

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

### 130.01 Accessory Buildings and Structures (Bylaw #5122)

- (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 and heated walkway, or a covered walkway 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, except that an accessory building or structure may be located partly or entirely: (Bylaw #5192)
  - (a) within a rear yard provided that no part of the accessory building is less than 1.2 metres from the rear site line (Figure 1); and
  - (b) within a side yard within the RS5, RS9, RD1 and RD2 zones provided that no part of the accessory building is more than 12.1 metres from the rear site line (Figure 2); and
  - (c) anywhere on a site, the following are permitted:
    - (i) children's play equipment;
    - (ii) flag poles allowing for flags no larger than 2 square metres located on public property, school sites, and any site within a Marine Zone except Marine Zone 1; and elsewhere to a maximum of one flagpole on a site;
    - (iii) retaining walls;
    - (iv) structures with no part higher than the grade line; and
    - (v) trellises.
- (4) No part of an accessory building shall be located less than:
  - (a) 4.5 metres from a principal building, with the exception that a single accessory building with a floor area of no more than 4.6 square metres that is otherwise permitted on the site may abut a principal building;
  - (b) 3.0 metres from a building containing a detached secondary suite; and (Bylaw #5192)
  - (c) 1.2 metres from another accessory building.
- (5) 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, provided that the accessory building or structure is located no less than 4.5 metres from a principal building.

- (6) Notwithstanding (4) above, where an accessory building is: (Bylaw #5192)
- (a) located where no part is in a required yard, the accessory building shall:
    - (i) abut a principal building; or
    - (ii) where not abutting, be located no less than 1.2 metres from a principal building (Figure 1);
  - (b) used for the purposes of vehicle storage within the RS5, RS9, RD1, RD2 zones or within the RS4 zone and identified in Section 204.13 Sunset Lane Lands, the accessory building shall: (Bylaw #5192)
    - (i) attach to a principal building provided that the total length of the building face of the accessory building, including the attachment to a principal building, is no more than 6.7 metres (Figure 2); or
    - (ii) where not attached, be located no less than 1.2 metres from a principal building.
  - (c) within the RG-1A, RG-1B, RG-2, RG-3 zones, the accessory building shall be located no less than 1.2 metres from a principal building. (Bylaw #5155)
- (7) 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; or
    - (ii) notwithstanding (i) above, where no part of an accessory building or structure is more than 10 metres from the rear lot line on a site that includes lands identified in Section 204.13 Sunset Lane Lands, from the elevation of the traveled lane surface directly adjacent to the subject site.

Figure 1

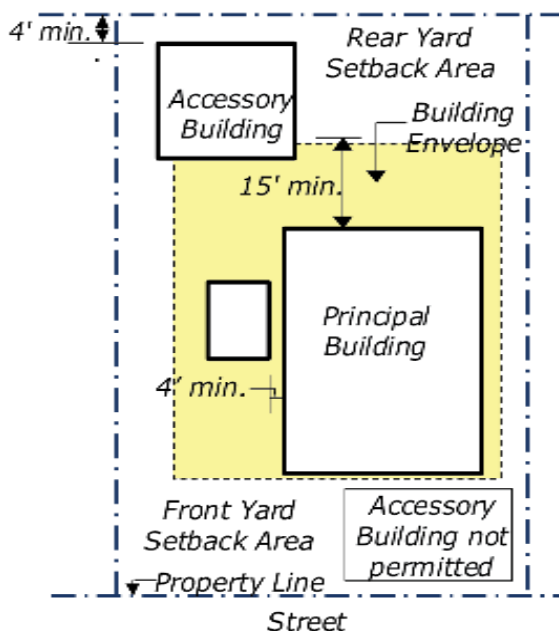
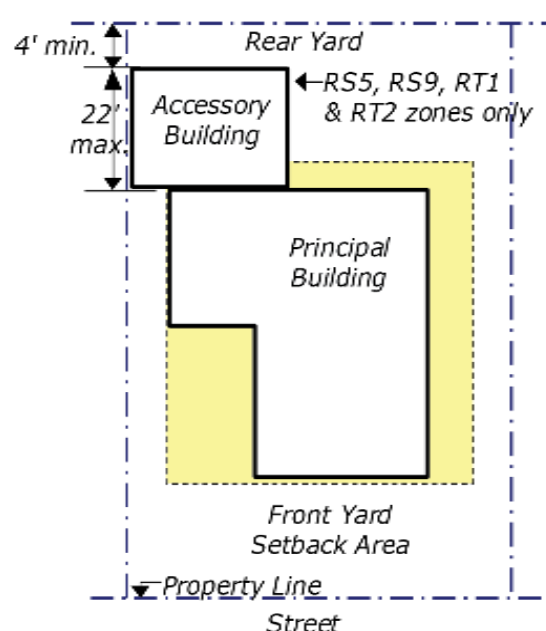


Figure 2



### 130.02 - Bed and Breakfast

- (1) The maximum size of the bed and breakfast business shall be as follows:
  - (a) on a site of less than or equal to 557.5 square metres, one 1 room maximum providing temporary guest accommodation for a maximum of 2 adults; and (Bylaw #4679)
  - (b) on a site of greater than 557.5 square metres, 2 rooms maximum providing temporary guest accommodation for a maximum of 4 adults. (Bylaw #4679)
- (2) Temporary accommodations must not exceed 30 consecutive days.
- (3) In addition to the guest accommodation rooms, bed and breakfast's may include common rooms for guest use. (Bylaw #4679)
- (4) A dwelling containing a bed and breakfast business shall not concurrently:
  - (a) accommodate lodgers, or
  - (b) contain a secondary suite.
- (5) A bed and breakfast business operator shall reside on the premises where the bed and breakfast business is located.
- (6) All guest accommodation rooms shall be sited within the principal building.
- (7) No cooking facilities shall be provided within the temporary guest accommodation rooms.
- (8) One on-site parking space shall be provided for each available temporary guest accommodation room, in addition to any parking space(s) required for the remainder of the principal building. Where more than one parking space is required for the bed and breakfast business, such spaces may be located in tandem.
- (9) Parking areas shall be screened from neighboring properties.
- (10) Unless specifically permitted for an individual property, a bed and breakfast is not a permitted use in any zone.

### 130.03 - Commercial Vehicles and Equipment

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

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

- (1) Where permitted, a home based business is subject to compliance with the following regulations:
  - (a) No non-family member, and no more than 2 persons of an immediate family shall be in any way engaged, occupied or employed to work on or from the premises in connection with such home based business, and such family persons shall reside in the dwelling. (Bylaw #4679)

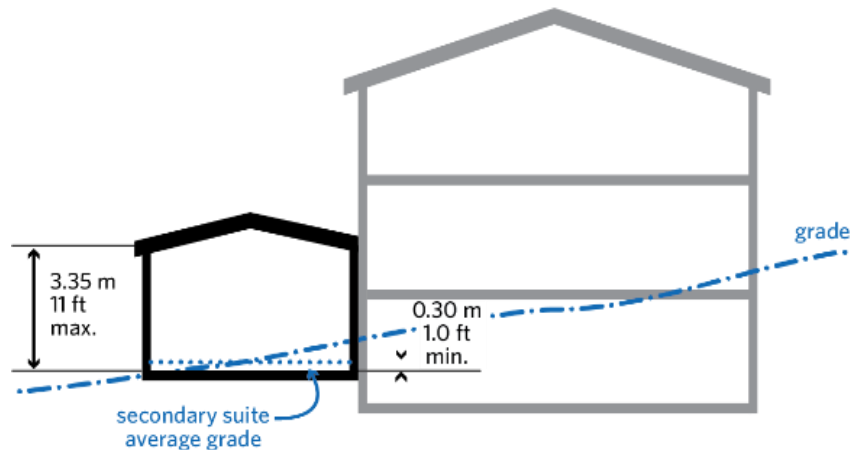
- (b) No goods, wares, merchandise or other commodities shall be sold directly in, or upon, or from the premises, other than a home based artist studio, which is permitted to sell artwork and crafts produced on the same premises. (Bylaw #5175)
- (c) No stock-in-trade, materials, supplies or goods related to the home based business shall be kept or stored outside any building on site.
- (d) No more than one vehicle shall be used in connection with the home based business and no such vehicle shall be in excess of 2,268 kilograms gross vehicle weight.
- (e) The home based business shall not generate more than one client to the site from which the business is being operated at any given time or cause more business related vehicle trips to the home than is normal in a residential area.
- (f) The home based business shall not contribute or cause any noise, heat, glare, odour, electrical interference or other nuisance to the immediate neighbourhood.
- (2) Notwithstanding the provisions in this Section, a physician's office is permitted within dwellings in the RD1, RD2, RM1 and RM2 zones.
- (3) Bed and Breakfast is defined and regulated separately and is not a home based business for the purposes of this Zoning Bylaw.
- (4) Without limiting the generality of this section, the following are not permitted as home based businesses: (Bylaw #5175)
  - (a) orchestra or band training;
  - (b) places of public assembly;
  - (c) restaurants;
  - (d) notwithstanding section 130.04(1)(b), retail sales directly from the site; (Bylaw #5175)
  - (e) schools or recital areas;
  - (f) stables or kennels for the boarding and breeding of animals; and
  - (g) salvage or repair of vehicles.
- (5) All client parking associated with the home based business shall be accommodated on-site.
- (6) The operator of the home based business is responsible for complying with all applicable health and safety regulations. (Bylaw #5175)

#### **130.05 – Secondary Suites** (Bylaw #5122)

- (1) No more than one secondary suite shall be accessory to each principal dwelling. (Bylaw #5155)
- (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, except that: (Bylaw #5175)
    - (i) In Single Family Dwelling Zones and on sites with a single family dwelling in a Duplex Dwelling Zones, child care up to a maximum of 8 children is allowed on any site that meets Provincial legislation and regulations; and
    - (ii) The home in which the child care facility is operated must be occupied by the operator or a staff person of the child care facility;
  - (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.

**130.051 – Detached Secondary Suites** (Bylaw #5122)

- (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; or (Bylaw #5192)
  - (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, with no greater than 20.5 square metres of vehicle storage within the building containing the 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) 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 20.5 square metres of space for storage of vehicles; (Bylaw #5192)
  - (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); or (Bylaw #5192)
    - (ii) 50% of the main floor area for a building with any other roof form.
- (5) 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.
- (6) 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.
- (7) 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; or (Bylaw #5192)
  - (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.
- (8) No part of a building containing a detached secondary suite shall be located less than 4.9 metres from a principal building. 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.
- (9) A detached secondary suite shall not be:
  - (a) 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) subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.
- (10) 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.

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

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

### 130.07 - Rooftop Equipment Enclosure

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

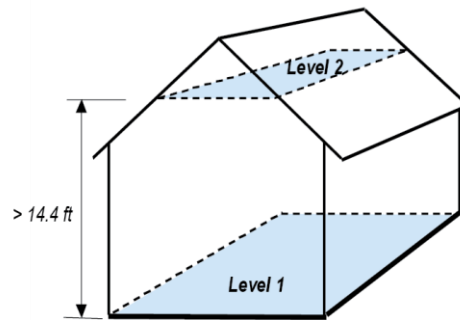
### 130.08 - Floor Area – Single Family, Duplex and Ground-oriented Dwelling Zones

(Bylaws #5122 & #5155)

- (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) any portions of decks or other exterior areas covered by roofs, trellises, decks or other overhangs, that meet one or more of the following conditions: (Bylaw #5192)
    - (i) more than 1.2 metres from the exterior wall of the building and located above the first storey;
    - (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.

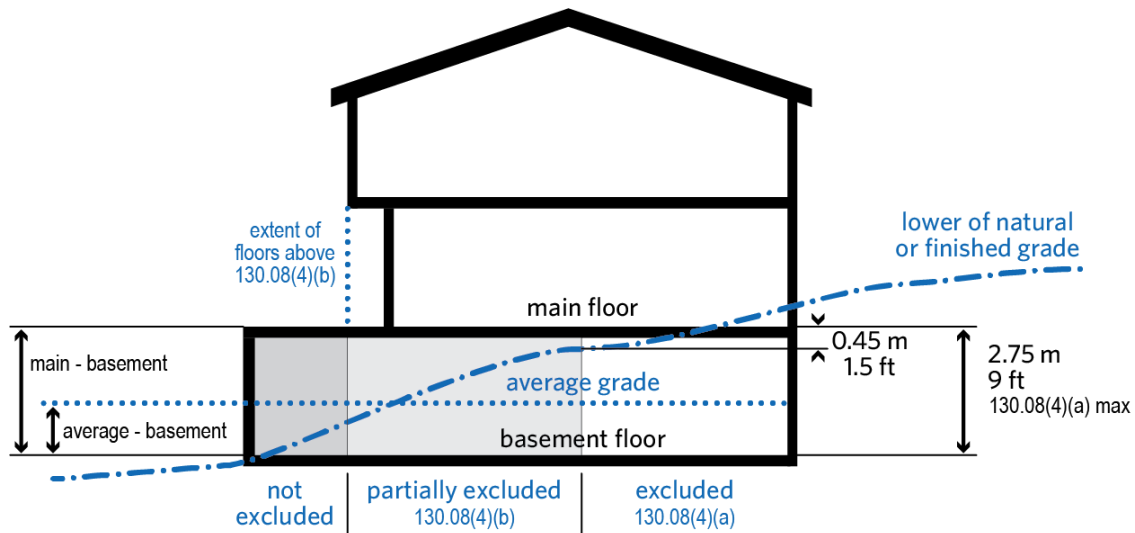


Figure 1



- (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



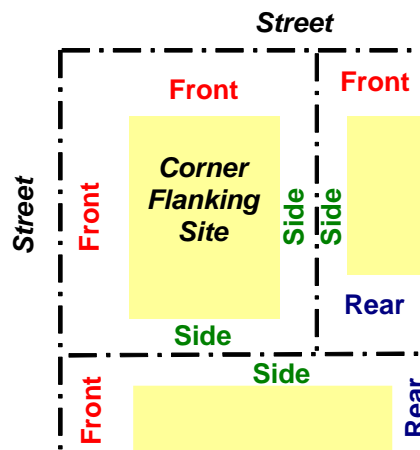
- (5) For single family and duplex dwelling uses, floor area counted in 130.08(1) shall exclude the following spaces: (Bylaw #5155)
- (a) no more than 41.0 square metres in total for the following purposes on a lot:
    - (i) storage of vehicles within a principal building, accessory building, or a building 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;
  - (c) 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:
    - (i) the existing principal building was issued a building permit prior to January 1, 1976;

- (ii) 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
  - (iii) no building permit increasing floor area in accordance with this Zoning Bylaw has been issued later than January 1, 2021.
- (6) For ground-oriented dwelling uses, floor area counted in 130.08(1) shall exclude areas for the storage of vehicles and/or bicycles within a principal building, accessory building, and/or accessory structure not to exceed the lesser of: (Bylaw #5155)
- (a) 20.5 square metres per principal dwelling
  - (b) 10% of the site area; or
  - (c) 148.8 square metres total for the site.

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

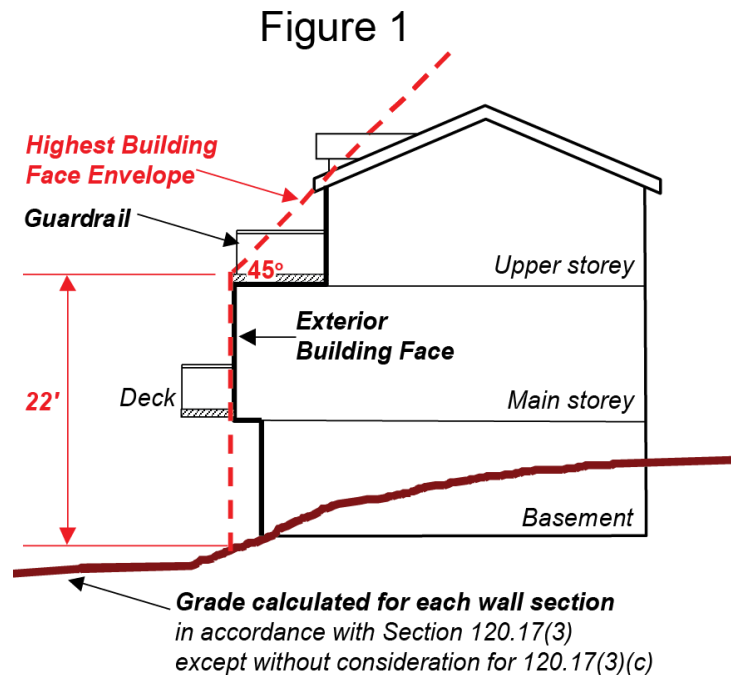
Single dwellings or duplex dwellings on corner flanking lots shall provide the required front yard setback along both streets and other yards shall be considered side yards, as shown in Figure 1.

Figure 1



**130.10 - Highest Building Face Envelope** (Bylaw #5122)

- (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).



- (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 and other exterior areas not considered floor area pursuant to provision 130.08(1)(c)(ii), and decorative projections not enclosing the interior of the building; (Bylaw #5192)
  - (e) eaves, except 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. (Bylaw #5192)

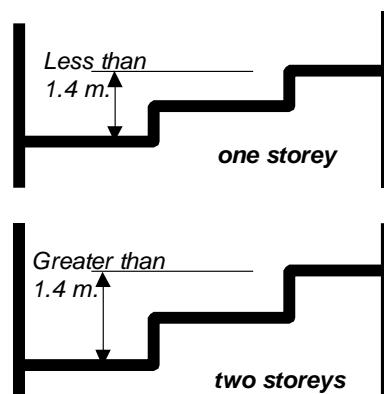
### 130.11 - Pools and Ponds

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

### 130.12 – Storeys – Exclusions and Inclusions

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

Figure 1

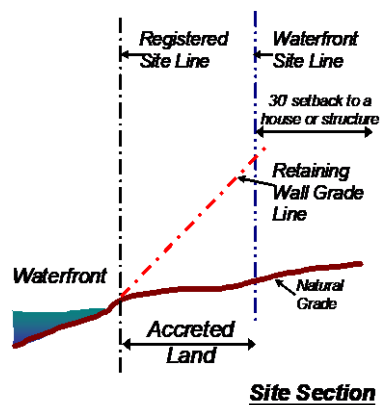


### 130.13 - Waterfront Yard Requirement

- (1) In any residential zone where lots abut the waterfront other than RS6, the waterfront yard shall be a minimum of 9.1 metres, measured from the waterfront site line to the building line.

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

Figure 1



**130.14– Deleted** (Bylaw #5192)

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

- (1) Where permitted, the keeping of chickens is subject to compliance with the following regulations:
  - (a) A maximum of 6 chickens are permitted per lot.
  - (b) A maximum of 1 chicken enclosure is permitted per lot.
  - (c) For clarity, a chicken enclosure is not an accessory building for the purposes of this Zoning Bylaw.
  - (d) The chicken enclosure shall be set back from the property lines as follows:
    - (i) a minimum distance of 1.2 metres from a rear lot line; and
    - (ii) a minimum distance of 1.5 metres from a side lot line.
  - (e) The chicken enclosure is not permitted within any front yard.
  - (f) The chicken enclosure shall be sited a minimum distance for 1.2 metres from any dwelling unit.
  - (g) The chicken enclosure shall have a maximum height of 2 metres.
  - (h) The chicken enclosure shall have a minimum floor area of 0.4 square metre per chicken to a total maximum floor area of 9 square metres, and at least 1 square metre of chicken run per chicken.
  - (i) The chicken enclosure must be kept in good repair and sanitary condition and be constructed to prevent access by wildlife and other animals.
  - (j) A person who keeps one or more chickens must register the keeping of chickens with the District.
  - (k) A person who keeps one or more chickens must keep them for personal use only, and not sell, trade or barter eggs, manure, meat, or other products derived from the chickens.
  - (l) The keeping of chickens shall not contribute to noise, odour, dust, or nuisance to the immediate neighbourhood and must comply with the Animal Control and Licence Bylaw, Noise Control Bylaw, Solid Waste Utility Bylaw and other applicable bylaws.

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

- (1) Every lot in an RS2, RS3, RS4, RS5, RS6, RS7, RS9 or RS10 Zone on which a residential building is constructed pursuant to a building permit for which an application was made after April 18, 2016 must be landscaped in accordance with this Section and in accordance with an approved landscaping plan prepared and approved in accordance with this Section.
- (2) The landscaping required by this Section is landscaping of that portion of the Permitted Building Envelope on the lot that is not covered by the residential building, any permitted accessory building or structure such as a swimming pool or greenhouse, or any motor vehicle parking spaces or driveway.

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- (3) Landscaping required by this Section may be any of the following, or any combination of the following:
- (a) undisturbed natural vegetation, or natural vegetation that has been altered only by the removal of invasive plant species;
  - (b) ornamental lawns and gardens;
  - (c) vegetable gardens, orchards and berry patches; and
  - (d) walkways, fences, retaining walls, patios, children's play area and outdoor seating areas.
- (4) Every applicant for a building permit authorizing the construction of a dwelling on a lot to which this Section applies must include with the building permit application a landscaping plan and security in the amount of 100 percent of the cost to a maximum of \$25,000.00, estimated by a landscape architect or licensed landscape contractor, of installing the landscaping in accordance with the landscape plan. (Bylaw #5122)
- (5) Landscaping shown on a landscape plan and provided in accordance with this Section must:
- (a) be designed to maximize the length of time during which precipitation falling naturally on the site is retained on the site, and may include ponds, wetlands and similar features for runoff retention and the provision of habitat for native species of fauna such as birds and insects;
  - (b) use species of vegetation that are native to the District landscape or that are drought-resistant;
  - (c) be designed so as to minimize or eliminate the need for artificial irrigation;
  - (d) not include the use of invasive plant species;
  - (e) be designed so as to interrupt or alter natural topography and drainage patterns as little as practicable;
  - (f) on sloping sites, incorporate species of vegetation and structural features that will stabilize the slope, attenuate erosion and prevent the siltation of watercourses to which the site naturally drains;
  - (g) be designed so as to enhance privacy in the use of outdoor seating and children's play areas and to screen motor vehicle parking areas from adjacent sites, including by incorporating evergreen hedges and similar vegetation; and
  - (h) in the case of a site whose owner or developer intends to landscape the abutting District boulevard, be coordinated with the landscaping proposed to be installed on the boulevard.
- (6) Landscaping plans must:
- (a) be prepared at a minimum scale of 1:100;
  - (b) indicate topography based on a plan provided by a BC Land Surveyor;
  - (c) indicate by location and species, and by DBH in the case of trees, each tree, shrub or plant to be removed, retained or planted on the lot; delineate the area comprising the front yard as defined in this Zoning Bylaw, and the proposed location of driveways and pedestrian walkways; and
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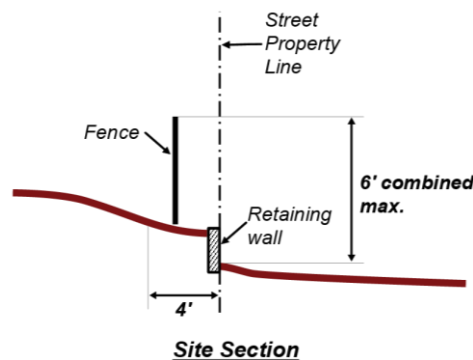
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- (d) indicate the percentage of the area of the front yard that is proposed to be covered, respectively, by impermeable surfaces and by impermeable and un-vegetated permeable surfaces collectively.
- (7) Impermeable surfaces and un-vegetated permeable surfaces 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: (Bylaw #5122)
- (a) 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; or (Bylaw #5192)
- (b) 50% of the site area of the yard.
- (8) 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: (Bylaw #5122)
- (a) turf blocks or similar material; and
- (b) permitted only where an equal or greater area of vegetated, permeable surfaces is located elsewhere on the site.
- (9) A building permit must not be issued for a lot to which this Section applies until the Director has approved the landscaping plan.
- (10) The Director may refuse to approve a landscaping plan that does not comply with this Section, or that contemplates the cutting of a tree that is protected by a covenant granted to the District under s. 219 of the *Land Title Act*, that contains the nest of an eagle or heron, or constitutes the habitat of a protected wildlife species.
- (11) An owner of land may, despite Part 6 of Interim Tree Bylaw No. 4892, 2016 or any successor District bylaw that regulates the cutting of trees, cut and remove without obtaining a tree cutting permit any tree that is located within the area dealt with in an approved landscaping plan and not designated in the landscaping plan as a tree to be retained.
- (12) A certificate of occupancy shall not be issued in respect of a dwelling on a lot to which this Section applies, unless the landscaping shown on the plan has been installed to the satisfaction of the Director.
- (13) In the event that a dwelling is occupied prior to the issuance of a certificate of occupancy and the landscaping shown on the landscaping has not been installed to the satisfaction of the District, the security provided by the applicant shall be forfeited to the District and used for the landscaping of public areas.
- (14) Landscaping provided on a lot in accordance with this Section shall be maintained in good condition and without limiting the generality of the foregoing, the owner of the lot must:
- a. replace any tree, shrub or other plant that does not survive transplantation;
- b. maintain the aesthetic value of the landscaping; maintain the runoff retention and erosion prevention functions of the landscaping;
- c. maintain any screening effect of the landscaping; and
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- d. maintain the function of the landscaping in providing habitat for native species of fauna.
- (15) No person shall, having installed landscaping in accordance with this Section, alter the landscaping so as to increase the percentage of the area of the Permitted Building Envelope that is covered by impermeable surfaces or un-vegetated permeable surfaces except as permitted under any subsequently approved building permit application.

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

- (1) The maximum height of a fence:
- (a) in the RS5, RS9, RD1, RD2 and RD3 zones is 1.2 m within a front yard and 1.8 m at all other locations on the site; and
  - (b) on all other sites zoned for residential uses is 1.8 m within a front yard and 2.4 m at all other locations on a site.
- (2) Where a fence is located on or within 1.2 m of a retaining wall, the maximum combined height of the fence and retaining wall is the lesser of: (Bylaw #5122)
- (a) 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);
  - (b) 2.4 metres if located elsewhere on the site; or (Bylaw #5192)
  - (c) the fence height specified in (1) above.

Figure 1



- (3) No fence or part of a fence in any zone may be constructed of barbed or razor wire.