

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
regarding definition of theatre,
sites in flood plains, laneway houses, neighbourhood grocery stores,
bonus density and miscellaneous amendments**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 3575.
2. In Section 2, Council:
 - (a) under Cultural and Recreational Uses, adds a definition of Theatre as follows:

“Theatre, which means a facility for performing arts, motion pictures, other media arts or presentations before a live audience, excluding cabaret”; and
 - (b) under Retail Uses, strikes out the definition of Neighbourhood Grocery Store and substitutes:

“Neighbourhood Grocery Store, which means the use of premises in a residential district for the primary purpose of selling groceries and convenience goods, and may include selling and serving prepared food and beverages for consumption on or off the premises, but does not include the sale of alcohol;”
3. Council strikes out section 11.16 and substitutes:

“11.16 Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores

 - 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
 - 11.16.2 The maximum permitted frontage for a site is 15.3 m.
 - 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
 - 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
 - 11.16.5 Live entertainment is not permitted.

- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.

11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store."

4. Council strikes out section 11.24.2 and substitutes:

"11.24.2 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site."

5. In the RS-6 District Schedule, Council:

- (a) adds in chronological order:

"5.4.2 The Director of Planning may relax section 4.7.1 (d)(ii)(2) for new buildings located in a flood plain to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m² where the development of a half-storey above an existing second storey is not possible due to designated flood construction levels"; and

- (b) strikes out Section 5.5.2 and substitutes:

"5.5.2 The Director of Planning may relax section 4.7.1 (d)(ii)(2) for buildings existing prior to March 26, 1996 to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m² where the development of a half-storey above an existing second storey is not possible due to the structural incapability of the existing building or because of height, access or view blockage concerns."

6. In the RT-10 and RT-10N Districts Schedule, in section 4.4.4, Council strikes out "(g)" and substitutes "(f)".

7. In the RT-11 and RT-11N Districts Schedule, in section 3.2.DW, after "Laneway House", Council strikes out "on a site with one principal building".

8. In the RM-7 and RM-7N Districts Schedule, Council:

- (a) in section 3.2.DW, after "Laneway House", strikes out "on a site with one principal building";
- (b) after section 4.3.5, adds:
 - "4.3.6 Notwithstanding sections 4.3.1 and 4.3.3 of this schedule, the Director of Planning may permit an increase in the number of storeys in a multiple dwelling containing 4 or more dwelling units, not including lock-off units, to 3 storeys and a partial 4th storey, with a maximum height of 11.5 m if:
 - (a) the construction of a multiple dwelling with 2 storeys and a partial 3rd storey would result in any portion of a floor used for living accommodation being more than 1.83 m below the finished grade of the adjoining ground;
 - (b) the 4th storey, meaning the uppermost level of a building where the floor area, existing, proposed or as may be extended over open-to-below space, and having a minimum ceiling height of 1.2 m, does not exceed 60% of the storey immediately below; and
 - (c) the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines.";
- (c) strikes out sections 4.4.4 and 4.4.5 and substitutes:
 - "4.4.4 Covered porches complying with section 4.7.5 (h) of this schedule, may project up to 1.8 m into the required front yard.
 - 4.4.5 For multiple dwellings, portions of basement floor area directly below covered porches may project up to 1.8 m into the required front yard."

9. In the RM-8 and RM-8N Districts Schedule, Council:

- (a) in section 3.2.DW, after "Laneway House", strikes out "on a site with one principal building";
- (b) re-numbers 4.7.6, 4.7.7, and 4.7.8 as 4.7.7, 4.7.8, and 4.7.9 respectively;
- (c) strikes out sections 4.4.4 and 4.4.5 and substitutes:
 - "4.4.4 Covered porches complying with section 4.7.9 (h) of this schedule, may project up to 1.8 m into the required front yard.
 - 4.4.5 For multiple dwellings, portions of basement floor area directly below covered porches may project up to 1.8 m into the required front yard.";

(d) in re-numbered 4.7.9(h)(ii), strikes out "4.7.8(a)" and substitutes "4.7.9(a)";
and

(e) adds in chronological order:

"4.7.6 Notwithstanding sections 4.7.3 and 4.7.7, the maximum floor space ratio achievable as a result of the provision of amenity shares or affordable housing shares must otherwise comply in all respects with the District Schedule and this by-law."

10. In the RM-9, RM-9A, RM-9N and RM-9AN Districts Schedule, in section 3.2.DW, after "Laneway House", Council strikes out "on a site with one principal building".

11. In the C-3A District Schedule, Council strikes out section 5.2 and substitutes:

"5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council."

12. In the C-5, C-5A and C-6 Districts Schedule, Council strikes out section 5.1 and substitutes:

"5.1 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;

- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council."

13. In the FC-1 District Schedule, Council strikes out section 5.3 and substitutes:

"5.3 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council."

14. In the HA-1 and HA-1A Districts Schedule, Council re-numbers 5.1[sic] as 5.3.

15. In the HA-2 District Schedule, Council re-numbers 5.1[sic] as 5.2.

16. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

17. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2016

Mayor

City Clerk