;

“**Wood waste**” means wood residue in mechanically shredded form and includes sawdust, hog fuel, bark, chips, slabs, shavings, trimmings, edgings or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

## Part 5 Permit Required

### 5.1 Soil Permit

Subject to the following circumstances hereof, no person shall remove, deposit or cause to be removed or deposited soil unless a Soil Permit has been granted for such removal or deposit pursuant to Section 7.1 and Schedule A of this Bylaw and every such removal or deposit shall conform in all respects to the regulations and requirements of this Bylaw and the terms and conditions of the permit.

A Soil Permit under this Bylaw shall not be required in the following circumstances:

#### 5.1.1 Work on Public Lands

The removal from or deposit upon a public highway, statutory right-of-way, or other public property of such soil as is necessary for the construction or installation of a roadway, utility service, dike, or other service thereon, or disposal or stockpiling where such work is being done with the approval of the District’s Director of Engineering and Transportation or their designate;

#### 5.1.2 Building Permit

The removal or deposit of soil, except Blasting or Rock-breaking, related to the construction of buildings or structures, the correct grade, depth and extent of which are shown accurately on scaled drawings submitted as part of the application for a Building Permit and for which a Building Permit has been issued and is in good standing;

#### 5.1.3 Subdivision

The removal or deposit of soil related to the construction of roads or the installation of utilities and services required by the Approving Officer as a condition of approval of the subdivision of land, provided that the said roads, utilities and services are constructed in accordance with engineering drawings approved by the District's Director of Engineering and Transportation or their designate;

5.1.4 Minor Works

The removal or deposit of soil where: at any point the depth of the soil removed or deposited does not exceed 1.2 metres; the unrestrained slope of the filled or excavated surface does not exceed two (2) horizontal to one (1) vertical; retaining walls associated with the work do not exceed a height of 1.2 metres measured from the natural ground elevation; or, for deposit of soil, the slope of the existing ground does not exceed fifteen percent (15%) at any point or where the existing ground is filled, the underlying natural ground surface does not exceed fifteen percent (15%) at any point.

5.2 Blasting or Rock-breaking Permit

Subject to the following circumstances hereof, no person shall remove or cause to be removed rock unless a Blasting or Rock-breaking Permit has been granted for such removal pursuant to Section 7.2, Section 7.3 and Schedule B of this Bylaw and every such removal shall conform in all respects to the regulations and requirements of this Bylaw and the terms and conditions of the permit. The Director may require additional information beyond that outlined in Section 7.2 and Section 7.3 in order to grant such a permit for removal.

Blasting or Rock-breaking **may** be exempted by the Director in the following circumstances from the provision of Sections 7.2.5 – 7.2.10, 7.2.13, 7.2.14, Part 10, Part 14 and Part 15 of this Bylaw. Written approval from the Director is required prior any rock removal on site.

5.2.1 Less than 10 cubic metres of rock or other material is to be removed by Rock-breaking or blasted by means of detonating not more than 0.3 kilograms of explosive per delay as permitted by Part 6.1.1;

5.2.2 The rock to be removed consists entirely of boulders separate from bedrock;

- 5.2.3 If the rock removal is specifically authorized by a statute or regulation other than the Community Charter or Local Government Act; or
- 5.2.4 If the work is, in the Director's opinion, required on an urgent basis to lessen or eliminate an imminent threat to life, safety, property damage or public transportation routes and communication systems.

## **Part 6 Limitation of Blasting or Rock-breaking**

- 6.1 On land in a Single or Two Family Zone and in the residential area within Caulfield Land Use Contract D.A.A. (all as designated, identified, delineated and shown in Zoning Bylaw No. 4662, 2010 as amended) Blasting and Rock-breaking is prohibited except:
  - 6.1.1 To the required for the construction of a primary dwelling, garage, coach house, access driveways, and parking areas as shown on plans for which a building permit has been issued and is in good standing, and for such purposes the allowable rock volume to be broken shall not exceed
    - (a) a total volume of 400m<sup>3</sup> on lots less than 885m<sup>2</sup> and;
    - (b) a total volume of 600m<sup>3</sup> on lots over and equal to 885m<sup>2</sup>,and provided further that a maximum volume of 45m<sup>3</sup> may be removed through splitting, the remaining volume, up to the allowable maximum, must be removed using alternate approved Rock-breaking or Blasting methods. This volume may be adjusted by the Director based on an assessment of the site conditions.

If the District has records of the actual volume of rock that was previously removed on a Lot then the actual volume of said previously removed rock will be deducted from the allowable volume specified under Section 6.1.1. If the District has no records of the actual volume of rock that was previously removed on a Lot then no adjustments are made to the allowable volume specified under Section 6.1.1.
  - 6.1.2 For the installation of utilities and utility connections; and
  - 6.1.3 Blasting or Rock-breaking required by the certificate of a geotechnical engineer for the safe use of the site.

- 6.2 Despite the provisions of Section 6.1.1, the Owner of the land may apply to the Director for a Blasting or Rock-breaking permit to remove a volume of rock specified in the permit in order to:
- 6.2.1 Facilitate the construction of a swimming pool so as to reduce the visual and auditory impact of the pool and associated mechanical equipment on surrounding properties;
  - 6.2.2 Enable any accessory building or structure to be located on the site in a manner which will:
    - (a) Accommodate the design and spatial relationship of the buildings so the floor levels conform to the natural contours of the site.
    - (b) Eliminate or reduce the use of exposed foundation walls and structural support elements.
    - (c) Minimize the visible mass of all structures as viewed from adjacent roads and properties.
  - 6.2.3 Enable minor terrain alteration, in the opinion of the Director, to accommodate landscaping work or property amenity; but excluding in all cases, the removal of rock which substantially alters the natural grade of the site.
- 6.3 Under no circumstance shall the aggregate volume of rock removed pursuant to Section 6.1.1 and 6.2 exceed the allowable rock volume in Section 6.1.1.
- 6.4 This Part does not apply to rock-breaking required for the construction of roads or the installation of utilities and services in accordance with approved subdivision drawings.
- 6.5 Excluding subdivision, on site rock crushing and grinding will not be permitted at any time.
- 6.6 Rock hammering will not be permitted at any time.

## **Part 7 Application**

### **7.1 Soil Permit**

Every application for a Soil Permit shall be made in writing to the Director in a form satisfactory to them, and every application shall include the information set out in Sections 1 and 2 of Schedule A herein and shall

meet the technical requirements imposed by the Director in accordance with Section 2 of Schedule A herein.

Any operation involving the removal or deposit of soil, whether under permit or otherwise, shall comply with the requirements set out in Sections 3 to 11 of Schedule A.

The application shall include the permit fee set out in Fees and Charges Bylaw No. 5025, 2019, as amended from time to time.

## 7.2 Blasting Permit

When an Owner proposes to remove rock through means of Blasting, the Owner shall first apply to the Director for a Blasting Permit by providing each of the following:

- 7.2.1 A completed and signed Application as set out in Schedule B;
- 7.2.2 A copy of a valid Blasting Certificate issued to the Blaster by Worksafe BC for all persons completing the Blast (the original of which must be produced for inspection if required by the Director);
- 7.2.3 An indemnity from the Owner in the form and with the content of that attached as Schedule C;
- 7.2.4 A certificate of insurance providing coverage for the Blaster, the Owner and the other parties as specified in Schedule D against liability for loss or damage to persons or property as a result of blasting, which insurance shall remain in force while the permit is valid;
- 7.2.5 The permit fee and damage deposit set out in Fees and Charges Bylaw No. 5025, 2019 as amended from time to time. The damage deposit shall be security for the completion of all requirements under this Bylaw and may be used at any time by the District to secure completion of any of these requirements. A permit extension fee will be required for all permits that exceed their permit expiry date as determined by Part 9. Extension will be granted for permits based on the discretion of the Director;
- 7.2.6 A comprehensive topographic survey of the parcel (or the portion thereof) where the removal is to be carried out, prepared by a B.C.L.S. or a professional engineer. The survey perimeter, at a minimum, should be defined as a 3m setback from the aggregated area of the footprint formed by the exterior walls of the principle building and garage as shown on the building permit

plans and a 1m setback from the edge of driveway as shown on the building permit plans. The topographic survey shall have the dimensioned exterior walls of the principle building and garage, and edge of driveway, overlaid as shown on the building permit plans. The survey shall be completed after removal of organics and other overburden so that the bedrock proposed to be removed is exposed;

- 7.2.7 The removal areas shall be clearly marked on site with the depth of removal indicated, for approval by the Director if required, prior to issuance of the permit. The method of marking should not be removed by inclement weather;
- 7.2.8 Letter(s) of Assurance;
- 7.2.9 A Control Measures/Blasting Plan, prepared by the Blaster and accepted in writing by the Engineer, which shall consist of a sketch of the blasting pattern and include the sequence of detonation and the maximum weight of explosives to be detonated per delay and shall specify measures designed to minimize potential injury to any person and avoid, control, or minimize the impact of the Blasting. If Blasting is not proposed within 150 metres of any structure, utility line, railway, public or private road, street, lane, driveway, or walkway, or is not expected to produce a rock cut over 3.5 metres high, then the Director may waive the requirement for a Control Measures/Blasting Plan. During the continuance of the permit, the Director may authorize amendments to the Control Measures/Blasting Plan which are approved in writing by the Engineer;
- 7.2.10 A report detailing how drill rigs and compressors are to be muffled, and the Director may, as a condition of issuing the permit, require use of equipment to reduce or control noise levels;
- 7.2.11 Information on the purpose for which removal is being undertaken;
- 7.2.12 The amount of material proposed to be removed shall include:
  - (a) A setback of 1m from the exterior walls of the primary dwelling, garage, and coach house as shown on the Building Permit plans to the depth of the approved slab;
  - (b) 0.4m below the slab for the aggregated area of the footprint formed by the exterior walls of the primary

dwelling, garage, and coach house, as shown on the Building Permit plans;

- (c) 0.4m below the finished surface for the area of the access driveways and parking areas as shown on the Building Permit plans;
- (d) Truncation of all interior corners, to a maximum length of 2m, to remove 90 degree angles in order to account for potential over break.

7.2.13 Calculations and other such information as is necessary to enable the Director to verify the amount of material that is proposed to be removed under provisions of this Bylaw or any other bylaw or policy of the District.

7.2.14 A report on the results of a preblast inspection which shall be made of all principal structures and outbuildings, swimming pools, retaining walls, patios, and driveways on any parcel of land within such distance of the blasting as the Director may specify, but no less than 120m from the site of the rock removal. The Blaster shall cause the survey to be conducted after notice in writing to the Affected Owners and after giving the Affected Owners a reasonable opportunity to be present or to have an agent present. The report of the preblast inspection shall identify by words and/or pictorially all observed damage to structures existing on the property inspected and anything that may be susceptible to damage from blasting and shall be signed by the person conducting the inspection and by the Affected Owners. If any Affected Owner has refused entry to inspect or has not cooperated to arrange an inspection within two (2) weeks of notice being given, or if the Affected Owner will not sign the inspection despite a reasonable opportunity to do so, then the Director may, at the Director's option, waive this requirement;

7.2.15 For a Public Lands Application, the persons seeking permission to blast shall sign all forms, complete all requirements and bear all responsibilities, liabilities and costs under the Bylaw and otherwise, as if they were the Owner, and the Director shall determine what will be required before the Director will accept the Application.

### 7.3 Rock-breaking Permit

When an Owner proposes to remove rock through means of Rock-breaking, the Owner shall first apply to the Director for a Rock-breaking Permit by fulfilling the requirements outlined in Section 7.2. Rock-breaking

permits are exempted by this Bylaw from the provision of Section 7.2.2, 7.2.9 and 7.2.14.

## **Part 8 Order of Rock Removal**

- 8.1 All rock removal required for a driveway and garage must be completed prior to any rock removal for the principle dwelling or coach house. A post rock removal topographic survey is to be submitted and accepted by the Director for all volumes after completion of driveway and garage rock removal and before commencing rock removal for the principle dwelling or coach house.

## **Part 9 Permit**

- 9.1 Soil removal and deposit permits issued under this Bylaw shall expire twelve (12) months from the date of issuance. Application for a new permit shall be made in the same manner and upon payment of the same fees as provided in the Fees and Charges Bylaw No. 5025, 2019, as amended from time to time.
- 9.2 Authority for Blasting under a Blasting Permit expires:
- 9.2.1 ten (10) working days after issuance of the Blasting Permit for lots less than 885m<sup>2</sup>, and;
  - 9.2.2 fifteen (15) working days after issuance of the Blasting Permit for lots over and equal to 885m<sup>2</sup>.
- 9.3 Authority for Rock-breaking under a Rock-breaking Permit expires fifteen (15) working days after issuance of the Permit for Rock-breaking.
- 9.4 The Director may, at the request of the Owner and upon receiving such information as the Director may require, extend the authority for rock removal under a Blasting or Rock-breaking Permit for the extension fee specified in the Fees and Charges Bylaw No. 5025, 2019 as amended from time to time. The Director shall be satisfied that any policy of insurance or security provided under Sections 7.2.3 or 7.2.4 will remain in effect.
- 9.5 The Director may cancel or suspend the authority for rock removal under a Blasting or Rock-breaking Permit if there are reasonable grounds to believe that the Owner or Blaster has done anything in violation of this Bylaw or the permit, or in violation of any agreement made pursuant to Sections 7.2.3 and 7.2.4. No person who has had their authority for rock removal under a permit cancelled or suspended shall engage in or carry

on rock removal in the District unless special written permission to do so is given by the Director.

## **Part 10 Monitoring of Blasting**

- 10.1 The Owner shall, at the Owner's cost, retain the Engineer to act on the Owner's behalf to: complete the requirements of Section 7.2 that relate to the Engineer, to monitor the blasting and to ensure that the Blasting complies with the Control Measures/Blasting Plan, the Blasting Permit, and the requirements of this Bylaw.
- 10.2 The Engineer shall immediately notify the Director if they have direct or indirect knowledge of a contravention of the Control Measures/Blasting Plan, the Blasting Permit, or the provisions of this Bylaw.
- 10.3 Ground vibration measurements shall be made while Blasting, at the closest structure to the blast and at any other structure considered to be sensitive to ground vibrations, as determined by the Engineer. All records pertaining to the safety aspects of the entire rock removal project and its impact on neighbouring properties, including vibration records, Control Measures/Blasting Plan(s) and delay patterns, shall be retained by the Blaster for a period of six (6) years.
- 10.4 The Engineer shall be present at the first blast that is of the full magnitude specified in the Control Measures/Blasting Plan. During the course of Blasting, the Blaster shall forward to the Engineer all blast records and the Engineer shall review the blast records and confirm to the Director, if requested, that blasting is being carried out in accordance with the Control Measures/Blasting Plan, and shall immediately report any problems, unusual circumstances, or inconsistencies to the Director.
- 10.5 In no circumstances shall ground vibration at any structure exceed a particle velocity of 50 millimetres per second or any lower limit for any given structure specified by the Engineer and made a condition of the Blasting Permit. The Blaster will immediately report to the Engineer, and the Engineer shall forthwith report to the Director, any instance when, and under what circumstances, vibrations exceeded the specified maximum limits.

## **Part 11 Hours and Conditions**

- 11.1 Soil removal or deposit shall be done within the hours permitted under Noise Control Bylaw No. 4404, 2005, as amended from time to time.
- 11.2 Rock-breaking or Blasting shall only be done:

- 11.2.1 On Monday to Friday, not including holidays, and only within the hours permitted under Noise Control Bylaw No. 4404, 2005, as amended from time to time;
- 11.2.2 When atmospheric or other conditions permit a clear observation at a radius of not less than 100 metres from the place where the blasting is to be carried out.
- 11.3 No Rock-breaking or Blasting can be done between December 17th and January 2nd of the following year.
- 11.4 The Director may withhold issuing a Rock-breaking or Blasting Permit until the end of the nesting season, if the subject property is within the buffer area of a nest of a protected wildlife species, as defined by the Provincial Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013), or may specify as a condition of a Permit that the Rock-breaking or Blasting must not occur except on or after a date specified in the permit.

## **Part 12 Blasting or Rock-breaking Notification**

- 12.1 Blasting or Rock-breaking is not to be undertaken until written notice has been given to the Director and all Affected Owners. The number of Owners to be notified or the area of notification may be increased at the discretion of the Director and once increased, then all subsequent notification required under this bylaw shall apply to those Owners or the increased area. The notice shall describe the work to be done, the approximate quantity of rock to be removed, the expected date of commencement, the estimated duration of the project, and the name and phone number of the representative of the Blaster or Owner who will provide additional information.
- 12.2 At least 48 hours notice shall be given of the commencement of any Blasting or Rock-breaking, and at least one week's (7 days) notice shall be given of any project expected to continue for more than two (2) days.
- 12.3 No blasting shall be done within 300 metres of a School or Hospital until notice as required in Sections 13.1 and 13.2 has also been given to the senior administrator of the School or Hospital, as the case may be, and has been provided to the Director. Further notice must be given to the senior administrator, or his or her designate, at least two (2) hours prior to each actual blast, stating the approximate time of the blast.

## **Part 13 Blasting Safety**

- 13.1 The Blaster shall ensure that a security person (equipped with and trained in the use of warning and signalling devices approved by Worksafe BC) shall be posted at every location where vehicles or pedestrians might be affected by a blast. Prior to any blast, this security person shall signal vehicles and pedestrians to prevent them from entering an area which may be affected by the blast. No blasting shall be done until all persons and vehicles vacate the area affected by the blast.
- 13.2 Prior to a blast adjacent to a travelled highway, the Blaster shall cause an effective warning to be given (in accordance with Worksafe BC regulations) in sufficient time to enable persons or vehicles that may be affected by the blast to move to a safe distance from the area. When a blast is completed, the Blaster shall cause the area affected by the blast to be inspected to ensure that it is free of unexploded charges, explosive material or other material which the blasting has caused to be a danger or a potential hazard. When the Blaster's inspection is completed, the security person shall restore normal vehicular and pedestrian traffic as soon as reasonably practicable.
- 13.3 While blasting is being carried on, the Blaster shall provide at least one competent assistant and as many additional competent assistants as circumstances may require and cause them to warn and implement all reasonable precautions to safeguard the occupants of buildings who may be affected by the blast.

## **Part 14 Post Rock Removal Topographic Survey Requirements**

- 14.1 A post blast topographic survey in accordance with Section 7.2.6 is required for all Blasting and/or Rock-breaking. Volume blasted in excess of the allowable rock volume will be charged at a rate identified in the Fees and Charges Bylaw No. 5025, 2019, as amended from time to time.

## **Part 15 Post Rock Removal Notification Requirements**

- 15.1 The Owner shall notify or cause to be notified the Director and each Affected Owner, in writing, when the rock removal to be carried out under the permit has been completed. Security deposit release will not be processed until sixty days after the letter is received.
- 15.2 At any time within sixty days after the date of notice given under Section 15.1, an Affected Owner may give notice to the Owner or the Blaster, with a copy to the District, that the Affected Owner's property has sustained damage as a consequence of the blasting. Upon receipt of such notice, the Owner or the Blaster shall conduct a post-blast inspection of the

property. The Affected Owner or an authorized agent shall be given notice and a reasonable opportunity to be present during the post-blast inspection. If the Affected Owner doesn't permit entry to the property within two weeks of the notice being given, or cooperate in the post-blast inspection, then it shall be presumed that the Affected Owner's allegation of damage has been satisfied. The Owner or Blaster shall complete the post-blast inspection without delay and submit a report of the inspection to the Affected Owner with a copy to the Director.

- 15.3 The amount of any loss or damage within the scope of an indemnity under Section 7.2.3 that remains unpaid to the District six (6) months after the date of the post-blast inspection shall be deemed to be a debt due to the District which shall be recovered by the District in the same manner as taxes due on the parcel of land where the Blasting was carried out.

## **Part 16 Dust Control**

- 16.1 No operation by which soil or rock is removed or deposited shall cause a dust or dirt nuisance affecting any neighbouring property, highway or right of way.

## **Part 17 No Wood Waste**

- 17.1 No person shall deposit, cause the deposit or permit the deposit of wood waste upon any land, save and except that wood waste not exceeding 15cm in depth may be allowed for landscaping purposes only.

## **Part 18 Other Material**

- 18.1 No person shall deposit, cause the deposit or permit the deposit of Other Material on any land.

## **Part 19 All Damage to be Repaired**

- 19.1 All damage to Municipal or privately-owned drainage facilities, natural watercourses, roads, lanes or other Municipal or privately-owned property or facilities, resulting from a soil removal, soil deposit, Blasting or Rock-breaking operation shall be promptly and properly repaired by the permit holder or an agent or agents of the permit holder, to the complete satisfaction of the Director.

## **Part 20 No Obstructions**

- 20.1 All drainage facilities, natural watercourses and ground water aquifers shall be kept free of silt, clay, sand, rubble, debris, gravel and all other material or thing originating from any removal of soil, deposit of soil, Blasting or Rock-breaking from or upon any lands, and every obstruction and all damage caused to such drainage facilities, natural watercourses or ground water aquifers shall constitute an infraction of this Bylaw and the person responsible shall on summary conviction thereof, be subject to the penalty hereinafter provided.

## **Part 21 Stockpiles**

- 21.1 Stockpiles of soil which are part of any soil removal or deposit operations shall be confined to the locations prescribed in the Soil Permit for the period of time authorized by the Soil Permit.

## **Part 22 No Encroachments**

- 22.1 No operation by which soil is removed or deposited shall encroach upon, undermine, damage or endanger any adjacent property, highway, statutory right-of-way or easement or, where a Soil Permit is required, encroach into any setback area prescribed in the said permit.

## **Part 23 Directors Powers**

- 23.1 The Director, or their delegate, is hereby authorized at all reasonable times to enter upon and inspect any lands:
- 23.1.1 To determine if the Owner of a proposed soil removal or deposit site is required to obtain a Soil Permit under this Bylaw.
  - 23.1.2 To determine if soil removal or deposit has occurred on a lot for which the Owner does not have a valid Soil Permit and the Owner does not qualify for an exemption from the provisions of this Bylaw.
  - 23.1.3 From which soil is to be, or is being, or has been removed or deposited, in order to ascertain whether the provisions of this Bylaw and any permit issued pursuant thereto, are being obeyed. Every permit holder shall maintain up-to-date records sufficient to allow the progress of the soil removal or deposit operation to be monitored for compliance with the provisions of this Bylaw and the terms and conditions of the permit, and such records shall be made available to the Director upon request.

- 23.1.4 In the event of a breach of any provision of this Bylaw or condition set out in the permit, the Director may issue to the holder of the permit or the Owner of lands from or upon which soil is being removed or deposited, or both, a notice of such breach. Every permit holder receiving such notice of breach shall forthwith cease and desist from all removal or deposit operations and every Owner shall thereupon refuse to permit the further removal or deposit of soil from or upon the said lands until such breach is remedied to the satisfaction of the Director.
- 23.1.5 To order the cessation of work that is proceeding in contravention of this Bylaw by placing a Stop Work Order at the site or by a registered return letter to the person carrying on the work or causing it to be carried on. The Owner of a Lot on which a stop work notice has been posted, and every other person, shall cease all construction activities on that Lot immediately. No work shall be done on the Lot except that which the Director agrees, in writing, is necessary to remove hazards or to mitigate damage arising from exposure to the elements. Work on the site, in general, may not resume unless and until full compliance with this Bylaw has been achieved, or if full compliance is not possible, then unless and until alternative measures approved or required by the Director have been completed or secured to the sole satisfaction of the Director and the Director has rescinded, in writing, the stop work notice on the Lot.
- 23.1.6 To order a person to immediately stop all rock removal operations by placing a Stop Work Order at the site in any case where complaints are received by the Director concerning damage or injury to persons or property or of a violation of the permit or this Bylaw and in such case no rock removal operation shall be carried out until the Director, or their designate, has completed their investigation and the Stop Work Order has been removed.
- 23.1.7 To order a person to immediately stop all rock removal operations by placing a Stop Work Order at the site and requesting an interim rock removal topographic survey. The Stop Work Order will be lifted once an interim rock removal topographic survey is accepted by the Director and approval to continue rock removal is granted in writing. The permit length, under Part 9, will be extended by the number of working days the Stop Work Order was in place. Alternately, the Owner or Blaster may agree to cease all blasting or rock-breaking until an interim rock removal topographic survey is reviewed and accepted by the Director, and approval to continue rock removal is granted in writing. The permit length, under Part 9, would be extended by

the number of working days that the work was stopped for provision of the interim rock removal topographic survey. Under this alternative other work at the Lot not related to Blasting or Rock-breaking may continue.

## **Part 24 Failure to Remedy**

- 24.1 In the event that any person having received such notice of breach fails within the time set forth therein to remedy such breach or otherwise proceeds to breach any provision of this Bylaw or condition of a permit, the Director may at any time thereafter revoke the permit. Any security deposit or fees paid pursuant to the granting of a permit under this Bylaw shall be forfeit and may be employed by the District to remedy such breach.
- 24.2 If a breach of this Bylaw has occurred or is occurring on any lands, the District or its appointed agents may enter upon the said lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner as municipal taxes.

## **Part 25 Offence and Penalty**

- 25.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 25.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

## **Schedules**

- Schedule A – Technical Requirements for Removal or Deposit of Soil by Permit or Otherwise  
Schedule B – Application for a Blasting or Rock-breaking Permit  
Schedule C – Blasting or Rock-breaking Permit Indemnity  
Schedule D – Blasting or Rock-breaking Insurance Requirements  
Schedule E – Confirmation of Commitment by Owner and by Engineer



READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer

## Schedule A – Technical Requirements for Removal or Deposit of Soil by Permit or Otherwise

### INFORMATION REQUIRED ON A PERMIT APPLICATION

1. In addition to the requirements set out in the text of this Bylaw, every applicant for a soil removal or deposit permit shall submit with their application.
  - a) A description of the soil and the purpose for which the soil is to be removed or deposited.
  - b) The consent in writing of the Owner.
  - c) A current title search of the lands.
  - d) The dates of commencement of the work and of completion including clean-up.
  - e) Such further and other information as may be necessary to adequately describe the proposed soil removal or deposit operation for which the permit is applied for.

### SITE PLAN IN SUPPORT OF PERMIT APPLICATION

2. The Director may require from the applicant for a permit plans of the lands from or upon which the applicant proposes to remove or deposit the soil, prepared by a BC Land Surveyor Director, which may include:
  - a) A statement from a BC Land Surveyor of the volume of soil to be removed or deposited together with a copy of the calculations, cross-sections, and other engineering data and pertinent information used in calculating such estimated total volume.
  - b) Contour plans of the said lands, to a scale of not less than 1:250, showing contours at a vertical interval suitable to describe the existing terrain of the said lands, and the relation thereof to those of the adjoining lands, and highways, and showing at one (1) metre intervals the proposed geodetic elevations of the lands after the soil has been removed therefrom or deposited thereon. Cross-sections may be required as necessary to clearly show the existing and proposed ground surfaces.
  - c) Full particulars of the present use, occupancy and conditions of the lands from or upon which

the removal or deposit of soil is proposed and of those portions of adjacent lands which may be affected by the proposed soil removal or deposit operation, including all pertinent topographic features, buildings, structures and tree cover existing thereon, highways and highway allowances, foot paths, watercourses, water table, drainage facilities, wells, private sewage disposal systems, fence lines, facilities existing for pedestrian and vehicular traffic (indicating the suitability of same for carrying the type and volume of traffic to be generated in the removal or deposit of the soil), and all utilities, services and other existing facilities.

- d) The proposed slopes which will be maintained during and upon completion of the removal or deposit of the soil.
- e) The proposed methods of erosion control for the banks of the excavation or of the soil deposit, during and upon completion of the removal or deposit of the soil.
- f) The proposed methods of drainage control for the excavation or the soil deposit, during and upon completion of the removal or deposit of the soil.
- g) The proposed methods of access to the lands during and upon completion of the removal or deposit of the soil.
- h) The proposed methods of fencing, enclosing, and clearing the lands affected to ensure that no hazard to human or animal life shall exist.
- e) The location of stockpiles indicating their extent and nature and duration.
- j) The location of buildings, and other proposed structures and improvements.
- k) Such further and other information as may be necessary to adequately describe the proposed soil removal or deposit operation for which the permit is applied for.

SLOPES

- 3. The slope of any part of an exposed face of any excavated or deposited soil, except bedrock, shall not

be greater than two (2) horizontal to one (1) vertical, except that a steeper slope may be allowed where a Professional Engineer certifies that the face of the excavation would be stable at a steeper slope.

WORK NEAR UTILITIES

4. No removal or deposit of soil greater than 0.5 metres in depth shall be undertaken within 2.5 metres of any utility pole, pipeline or structure or public roadway or lane, without providing the authority having jurisdiction one weeks notice in writing.

WORK ON HIGHWAYS AND RIGHTS OF WAY

5. No removal or deposit shall be undertaken on a road, street, lane, footpath, highway, or on a statutory right-of-way without first obtaining the permission in writing of the authority having jurisdiction over such highway or right-of-way.

UNDERMINING EXCAVATION

6. No excavation shall extend beyond the limiting excavation face delineated by the boundaries and the maximum slopes permitted above. There shall be no excavation into the toe of such limiting excavation face. Such limiting excavation face shall comprise undisturbed natural soil and it shall not be extended by backfilling.

DRAINAGE

7. Removal and deposit operations shall, at all times, be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system shall be installed which is of sufficient capacity and extent to ensure that groundwater and surface run-off will not drain into adjoining lands at greater rates after commencement than prior to the commencement of the soil removal or deposit operations. Surface water shall not be allowed to pool anywhere within the work, provided however, that where necessary to remove sediment from surface run-off, a settling pool may be established for the duration of the operation.

IDENTIFY BOUNDARIES

8. It shall be the responsibility of the person removing or depositing soil to establish the boundary of any rights-of-way or highways.

TEMPORARY WORKS

9. All structures, fills or excavations erected or made in connection with a soil removal or deposit operation under this schedule shall be temporary in nature and

shall be removed forthwith upon completion of the soil removal or deposit operations.

HAZARDS

10. All hazards or potential hazards arising from soil removal or deposit operations shall be adequately fenced or otherwise protected for the safety of the public.

MAINTENANCE  
CLEAN-UP AND  
COMPLETION OF  
OPERATIONS

11. During and upon completion of every soil removal or deposit operation:
  - a) the boundaries of all adjacent lands, highways, rights-of-way and easements shall be protected from erosion or collapse and from run off of water or mud;
  - b) all works required by this Bylaw and any permit issued pursuant thereto shall be completed in accordance with accepted sound engineering principles and to the satisfaction of the Director;
  - c) all surfaces of the fill or excavation other than bedrock or rock used in construction of walls shall be covered with grass or other suitable cover and the same shall be maintained so that it becomes reasonably established;
  - d) all surfaces of the excavation or the soil deposit shall be left with a slope not greater than that permitted by this Bylaw or as specified in the permit;
  - e) any and all loose rock material created by construction on any Lot, whether by excavation, drilling, blasting or other means, and having a dimension greater than 150mm, must be removed entirely from the Lot, used and placed for the creation of retaining walls, or be covered by at least 300mm of soil in a stable location on the Lot with such soil being capable of normal plant growth with reasonable consideration for soil settlement.

## Schedule B – Application for a Blasting or Rock-breaking Permit

1. This application is for a (circle one):
  - a) Blasting Permit
  - b) Rock-breaking Permit
  
2. I, \_\_\_\_\_, of \_\_\_\_\_  
(Print full name of Owner) (Address)  
am the registered Owner of the following lands:  
  
\_\_\_\_\_  
(street address)  
  
\_\_\_\_\_  
(legal description)  
  
(phone number) (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (email) \_\_\_\_\_
  
3. I hereby authorize \_\_\_\_\_  
(Print full name of Owner's Agent)  
  
of \_\_\_\_\_,  
(company name) (phone no.)  
  
to act as my agent pursuant to the Bylaw.
  
4. The purpose of the rock removal is (circle all relevant):
  - a) road and utilities
  - b) utility connections
  - c) house or garage
  - d) coach house
  - e) power pole
  - f) driveway or parking area
  - g) other (describe) \_\_\_\_\_
  
5. Lot size \_\_\_\_\_m<sup>2</sup>
  
6. Maximum volume of rock to be broken shall not exceed \_\_\_\_\_m<sup>3</sup>  
per Section 6.1.1 of the Soil Removal, Deposit, Blasting and Rock  
Breaking Bylaw No. 5130, 2021.
  
7. Previous volume of rock removed on Lot (as verified by a District Land  
Development Technician) \_\_\_\_\_m<sup>3</sup>.

8. Volume of rock allowed to be removed (#6 minus #7): \_\_\_\_\_ m<sup>3</sup>.
9. Volume of rock proposed to be removed for the primary dwelling and coach house as certified by a BCLS and calculated in accordance with Section 7.2.12 of the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021: \_\_\_\_\_ m<sup>3</sup>.
10. Volume of rock proposed to be removed for the access driveway, parking areas and garage as certified by a BCLS and calculated in accordance with Section 7.2.12 of the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021: \_\_\_\_\_ m<sup>3</sup>.
11. Total volume of rock proposed to be removed (#9 plus #10) \_\_\_\_\_ m<sup>3</sup>.
12. Estimated duration of Blasting or Rock-breaking \_\_\_\_\_ days.
13. The fee as required by the Fees and Charges Bylaw No. 5025, 2019, as amended from time to time, is enclosed.
14. The documentation as outlined in Section 7.2 and Section 7.3 of the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021 for a Blasting Permit or Rock-breaking Permit respectively, is provided in support of this application.
15. The above information is certified to be correct:

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(Owner's Agent signature)

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(Owner's signature(s) or Authorized Signatory if a Corporation)

## Schedule C – Blasting or Rock-breaking Permit Indemnity

Date: \_\_\_\_\_

To: The Director of Operations  
THE CORPORATION OF THE DISTRICT  
OF WEST VANCOUVER  
750 - 17th Street  
West Vancouver, B.C.  
V7V 3T3

Re: \_\_\_\_\_  
Address of Project (print)

\_\_\_\_\_  
Legal Description of Project (print)

The undersigned hereby indemnifies The Corporation of the District of West Vancouver with respect to all actions, causes of actions, claims, demands, costs and expenses (including legal fees) arising from or in any way connected to the activities on the above referenced property for which a Blasting or Rock-breaking Permit is applied for pursuant to Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021 or any acts or omissions of the blaster, the undersigned agent or their employees and agents relating thereto.

\_\_\_\_\_  
Owner's Name (print)

\_\_\_\_\_  
Owner's signature (If Owner is a corporation the signature of a signing officer must be given here.)

\_\_\_\_\_  
Owner's Agent signature

## **Schedule D – Blasting or Rock-breaking Insurance Requirements**

The Owner shall provide the Director of Planning with a certificate of insurance to insure damage to persons or property that may be injured by the Blasting or Rock-breaking. This insurance shall be public liability and property damage insurance in a form satisfactory to the Municipal Solicitor, with Five Million Dollars (\$5,000,000) coverage inclusive for loss or damage in respect of injury or death of any person or person and/or damage to property from any one accident or occurrence. There shall be no third party deductible for bodily injury or property damage loss and no space warranty clause. The District, the Director of Planning, any engineer hired as a consultant by the District in relation to a particular application, and the company employing the holder of the blasting certificate shall be named insureds. Notification will be given by the insurer to the Director of Planning by registered mail not less than 30 days prior to material change, cancellation or termination of the insurance.

## **Schedule E – Confirmation of Commitment by Owner and by Engineer**

Re: Verification of Control Measures/Blasting Plan and Monitoring of Blasting  
by a Registered Professional

To: Director of Planning  
THE CORPORATION OF THE DISTRICT  
OF WEST VANCOUVER  
750 17th Street  
West Vancouver, B.C.  
V7V 3T3

Date: \_\_\_\_\_

Dear Director of Planning:

Re: \_\_\_\_\_  
Address of Project (print)

\_\_\_\_\_  
Legal Description of Project (print)

The undersigned Owner has retained \_\_\_\_\_ as an Engineer to review a Control Measures/Blasting Plan and to monitor the blasting as required by Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021 (the "Bylaw").

The Owner and the Engineer have read the Bylaw. The Owner and the Engineer acknowledge their responsibility to each notify the Director of Planning if the Engineer ceases to be retained by the Owner either before the date the Engineer ceases to be retained or, if that is not possible, then as soon possible.

The Owner and the Engineer understand that where the registered professional ceases to be retained at any time during construction, work on the above project will cease until such time as

- a) a new registered professional is retained, and
- b) a new letter in the form set out in Schedule E to the Bylaw is filed with the Director of Planning.

The Engineer hereby gives assurance that the Control Measures/Blasting Plan reviewed by this registered professional in support of the application for the blasting permit substantially complies with the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021 and other applicable enactment's respecting safety and meets all reasonable criteria for safety of life and property

and will provide the further written assurance required by Section 7.2.8 of the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021.

The Engineer hereby undertakes to be responsible for field reviews of the blasting as required in the Soil Removal, Deposit, Blasting and Rock Breaking Bylaw No. 5130, 2021.

The Engineer also undertakes to notify the Director of Planning in writing as soon as possible if the Engineer's contract for field review is terminated at any time.

The undersigned certifies that they are licensed to practice as a professional engineer under the Engineers and Geoscientists Act and is specialized in rock mechanics.

**Registered Professional**

**Owner**

\_\_\_\_\_  
Registered Professional's Name (print)

\_\_\_\_\_  
Owner's Name (print)

\_\_\_\_\_  
Address (print)

\_\_\_\_\_  
Owner's or Owners appointed agent's signature. (If owner is a corporation the signature of a signing officer must be given here.)

\_\_\_\_\_  
Registered Professional's Signature  
(affix Registered Professional's Seal here)

(If the Registered Professional is a member of a firm, complete the following.)

I am a member of the firm \_\_\_\_\_  
and I sign this letter on behalf of the firm. (print name of firm)



District of West Vancouver

**Business Licence  
Bylaw No. No. 4455, 2005,  
Amendment Bylaw No. 5137, 2021**

Effective Date:

# **Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 5137, 2021**

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District of West Vancouver

## **Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 5137, 2021**

A bylaw to amend the Business Licence Bylaw No. 4455, 2005.

Previous amendments: Amendment Bylaws 4596, 4611, 4656 and 5060. (Note: Regulatory Bylaw Enforcement and Penalty Amending Bylaw No. 4521, 2007 amended Business Licence Bylaw No. 4455, 2005, in Part 10.)

WHEREAS the Council of the Corporation of the District of West Vancouver deems it expedient to provide for business licencing and to regulate the operation of businesses in the District;

AND WHEREAS the Council of the Corporation of the District of West Vancouver wishes to protect the public and prevent or minimize nuisances and misleading business practices in the District;

NOW THEREFORE the Council of the Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 5137, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Part 3 Amends Business Licence Bylaw No. 4455, 2005**

- 3.1 Section 4.1 is amended by adding the following definition after “Daycare (Group)”:

**"Detached secondary suite"** means a detached dwelling unit accessory to a single family dwelling use.

- 3.2 Sections 5.2.1 and 5.2.2 are deleted in their entirety and the following is inserted:

5.2.1 Every person applying for a Licence must, at the time of making the application, pay to the District the fee for the business as specified in the "Fees and Charges Bylaw No. 5025, 2019.

5.2.2 Despite section 5.2.1, the Licence fee prescribed in the "Fees and Charges Bylaw No. 5025, 2019" is reduced by one-half in respect of a business that comes into existence after July 31st in any year, , except this reduction is not available for:

(a) Special Events

(b) businesses for which the Licence fee is calculated on a daily basis; or,

(c) business licences for Secondary Suites or Detached Secondary Suites

5.2.3 Despite s. 5.2.1 the business licence fee for the categories Secondary Suites and Detached Secondary Suites shall be reduced by \$100.00 after July 31 in any year."

- 3.3 Insert the following new section after Section 7.7:

### **7.8 Secondary Suites and Detached Secondary Suites**

7.8.1 Every registered owner of a lot containing a detached secondary suite or a secondary suite must licence the suite.

- 4.3 Add the following sections to the Table of Contents:

### **7.7 Prohibition of Animal Sales**

### **7.8 Secondary Suites and Detached Secondary Suites**

## **Part 4 Offence and Penalty**

- 4.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to

the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.

- 4.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer



District of West Vancouver

**Bylaw Notice Enforcement  
Bylaw 4368, 2004  
Amendment Bylaw No. 5138, 2021**

Effective Date:

# Bylaw Notice Enforcement Bylaw 4368, 2004 Amendment Bylaw No. 5138, 2021

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District of West Vancouver

## **Bylaw Notice Enforcement Bylaw 4368, 2004 Amendment Bylaw No. 5138, 2021**

A bylaw to amend the Bylaw Notice Enforcement Bylaw 4368, 2004.

Previous amendments: Amendment Bylaw 4416, 4429, 4448, 4481, 4482, 4501, 4521, 4536, 4559, 4583, 4681, 4700, 4718, 4725, 4762, 4862, 4868, 4872, 4893, 4910, 4976, 4983, 5049, 5063, 5086, 5096, 5099, 5102 and 5116.

NOW THEREFORE the Council of the Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Bylaw Notice Enforcement Bylaw 4368, 2004, Amendment Bylaw No. 5138, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Part 3 Amends Schedule A of the Bylaw Notice Enforcement Bylaw 4368, 2004**

- 3.1 Insert the following new rows under the “Business Licence Bylaw No. 4455, 2005” category:

5137, 2021	7.8.1	Fail to Licence Secondary Suite/ Detached Secondary Suite	\$300.00	\$280.00	\$320.00	<b>YES</b>
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- 3.2 Delete the following row under the “Zoning Bylaw No. 4662, 2010” category:

4910, 2016	130.05 (1)(d)	Fail to Identify, Authorize, or provide Property Managers contact information	\$300.00	\$280.00	\$320.00	<b>YES</b>
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3.3 Insert the following new rows under the “Zoning Bylaw No. 4662, 2010” category:

4910, 2016	130.05	Fail to Identify, Authorize, or provide Property Managers contact information for Secondary Suite	\$300.00	\$280.00	\$320.00	<b>YES</b>
5122, 2021	130.051	Fail to Identify, Authorize, or provide Property Managers contact information for Detached Secondary Suite	\$300.00	\$280.00	\$320.00	<b>YES</b>

## Part 4 Offence and Penalty

- 4.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 4.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer

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District of West Vancouver

**Municipal Ticket Information System  
Implementation Bylaw No. 4383, 2004  
Amendment Bylaw No. 5139, 2021**

Effective Date:

# **Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 Amendment Bylaw No. 5139, 2021**

## **Table of Contents**

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District of West Vancouver

# **Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 Amendment Bylaw No. 5139, 2021**

A bylaw to amend the Municipal Ticket Information System Implementation  
Bylaw No. 4383, 2004.

Previous amendments: Amendment Bylaw 4392, 4428, 4449, 4521, 4869, 4894,  
4911, 4977, 5000, 5097 and 5098.

WHEREAS the Council of The Corporation of the District of West Vancouver  
deems it expedient to provide for a bylaw for the purpose of enforcing the bylaws  
of the municipality;

NOW THEREFORE the Council of the Corporation of the District of West  
Vancouver enacts as follows:

## **Part 1 Citation**

- 1.1 This bylaw may be cited as Municipal Ticket Information System  
Implementation Bylaw No. 4383, 2004, Amendment Bylaw No. 5139,  
2021.

## **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent  
jurisdiction, then the invalid portion must be severed and the remainder of  
this bylaw is deemed to have been adopted without the severed section,  
subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Amends Schedules B3 and B16 of the Municipal Ticket Information System Implementation Bylaw No. 4383, 2004**

- 3.1 Insert the following new rows in Schedule B3 of the Municipal Ticket  
Information System Implementation Bylaw No. 4383, 2004:

Fail to Licence Secondary Suite/ Detached Secondary Suite	7.8.1	\$500.00
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- 3.2 Delete the following row in Schedule B16 of the Municipal Ticket Information System Implementation Bylaw No. 4383, 2004:

More than one Secondary Suite	130.05 (1) (a)	\$500.00
Fail to Identify, Authorize, or provide Property Managers contact information	130.05 (1)(d)	\$500.00

- 3.3 Insert the following new rows in Schedule B16 of the Municipal Ticket Information System Implementation Bylaw No. 4383, 2004:

More than one Secondary Suite or Detached Secondary Suite	130.05 and 130.051	\$500.00
Fail to Identify, Authorize, or provide Property Managers contact information for Secondary Suite	130.05	\$500.00
Fail to Identify, Authorize, or provide Property Managers contact information for Detached Secondary Suite	130.051	\$500.00

## Part 4 Offence and Penalty

- 4.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 4.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.



READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer



District of West Vancouver

**Fees and Charges  
Bylaw No. 5025, 2019,  
Amendment Bylaw No. 5134, 2021**

Effective Date:

# **Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5134, 2021**

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District of West Vancouver

## **Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5134, 2021**

A bylaw to update the fees for a development permit application for a detached secondary suite under OCP designation BF-B 3.1 for an update to the Land Development fee categories.

Previous amendments: Amendment bylaws 5079, 5104, 5103, 5084, and 5119.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for fees and charges for services and information;

AND WHEREAS section 194 of the Community Charter authorizes municipalities by bylaw to impose fees in respect of services or for the provision of information;

AND WHEREAS Council deems it necessary and desirable to exercise the authority provided by the Community Charter to cover costs of providing services and information where appropriate;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5134, 2021.

### **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Part 3 Amendments**

Fees and Charges Bylaw No. 5025 2019 is amended by:

3.1 In SCHEDULE A – DEVELOPMENT & PERMITS, DEVELOPMENT PERMIT UNDER OCP DESIGNATION BF-B 3.1,

a) Delete the following fees:

<b>Development Permit under OCP Designation BF-B 3.1 (detached secondary suite)</b>		
<b>Unit Type: One-storey</b>		
Complies with Zoning	\$1,150.00	
Requires Variances and/or Approval by Council	\$1,850.00	
<b>Unit Type: Two-storey</b>		
Complies with Zoning	\$1,650.00	
Requires Variances and/or Approval by Council	\$2,350.00	
Refundable Portion of Fee	50% of Application Fee	50% of application fee is refundable if application does not advance to Stage II review (building and landscape design)

b) Replace with the following fees:

<b>Development Permit under OCP Designation BF-B 3.1 (detached secondary suite)</b>		
1) where the proposal is considered by the Director of Planning & Development Services	\$2,350.00	
2) where consideration is by Council	\$4,000.00	
Refundable Portion of Fee	50% of Application Fee	50% of application fee is refundable if application does not advance to Stage II review (building and landscape design)

3.1 In SCHEDULE A – DEVELOPMENT & PERMITS:

3.1.1 Replace “Boulevard Design Plan Review (where construction value is \$500,000.00 or more)” with “Boulevard Design Plan Review”.

3.2 In SCHEDULE A – DEVELOPMENT & PERMITS, BLASTING:

3.2.1 Delete the following fees:

<b>BLASTING</b>		
Blasting Permit Fee as per section 5(e) of Blasting Bylaw No. 4024, 1996	\$1,000.00	
Blasting Permit Extension	\$250.00	

3.3 In SCHEDULE A – DEVELOPMENT & PERMITS, SOIL REMOVAL AND DEPOSIT FEES:

3.3.1 Delete the section titled “Soil Removal and Deposit Fees” with the following section:

<b>Soil Removal, Deposition, Blasting and Rock-breaking</b>		
Soil Permit	\$1,000.00	
Blasting Permit	\$1,000.00	
Rock-breaking Permit	\$500.00	
Blasting or Rock-breaking Permit Extension	\$250.00	
Soil Removal or Deposition, Blasting, or Rock-breaking Permit Damage Deposit	\$2,500.00	
Excess Blasting or Rock-breaking volume as per Part 15 of the Soil Removal, Deposit, Blasting and Rock-breaking Bylaw No. 5130, 2021	\$100.00 per m <sup>3</sup> over permitted	

3.4 In SCHEDULE A – DEVELOPMENT & PERMITS, SUBDIVISION – FINAL PLAN EXAMINATION:

- 3.4.1 Replace “Site Profile...” with “Site Disclosure Statement...”

## **Part 4 Effective Date**

- 4.1 Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5134, 2021 will be effective on January 31, 2022.

## **Part 5 Offence and Penalty**

- 5.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 5.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Corporate Officer

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