



COUNCIL AGENDA/INFORMATION		
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R-3

DISTRICT OF WEST VANCOUVER  
750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

## COUNCIL REPORT

Date: December 22, 2010 File: 1610-20-4662  
From: Bob Sokol, Director of Planning, Lands and Permits  
Subject: Zoning Bylaw 4662, 2010 Public Hearing Follow up Report

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### RECOMMENDED THAT:

1. The report dated December 22, 2010 regarding Zoning Bylaw No. 4662, 2010 – Public Hearing Follow Up be received for information
2. Proposed Zoning Bylaw No. 4662, 2010 be amended as set out in Appendices “E” and “F” as attached to the report dated December 22, 2010 regarding Zoning Bylaw 4662, 2010 – Public Hearing Follow Up.

### Purpose

This report is intended to provide Council with follow up information regarding comments received by Council at the public Hearing on Zoning Bylaw 4662, 2010 on December 13, 2010 and to set out amendments to proposed Zoning Bylaw No. 4662, 2010 for Council’s consideration.

### 1.0 Background

#### 1.1 Resolutions

On December 13, 2010, Council adjourned the public hearing on zoning bylaw 4662, 2010 until January 10, 2011 and directed staff to respond to comments received from the following parties or on the following topics:

- Collingwood School (Appendix A)
- Creek/Riparian Area Protection
- Letter submitted by Chapman Land Surveying (Appendix B)
- Letters submitted by British Pacific Properties (Appendix C and D)
- Request for a six month consultation period on the propose bylaw
- Imperial to Metric Conversion

## 2.0 Analysis

### 2.1 Collingwood School -

Collingwood School requested to have the maximum building height in the CD27 zone changed from the current (as proposed) 7.62 meters (25 feet) to 9.1 meters (29.8 feet). They would like to have the maximum building height at this location match the height that is applied in the PA1 zone, which applies to other school sites in the District.

The new CD27 zone is, in effect, a renaming of the CU9 zone, which was applied to this property in 1989. Following the general approach of the technical rewrite, we have simply taken all of the provisions of the old CU9 zone and transferred them into the CD27 zone. When the CU9 zone was created, the height limit of 25 feet was set. This height was likely chosen to ensure that the school buildings would not be significantly taller than the surrounding homes. This was likely a point of contention at the time of the rezone. Adjusting that height now, during the technical rewrite, is not in keeping with the general approach used in considering changes to the zoning bylaw at this time.

As Collingwood School emphasizes in their letter, they are currently exploring options to redevelop a portion of the Morven Campus. While it may make sense for us to change the height allowed on the Morven Campus so that it is the same as that for other schools, such a change should not be made as part of the technical rewrite, but should be considered as part of Council's consideration of the school's redevelopment plans. At that time, the maximum height change could take the form of either a zoning bylaw amendment or a development variance permit. **Staff's recommendation, therefore, is to not change the maximum height in the CD27 zone as part of the technical rewrite.**

### 2.2 Creek/Riparian Area Protection

Creek and riparian area protection is not a function of the zoning bylaw. Creek and riparian area protection is achieved through the provisions of the Creek Bylaw and the development guidelines within the Watercourse Protection Development Permit Area Designation (NE13) contained in the Official Community Plan. Protection of these areas is therefore unaffected by the technical rewrite of the zoning bylaw. **Staff recommends that no changes are necessary to maintain the current level of protection of creek and riparian areas.**

### 2.3 Chapman Land Surveying Letter

Staff met with Bill Chapman on December 21, 2010 to discuss his comments on the zoning bylaw and staff's response to them. In his letter, Mr. Chapman questions the need for Bylaw Section 105 "Bylaw Interpretations" and is unclear on its purpose. The Municipal solicitor specifically recommended (and wrote) this

section of the bylaw based upon his experience in implementing other municipalities' zoning bylaws. Mr. Chapman is concerned that this section precludes the ability of the District to allow for variances to the zoning bylaw.

Section 899 of the Local Government Act requires the establishment of a Board of Variance for any municipality that has a zoning bylaw. District of West Vancouver Board of Variance Bylaw No. 4487, 2007 establishes the Board of Variance and sets the rules and procedures for its operation. This bylaw is unchanged by the technical rewrite of the zoning bylaw. Further, Section 922 of the Local government Act gives a local government the ability to issue a Development Variance Permit (DVP) for certain provisions of a zoning bylaw. The procedures for applying for and having a DVP considered by the West Vancouver Council are established in the Development Procedures Bylaw No. 3984, 1996.

While the Local Government Act and District Bylaws other than the zoning bylaw prescribe the process for securing variances to certain provisions of the zoning bylaw, it may be beneficial to some bylaw users to specifically state in the zoning bylaw that it is possible to secure such a variance, **staff therefore recommends that a new provision be added to the bylaw as contained in Appendix E (Item # 58).**

Mr. Chapman also raises a concern regarding a change to the definition of natural grade. While what is proposed is a change from the specific language contained in the existing bylaw, the change is proposed to make the new bylaw reflect the methodology that has been used for the past several years to determine the natural grade on sites that have been previously altered, such as for an earlier home built on the site. **Staff believes this change is in keeping with the intent of the technical rewrite, but recommends a revision to the wording contained in the general regulation section regarding the determination of natural grade to better reflect current procedures. The wording of the recommended revision is contained in Appendix E (Item # 63).**

#### 2.4 British Pacific Properties Letters

*Letter dated December 10, 2010*

Staff met with Geoff Croll of BPP on December 21, 2010 to discuss his comments on the zoning bylaw and staff's response to them. In their letter, British Pacific Properties requests several changes be made within the definition section of the bylaw as follows:

- A definition of "dwelling, apartment" should be added to the bylaw. **Staff notes that there is a definition of "building, apartment" and therefore recommends that a new definition not be added to the bylaw.**

- A change should be made within the definition of “building, apartment” to refer to townhouse dwellings as opposed to simply town houses. **Staff recommends that this change not be made to the bylaw.**
- Revise the wording to the definition of a “lot”. **Staff recommends that the definition of a lot be changed as shown in appendix E (Item #61).**
- Revise the wording to the definition of site to reflect that a site can be comprised of more than one lot. **Staff recommends that the definition of a lot be changed as shown in appendix E (Item #62).**
- Concern over the definition of “grade, natural.” A discussion of a change to address this issue can be found in section 2.3.

*Letter dated December 13, 2010*

Staff met with Geoff Croll of BPP on December 21, 2010 to discuss his comments on the zoning bylaw and staff’s response to them. In their letter, BPP expresses concern with section 105 of the bylaw. These concerns were addressed by the staff suggested changes to the bylaw provided to Council on December 13, 2010 (Appendix F) and by the staff suggested change to section 105 discussed in section 2.3 regarding variances.

Additional changes requested are as follows:

- Revision of the definition of grade, natural. A discussion of a change to address this issue can be found in section 2.3.
- Request to refer to duplex dwellings as two family dwellings within the CD3 zone for Rodgers Creek. **Staff recommends that the changes be made to address this concern as shown in appendix E (Items # 68 to 74).**
- Add a definition of community care. **Staff notes that there is a definition of community care facility and believes that this is sufficient and no change is necessary.**

2.5 *Six Month Consultation Period*

Some members of the public requested a six month consultation period prior to adoption of the new zoning bylaw. Zoning Bylaw 4662, 2010 received first reading by Council on November 15, 2010. The public hearing has been adjourned until January 10, 2011. This will mean that the public will have eight weeks from first reading to the second evening of the public hearing. Such time should be sufficient for the public to review and comment on the proposed zoning bylaw. Additionally, an early draft of the bylaw was made public in March 2009. While the bylaw was revised after that date, interested members of the public were also given an opportunity to comment at that time for an extended period. **Staff**

**recommends that the existing opportunities for public review and comment on the bylaw have been sufficient and that unless new significant comments are raised on January 10, 2011, that Council close the public hearing and begin its deliberations on the bylaw.**

2.6 Imperial to Metric Conversion

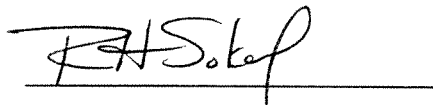
During the preparation of zoning bylaw 4662, 2010, staff contacted several municipalities to learn of their experiences in transitioning from imperial measurements to metric. Most municipalities either converted or began their conversion in the 1980s. Staff is not aware of any other municipality in the province which still uses imperial units. Further, they do not use metric units with imperial units in parentheses in order to ensure that there is no confusion as to the exact measurement to be applied.

The BC Building code is entirely in metric units and the Land Title Office requires all documents submitted to be in metric units. For these reasons, **staff recommends that zoning bylaw 4662, 2010 include the conversion to metric and that references to imperial units not be included.**

2.7 Other Staff Recommended Changes

Staff has also included in Appendix E some additional revisions to the bylaw to correct minor typographical issues and to improve clarity. (Items #59, 60, 64-67, 75, 76). Staff also recommend replacing Map 11 with a revised map, which includes some street names, which were missing from the earlier version.

Author:



Appendices:

- A: Collingwood School Letter dated December 13, 2010
- B: Chapman Land Surveying Letter dated December 13, 2010
- C: British Pacific Properties Letter dated December 10, 2010
- D: British Pacific Properties Letter dated December 13, 2010
- E: Proposed Changes to Bylaw 4662, 2010 to address comments received at the public hearing on December 13, 2010
- F: Suggested changes to the bylaw provided to Council on December 13, 2010

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COLLINGWOOD SCHOOL

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13 December, 2010

District of West Vancouver  
750 - 17th Street  
West Vancouver, BC  
V7V 3T3

Dear Mayor and Council:

**Re: Zoning Bylaw 4662, 2010  
Submission to Public Hearing**

Thank you for providing Collingwood School with the opportunity to provide comments on Zoning Bylaw 4662, 2010. As you know Collingwood School plays a prominent role within the community with two campuses being located within the District; an elementary school off of Chairlift Road (Wentworth campus) and a secondary school off of Morven Drive (Morven campus). Combined, the two campuses accommodate just over 1000 students.

Collingwood School supports the District in bringing forward an updated zoning bylaw that would replace the existing zoning bylaw, a bylaw that is both out of date and challenging to use. The school acknowledges that Zoning Bylaw 4662, 2010 is not intended to address policy issues, but is considered a "housekeeping bylaw".

#### **WENTWORTH CAMPUS**

In Zoning Bylaw 4662, 2010, the Wentworth campus continues to be zoned **PA1 (Public Assembly Zone 1)** much like all the other schools within the District of West Vancouver, including Mulgrave School and Saint Anthony's School, the other two major private schools within the District. Collingwood School supports the use of the PA1 zone for the Wentworth campus.

#### **MORVEN CAMPUS**

In the existing bylaw, the Morven campus has its own site specific zone - **CU9 (Community Use Zone 9)**, and appears to be the only school **not** to be zoned PA1. In Zoning Bylaw 4662, 2010, the CU9 zone would be eliminated and would be replaced with another site specific zone - **CD27 (Comprehensive Development Zone 27)**. All of the regulations within the CU9 zone would be carried over to the CD27 zone, including the requirement that the student enrolment not exceed 600 students.

Collingwood School supports the new CD27 zone except for one provision – **Section 627.07 (Building Height and Number of Stories)**. This section requires that the maximum height of a building be the same as specified in Section 203 of the bylaw, the section that applies to the maximum height of buildings within **Single Family Dwelling Zone 3 (RS3)**. While Collingwood School acknowledges that this provision is currently contained within the CU9 zone, the School would like to offer the following comments regarding this section of the new bylaw:

- In 1999, all schools within the District were rezoned from Single Family Dwelling to PA1 (Public Assembly Zone 1) with the exception of the Morven campus because it was zoned Community Use 9 at the time;
- Cross referencing from one zone to another would still remain in the new bylaw, a practice that we understood that the District wants to eliminate;
- The maximum building height for the Morven school would be less than that permitted for the properties immediately east of the school on Glenmore Drive, currently occupied with multi family dwellings and zoned Multiple Dwelling Zone 4 (RM-4) in which the maximum building height is 8.5 meters (27.9 feet); and
- The maximum building height for a school on the Morven campus would be 7.6 meters (25 feet), whereas the maximum building height for all **other secondary schools** within the District would be 9.1 meters (29.8 feet) as specified within the PA1 zone.

With respect, it is for these reasons that Collingwood School believes that the maximum building height of its school at Morven should be established at 9.1 meters. This would enable the School to have the same maximum building height restrictions as all the other secondary schools within the District, many of which are also located within established single family neighbourhoods. Collingwood believes that it would be appropriate, and consistent with the housekeeping nature of Zoning Bylaw 4662, to align the maximum height permitted within the CD27 zone with that applicable to all other secondary schools within the District, being the 9.1 meters specified in the PA1 zone. In addition to being good housekeeping, this would ensure that future policy decisions regarding the maximum height of secondary schools would be applied to all secondary schools in the District.

This matter is an important issue for Collingwood because the School is currently exploring options to redevelop a portion of the Morven campus. While not seeking any changes to the maximum floor area ratio and lot coverage provisions of the CD27 zone, increasing the permitted maximum height from 7.6 meters to 9.1 meters, in line with the other secondary schools, would provide the School with more options with respect to the manner in which the site would be planned and a new structure designed.

That being said, Collingwood School recognizes that Council may be reluctant to make this change to Zoning Bylaw 4662, 2010, as the change might be considered to be beyond the scope of a housekeeping bylaw. Should that be the case, Collingwood will likely come forward in the future with a development variance permit application to accommodate a new structure, a process that will entail Collingwood in engaging in significant community consultation.

However should Council conclude that it **would** be appropriate to revise Zoning Bylaw 4662, 2010 at this time so that the maximum building height for the school on the Morven campus would be consistent with the height restrictions for the other secondary schools within the District, the following amendment is respectfully proposed:

*THAT Section 627.07 (Building Height and Number of Stories) within CD27 be revised such that the words:*

***"As per the building height regulations of Section 203 – RS3 Single Family Dwelling Zone 3"***

*be deleted and be replaced with the words:*

***"As per the building height regulations of Section 560.08 – PA1 Public Assembly Zone 1"***.

In considering this proposal, Council should be aware that Collingwood is strongly committed to neighbourhood consultation and will continue to liaise with the neighbourhood at large and the neighbourhood committee that Collingwood has been engaged with over the last few years.

Collingwood School looks forward to continuing its strong relationships with the community at large, the municipality, and the neighbourhoods in which it is part of.

Thank you for taking the time to understand our concern.

Yours truly,

**COLLINGWOOD SCHOOL**



John Anderson, Chair

cc: Collingwood School Board  
Rodger Wright – Headmaster  
Bob Sokol – Director of Planning, Lands, and Permits  
Michael Rosen – Planning and Development Consultant

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**ON-TABLE**

Mayor and Council  
Corporation of the District of West Vancouver  
750 - 17<sup>th</sup> Street  
West Vancouver, BC V7V T3

December 13<sup>th</sup> 2010

**Re: Proposed Zoning Bylaws**

### 105 BYLAW INTERPRETATIONS

This Section, with the proposed Amendments presented by Staff tonight, cover off most of my concerns. As this is a new Section it is strange to me and I have had trouble coming to grips with it.

I would ask Council and Staff to consider adding a number [13] along the lines of:

13. Variances to the requirements of 1 to 12 may be applied for in certain circumstances by application to the Board of Variance [with Staff approval], or by way of a Development Variance Permit or Development Permit, without the necessity of a Rezoning Application.

### 110 DEFINITIONS

In the current Zoning Bylaw the definition of Grade, Natural is:

*"Shall mean the undisturbed ground level formed without human intervention or, where the undisturbed ground level cannot be ascertained because of an existing building or structure, the undisturbed existing grade."*

In the "proposed" Zoning Bylaw the definition of Grade, Natural has been shortened to:

*"The undisturbed ground level formed without human intervention."*

I am concerned that the intent of this definition is greatly altered without the full definition.

*Cont'd. page 2...*

Mayor and Council

December 13<sup>th</sup> 2010

The new "proposed" Zoning Bylaw then goes on under Section 120.17(6) to describe how the District Building Inspector shall determine the level of natural grade..

*"Where the undisturbed ground level of natural grade cannot be ascertained because of existing landscaping, buildings or structures, and appears to have been significantly altered, ..."*

I am concerned that this is beyond the scope of the existing Zoning Bylaw and should not be considered at this time; and further that as written it takes some basic rights away from your citizens in evaluating a fair resolution to this issue should it arise; when and if it is considered by Council at a later date as an amendment to the Zoning Bylaw.

Respectfully submitted



William R. Chapman, B.C.L.S.

WRC/ssc

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December 10, 2010

**District of West Vancouver**  
750 – 17<sup>th</sup> Street  
West Vancouver, B.C.  
V7V 3T3

Attention: Bob Sokol  
Director of Planning, Lands & Permits

Dear Mr. Sokol:

**Re: Proposed Zoning Bylaw No. 4622, 2010**

We have the following concerns with respect to the proposed Zoning Bylaw update.

**Section 110 Definitions**

- The definition of "Apartment" has been deleted. We would recommend a definition of "Dwelling, apartment."
- Under the definition of "Building, Apartment" we would recommend that "townhouses" be change to "townhouse dwellings" to make it easier to find in the definitions section. This may apply to other definitions as well.
- The definition of a "Lot" has been added to the bylaw. We ask that the definition be revised to "a parcel of land of a subdivison, the title of which has been registered in the Land Titles Office..." Some of the legal lots that are owned by BPP do not have plans registered in the LTO.
- The definition of a "Site" refers to a "single lot" and refers to Regulation 120.05. Regulation 120.05 refers to a Site composed of more than one lot which is inconsistent with the definition of a "Site."
- The definition of "Grade, Natural" has been significantly changed. We consider this to be a material change and not just a technical update.



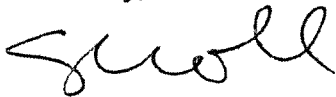
**Section 603 - CD3 (Rodgers Creek)**

- Under permitted uses, we request that "Two Family Dwellings" be used as per the original bylaw rather than "Duplex Dwellings" to make uses consistent with other parts of this section (e.g., Section 603.04(5)).
- "Community Care" has been added as a permitted use but there is no definition of Community Care.

We would appreciate the opportunity to discuss the above items with you before this bylaw is finalized.

Please call me at 604-925-9000 if you have questions.

Yours truly,



Geoff Croll, P.Eng. LEED AP  
Vice President Development

December 13, 2010

**District of West Vancouver**

750 – 17<sup>th</sup> Street  
West Vancouver, B.C.  
V7V 3T3

Attention: Bob Sokol  
Director of Planning, Lands & Permits

Dear Mr. Sokol:

**Re: Proposed Zoning Bylaw No. 4622, 2010**

Further to my letter dated December 10, 2010, we have additional concerns regarding the proposed Zoning Bylaw update as noted below.

**Section 105 Bylaw Interpretation**

This is a new section that has been added which we consider to be a significant and material change to the existing bylaw. For example, 105.6 would appear to preclude the siting of garden sheds, pool pump houses and heat pumps in the yard of a house while 105.7 would appear to preclude any variance to Building Height without a rezoning. It is unclear why this section was added and what the intent of the section is.

**Section 110 Definitions**

As noted in my December 10 letter, we consider the change to the definition of "Grade, Natural" to be a significant and material change to the bylaw. For further clarity, the words "...or, where the undisturbed ground level cannot be ascertained because of an existing building or structure, the undisturbed existing grade" have been deleted from the definition. Instead, there is a reference to Section 120.17(6) which gives the District Building Inspector sole discretion to determine the "level of natural grade" where the undisturbed ground level cannot be ascertained because of existing landscaping, buildings or structures. This authority to determine natural grade is not granted to the District Building Inspector in the existing bylaw.



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We would appreciate the opportunity to discuss the above items with you before this bylaw is finalized.

Please call me at 604-925-9000 if you have questions.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Croll". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'G'.

Geoff Croll, P.Eng. LEED AP  
Vice President Development

**Proposed Changes to Bylaw 4662, 2010 (December 22, 2010)**

Item	Provision/ Section	Bylaw at 1 <sup>st</sup> reading	Change to:
58	105(13)	New Section	Exemptions, variances, permits and amendments may be approved pursuant to this Zoning Bylaw, the Development Procedures Bylaw No. 3984, 1996, the Board of Variance Bylaw No. 4487, 2007 and amendments thereto.
59	Table of Contents 130.09	Front Yard Setback on Corner Flanking Yards	Front Yard Setback on Corner Flanking Lot Yards
60	Cluster housing (definition)	a group of three (3) or more self-contained dwellings comprising either attached or detached dwellings or any combination thereof which are configured in compact clusters including zero lot line setback subdivisions, townhouses or terraced dwellings not served by a common entrance.	a group of three (3) or more self-contained dwellings comprising either attached or detached dwellings or any combination thereof which are configured in compact clusters, including zero lot line setback subdivisions, townhouses or terraced dwellings not served by a common entrance.
61	Lot (definition)	a parcel of land of a subdivision, the plan of which has been registered in the Land Titles Office – see also site.	a parcel of land, the title of which has been registered in the Land Titles Office – see also site.
62	Site (definition)	a single lot devoted to a particular use or occupied by a building or structure or group of buildings or structures united by a common interest or use.	a single lot <b>or a group of lots</b> devoted to a particular use or occupied by a building or structure or group of buildings or structures united by a common interest or use.

63	120.17(6)	Where the undisturbed ground level of natural grade cannot be ascertained because 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 require the professional opinion of a British Columbia Land Surveyor at the cost of the permit applicant.	Where the undisturbed ground level of natural grade cannot be ascertained because 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 <del>require</del> <b>rely on</b> the professional opinion of a British Columbia Land Surveyor <b>on the determination of natural grade</b> at the cost of the permit applicant.
64	120.26(2)	The 9.1 metres minimum can be reduced to the extent that the Zoning Bylaw, by way of a combination of minimum lot width and building setback, geometrically restricts any possible building envelope to less than 9.1 metres on any side (e.g. the width of a floor plate on a 10.1 metres lot with 3 metres combined sideyards can be reduced to 7 metres.	The 9.1 metres <del>minimum</del> can be reduced to the extent that the Zoning Bylaw, by way of a combination of minimum lot width and building setback, geometrically restricts any possible building envelope to less than 9.1 metres on any side (e.g. the width of a floor plate on a 10.1 metres lot with 3 metres combined <b>side yards</b> can be reduced to 7 metres.
65	202.04(1)	24.3 metres	24.4 metres
66	203.04(1)	24.5 metres	24.4 metres
67	210.04(1)	24.3 metres	24.4 metres
68	603.02(1)(f)	duplex dwellings	two family dwellings (and place in alphabetical order)
69	603.02(2)(g)	duplex dwellings	two family dwellings (and place in alphabetical order)
70	603.02(4)(g)	duplex dwellings	two family dwellings (and place in alphabetical order)

71	603.05(1) – bottom of chart	Duplex	Two Family Dwelling
72	603.06(1)	Duplex (wherever it appears in the chart)	Two Family Dwellings
73	603.08(1) – bottom of chart	Duplex	Two Family Dwelling
74	603.09(1) – bottom of chart	Duplex	Two Family Dwelling
75	603.09(1) – Apartment	A minimum 1 parking space for every dwelling unit of 70 square metres. or less in unit floor area; and	A minimum 1 parking space for every dwelling unit of 70 square metres or less in unit floor area; and
76	603.11(1)	All portions of the site that are not occupied by buildings, parking areas, driveways or pedestrian ways shall be landscaped. and this landscaping shall be maintained.	All portions of the site that are not occupied by buildings, parking areas, driveways or pedestrian ways shall be landscaped and this landscaping shall be maintained.
77	Map 11	Replace Map 11 with revised Map 11 (street names)	

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**Proposed Amendments to Zoning Bylaw No. 4662, 2010**

Item #	Provision/ Section	Bylaw at 1 <sup>st</sup> Reading:	Change to:
1	Table of Contents 120.04	One Principle Building Per Site	One <b>Principal</b> Building Per Site
2	Table of Contents 120.26	Minimum Building Site Conditions	Minimum Building Site Conditions <b>for New Lots</b>
3	Table of Contents 130.06	Physicians' Office Regulations in Duplex Dwelling and Multiple Dwelling	Physicians' Office Regulations in Duplex Dwelling and Multiple Dwelling <b>Zones</b>
4	Table of Contents 130.09	Front Yard Setback on Corner Flanking Yards	<del>Front</del> Yard Setback on Corner Flanking <b>Lot</b> Yards
5	Table of Contents 141	For Single Dwelling and Duplex Dwelling Uses	<b>Parking</b> for Single <b>Family</b> Dwelling and Duplex Dwelling Uses
6	Table of Contents 142	For Uses Other Than Single Dwelling and Duplex	<b>Parking</b> For Uses Other Than Single <b>Family</b> Dwelling and Duplex <b>Dwelling</b> Uses
7	105(2)	Areas specified in this Zoning Bylaw under the heading Site Area are the minimum site areas on which permitted uses may be conducted.	Areas specified in this Zoning Bylaw under the heading Site Area are the minimum site areas on which permitted uses may be conducted <b>subject to General Regulations Sections 120 and/or 130.</b>

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
8	105(3)	Site widths and depths specified in this Zoning Bylaw under the heading Site Width and Depth are the minimum widths and depths for the subdivision of lots under the <i>Land Title Act</i> and the Bare Land Strata Regulations, and the minimum widths and depths of sites on which permitted uses may be conducted.	Site widths and depths specified in this Zoning Bylaw under the heading Site Width and Depth are the minimum widths and depths for the subdivision of lots under the <i>Land Title Act</i> and the Bare Land Strata Regulations, and the minimum widths and depths of sites on which permitted uses may be conducted <b>subject to General Regulations Sections 120 and/or 130.</b>
9	105(4)	Site coverages specified in this Zoning Bylaw in percentage terms or in terms of area under the heading Site Coverage are the maximum proportions or areas, respectively, of sites that may be covered by buildings and structures.	Site coverages specified in this Zoning Bylaw in percentage terms or in terms of area under the heading Site Coverage are the maximum proportions or areas, respectively, of sites that may be covered by buildings and structures <b>subject to General Regulations Sections 120 and/or 130.</b>
10	105(5)	Floor area ratios specified in this Zoning Bylaw under the heading Floor Area Ratio are the maximum amounts of floor area that may be constructed and used on a site in the zone for which the floor area ratio is specified.	Floor area ratios specified in this Zoning Bylaw under the heading Floor Area Ratio are the maximum amounts of floor area that may be constructed and used on a site in the zone for which the floor area ratio is specified <b>subject to General Regulations Sections 120 and/or 130.</b>

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
11	105(6)	If this Zoning Bylaw specifies a distance under the heading Front Yard, Rear Yard, or Side Yard, no portion of a building or structure be constructed within the specified distance of the front, rear or side site line, as the case may be, and the sum of the least distances between each building or structure on the site and the side site lines shall at least equal any specified Combined Side Yard.	If this Zoning Bylaw specifies a distance under the heading Front Yard, Rear Yard, or Side Yard, no portion of a building or structure <b>may</b> be constructed within the specified distance of the front, rear or side site line, as the case may be, and the sum of the least distances between each building or structure on the site and the side site lines shall at least equal any specified Combined Side Yard <b>subject to General Regulations Sections 120 and/or 130.</b>
12	105(7)	If this Zoning Bylaw specifies a distance under the heading Building Height, no building or structure may be constructed in the zone in which the distance is specified exceeds the specified height.	If this Zoning Bylaw specifies a distance under the heading Building Height, no building or structure may be constructed in the zone in which the distance is specified which exceeds the specified height <b>subject to General Regulations Sections 120 and/or 130.</b>
13	105(8)	If this Zoning Bylaw specifies a distance under the heading Building Height, no building or structure may be constructed in the zone in which the distance is specified exceeds the specified height.	If this Zoning Bylaw specifies a distance under the heading Building Height, no building or structure may be constructed in the zone in which the distance is specified exceeds the specified height <b>subject to General Regulations Sections 120 and/or 130.</b>

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
14	105(9)	If this Zoning Bylaw specifies a distance under the heading Highest Building Face Envelope, all buildings and structures in the zone in which the distance is specified, must be within the highest building face envelope.	If this Zoning Bylaw specifies a distance under the heading Highest Building Face Envelope, all buildings and structures in the zone in which the distance is specified, must be within the highest building face envelope <b>subject to General Regulations Sections 120 and/or 130.</b>
15	105(11)	"bylaw"	<b>Zoning Bylaw</b>
16	105(12)	only	<b>Only</b>
17	Amenity unit (definition)	1.0 square foot	<b>0.093 square metre</b> (where it appears)
18	Drycleaner (definition)		Insert " <b>laundromat</b> " in definition for clarity
19	Garden wall definition	0.8 metre	<b>0.08</b> metre
20	Lot (definition)	"plan"	Replace with: " <b>Title</b> "
21	Twelve Hundred (1200) Foot Contour definition	A line connecting all points of land at an elevation of 1,200 feet above mean sea level.	<b>This definition is out of alphabetical order.</b>
22	Wall definition	0.8 metre	<b>0.08</b> metre
23	120.07(3)	46.5 square metres	5.0 square metres
24	120.10(5)	bylaw	<b>Zoning Bylaw</b> (end of sentence)

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
25	120.17(6)	Where the undisturbed ground level cannot be ascertained because 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 require the professional opinion of a British Columbia Land Surveyor at the cost of the permit applicant.	Where the undisturbed ground level of <b>natural</b> grade cannot be ascertained because 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 require the professional opinion of a British Columbia Land Surveyor at the cost of the permit applicant.
26	120.18	<i>Basement</i>	Basement (no italics)
27	120.21(1)(a)	the total floor area of all of storeys, measure to the exterior faces of the building or buildings, including hallways, elevator shafts and stairwells at each floor level; and	the total floor area of all <b>of</b> storeys, measure to the exterior faces of the building or buildings, including hallways, elevator shafts and stairwells at each floor level; and
28	120.22 Heading	Grade Line and Buildup of Grade	<b>Retaining Wall</b> Grade Line and Buildup of Grade
29	130 Header	General Regulations for Residential Zones	General Regulations for Residential Zones <b>and Uses</b>
30	130.05(1)(h)(ii)	bylaw	<b>Zoning Bylaw</b>
31	130.06 Heading	And	and
32	130.08 Heading	And	and

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
33	130.09 Heading	Yard Setback on Corner Flanking Lot Yards	<b>Front</b> Yard Setback on Corner Flanking Lot Yards
34	130.11(1)	current,	delete comma after current, 5 <sup>th</sup> line
35	142 Header	Parking for uses other than Single Dwelling and Duplex Dwelling Uses	Parking for uses other than Single <b>Family</b> Dwelling and Duplex Dwelling Uses
36	142.04(1) (parking table)	Width of Space: 2.9 m 2.8m 2.8m 2.8m 2.8m 2.8m 2.9m	Width of Space: 2.9m <b>2.7m</b> <b>2.6m</b> <b>2.7m</b> <b>2.7m</b> <b>2.7m</b> <b>2.7m</b>
37	142.04(1) (parking table)	Aisle Width: 3.4m 3.4m	Aisle Width: 3.4m ( <b>one way</b> ) 3.4 m ( <b>one way</b> )
38	203 Header	zone	<b>Zone</b> (capitalize on all pages)
39	203.09(2)(b)(i)	20% of site width, but no less than 4.9 metres or more than 12.1 metres	<b>25%</b> of site width, but no less than 4.9 metres or more than <b>18.3</b> metres
40	205.02(2)	explanatory	<b>Explanatory</b>
41	207.09(1)(b)(i)	20% of site width, but no less than 3 metres or more than 12.1 metres	20% of site width, but no less than <b>4.9</b> metres or more than 12.1 metres
42	207.14(1)(a)	2.5 units per acre, and	2.5 units per <b>0.4 hectare</b> , and

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
43	207.14(1)(b)	The number of lots per acre which could be created pursuant to the provisions of Sections 207.04 and 207.07 to 207.09	The number of lots per <b>hectare</b> which could be created pursuant to the provisions of Sections 207.04 and 207.07 to 207.09
44	207.14(2)	Subject to the provisions of this section, the density for a parcel of land may be increased to a maximum of 8 dwellings per gross acre, provided that:	Subject to the provisions of this section, the density for a parcel of land may be increased to a maximum of <b>20</b> dwellings per gross hectare, provided that:
45	208.14(1)(a)	1.5 dwellings per acre, and	1.5 dwellings per <b>0.4 hectare</b>
46	208.14(b)	The number of lots per acre which could be created pursuant to the provisions of Sections 208.04 and 208.07	The number of lots per <b>hectare</b> which could be created pursuant to the provisions of Sections 208.04 and 208.07
47	208.14(2)	Subject to the provisions of this section, the density for a parcel of land may be increased to a maximum of 8 dwellings per gross acre, provided that:	Subject to the provisions of this section, the density for a parcel of land may be increased to a maximum of <b>20</b> dwellings per gross hectare, provided that:
48	252.04(1)	7.6 metres	<b>14.9</b> metres
49	451.02(1)	No private float or wharf shall not extend beyond a point where there is more than one foot depth of water at extreme low spring tides	<del>No</del> <b>A</b> private float or wharf shall not extend beyond a point where there is more than one foot depth of water at extreme low spring tides
50	504 – CU4 Heading	504-CU4- Community Use Zone 5	504-CU4- Community Use Zone <b>4</b>

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
51	561.01(j)(2)	2) Block B, District Lot 1073 Plan 13560, Lot 1 District Lots 1045 and 1046 Plan 21562	2) Block B, District Lot 1073 Plan 13560 <b>7)</b> Lot 1 District Lots 1045 and 1046 Plan 21562 (two legals in one sentence; split out)
52	603.04(4)	Despite Section 603.04(2), the maximum total floor area in either Area 5 or 6 of the CD3 zone may be increased by up to 5%, provided that the aggregate floor area in Areas 5 and 6 does not exceed 94835.4 square metres; and the maximum total number of dwelling units in either Area 5 or 6 of the CD3 zone may be increased by up to 10%, provided that the aggregate number of dwelling units in Area 5 and 6 does not exceed 493 dwelling units	Despite Section 603.04(2), the maximum total floor area in either Area 5 or 6 of the CD3 zone may be increased by up to 5%, provided that the aggregate floor area in Areas 5 and 6 does not exceed <b>94,835</b> square metres; and the maximum total number of dwelling units in either Area 5 or 6 of the CD3 zone may be increased by up to 10%, provided that the aggregate number of dwelling units in Area 5 and 6 does not exceed 493 dwelling units
53	603.06(1)	Maximum Height (in table): 7.6 m 10.7 m 7.6 m 10.7 m 18.9 m and 6 storeys 7.6 m 10.7 m 25.6 m 37.2 m and 12 storeys 7.6 m 10.7 m 37.2 m and 12 storeys	Maximum Height (in table): 7.62 m 10.67 m 7.62 m 10.67 m 18.9 m and 6 storeys 7.62 m 10.67 m 26.6 m and <b>8 storeys</b> 37.19 m and 12 storeys 7.62 m 10.67 m 37.19 m and 12 storeys

Item #	Provision/ Section	Bylaw at 1st Reading:	Change to:
54	603.10(1)(a)	be of sufficient size to meet the following minimum standards: 1 garbage container for every 20 units, based on a 4 cubic yard container size; 1 recycling cart for every 10 units; and 1 cardboard container for every 40 units, based on a 4 cubic yard container size;	be of sufficient size to meet the following minimum standards: 1 garbage container for every 20 units, based on a <b>3.1 cubic metre</b> container size; 1 recycling cart for every 10 units; and 1 cardboard container for every 40 units, based on a <b>3.1 cubic metre</b> container size;
55	851 Regulation 774	Ref. Plans 2045, 2640, 2831; Expl. Plan 4347; Plans 225, 5373, 6106, 7140, 7433, 7879, 8339, 8510, 10605, 11145, 14212 16403, 16573	Ref. Plans 2045, 2640, 2831; Expl. Plan 4347; Plans 225, 5373, 6106, 7140, 7433, 7879, 8339, 8510, 10605, 11145, 14212, 16403, 16573
56	851 Regulation 879	Ref. Plan 2079 Plans 2108, 5929, 10956, 11064, 11793, 12546, 12851, 13338, 15902, 15985, 16991, 21078	Ref. Plan 2079; Plans 2108, 5929, 10956, 11064, 11793, 12546, 12851, 13338, 15902, 15985, 16991, 21078
57	852	bylaw	<b>Zoning Bylaw</b>

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District of West Vancouver

## **Zoning Bylaw No. 4662, 2010**

Effective Date:

# Zoning Bylaw No. 4662, 2010

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District of West Vancouver

## **Zoning Bylaw No. 4662, 2010**

A bylaw to regulate land use and physical change in the municipality.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the regulation of land use and physical change in the municipality for the ultimate benefit of the community as a whole and to ensure that structures and various uses made of land in the municipality develop in proper relationship to one another.

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.
- 1.2 The zones hereinafter referred to are illustrated on the maps in section 852 of Zoning Bylaw No. 4662, 2010.

### **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, subsequent, paragraph, subparagraph, clause or phrase.

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

- 3.1 Zoning Bylaw No. 2200, 1968 (adopted on December 16, 1968) and all amendments thereto are hereby repealed.

## Part 4 Zoning Bylaw Regulations

- 4.1 Zoning Bylaw No. 4662, 2010 is as set out in Schedule A attached to and forming part of this Bylaw.

## Part 5 Offence and Penalty

- 5.1 Every person who violates a provision of this bylaw, or who consents, allows or permits any 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 – Zoning Bylaw No. 4662, 2010

READ A FIRST TIME on November 15, 2010

PUBLIC HEARING HELD on December 13, 2010

RECONVENED PUBLIC HEARING HELD on January 10, 2011

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

APPROVAL BY MINISTER OF TRANSPORTATION on [Date].

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk



*west vancouver*

THE WATERFRONT COMMUNITY

**ZONING BYLAW No. 4662, 2010**

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