



District of West Vancouver

**Zoning**  
**Bylaw No. 4662, 2010,**  
**Amendment Bylaw No. 4895, 2016**

Effective Date: June 6, 2016

District of West Vancouver

# **Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4895, 2016**

## **Table of Contents**

---

Part 1	Citation.....	1
Part 2	Severability .....	1
Part 3	Amendments to Section 110 .....	1
Part 4	Amendments to Section 130 .....	3

District of West Vancouver

## **Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4895, 2016**

A bylaw to regulate and require the provision of landscaping and to require the control of surface runoff in residential zones

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to require the provision of landscaping and the control of surface runoff in residential zones ;

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

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4895, 2016.

### **Part 2 Severability**

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

### **Part 3 Amendments to Section 110**

- 3.1 Section 110 of Zoning Bylaw No. 4662, 2010 is amended by adding the following definitions in appropriate alphabetical order:

“Building Permit” means a permit issued pursuant to the Building Bylaw to authorize the construction of a building.

“Certificate of Occupancy” means a permit issued pursuant to the Building Bylaw to authorize the occupancy of a building.

"DBH" means diameter measured 1.4 m above the highest immediately adjacent natural ground level, or above the root ball in the case of a tree that is proposed to be planted.

"Director" means the Director of Planning and Development Services and any person designated by the Director to perform duties under this Zoning Bylaw.

"Impermeable Surface" means any consolidated surface such as asphalt or concrete that prevents the absorption of precipitation into the soil, but excludes any area of a lot comprising exposed bedrock.

"Invasive Plant" has the meaning specified in Boulevard Bylaw No. 4886, 2016.

"Landscape Architect" means a member of the B.C. Society of Landscape Architects.

"Landscaping Plan" means a plan prepared by a landscape architect or licensed landscape contractor, showing an area or areas of a site to be landscaped, including vegetation and other natural features such as rock outcrops and boulders to be retained, trees and other vegetation to be planted, lawn areas to be seeded or sodded, and hard landscaping such as retaining walls, walkways, ponds and similar ornamental features to be constructed or installed.

"Licensed Landscape Contractor" means a landscaping contractor who holds a current District business license or inter-municipal business license.

"Permitted Building Envelope" means that portion of a lot on which this bylaw permits the construction of a building or structure.

"Protected Wildlife Species" has the meaning specified in Interim Tree Bylaw No. 4892, 2016 or any successor District bylaw that regulates the cutting of trees.

"Security" means cash or an unconditional, irrevocable letter of credit issued by a bank or credit union with a business office in the District.

"Un-vegetated permeable surface" means an area surfaced with permeable or semi-permeable material such as gravel, crushed or washed rock, stone, pavers or bark mulch, and in which any growth of vegetation will be limited to a minor percentage of the surface area.

## **Part 4 Amendments to Sections 130 and 140**

- 4.1 Section 130 of Zoning Bylaw No. 4662, 2010 is amended by adding the following as Sections 130.15 to 130.17:

### **"130.15 – Site Landscaping**

- (1) Every lot in an RS2, RS3, RS4, RS5, RS6, RS7, RS9 or RS10 Zone on which a residential building is constructed pursuant to a building permit for which an application was made after April 18, 2016 must be landscaped in accordance with this Section and in accordance with an approved landscaping plan prepared and approved in accordance with this Section.
- (2) The landscaping required by this Section is landscaping of that portion of the Permitted Building Envelope on the lot that is not covered by the residential building, any permitted accessory building or structure such as a swimming pool or greenhouse, or any motor vehicle parking spaces or driveway.
- (3) Landscaping required by this Section may be any of the following, or any combination of the following:
  - (a) Undisturbed natural vegetation, or natural vegetation that has been altered only by the removal of invasive plant species;
  - (b) Ornamental lawns and gardens;
  - (c) Vegetable gardens, orchards and berry patches; and
  - (d) Walkways, fences, retaining walls, patios, children's play areas and outdoor seating areas.
- (4) Every applicant for a building permit authorizing the construction of a dwelling on a lot to which this Section applies must include with the building permit application a landscaping plan and security in the amount of 100 percent of the cost to a maximum of \$50,000.00, estimated by a landscape architect or licensed landscape contractor, of installing the landscaping in accordance with the landscaping plan.
- (5) Landscaping shown on a landscaping 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 is 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;
  - (d) delineate the area comprising the front yard as defined in this Zoning Bylaw, and the proposed location of driveways and pedestrian walkways; and
  - (e) 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 in front yards must not exceed 50% of the area of the front yard as defined in this Zoning Bylaw, provided that in all cases a pedestrian sidewalk with a maximum width of 1.5 m, a

driveway with a maximum width of 4.5 m, and a sufficient area for turning passenger vehicles are permitted in the front yard or the flanking yard on a corner flanking site to provide access by impermeable surface from the abutting street to the principal building on the site.

- (8) A building permit must not be issued for a lot to which this Section applies until the Director has approved the landscaping plan.
- (9) The Director may refuse to approve a landscaping plan that does not comply with this Section, or that contemplates the cutting of a tree that is protected by a covenant granted to the District under s. 219 of the *Land Title Act*, that contains the nest of an eagle or heron, or constitutes the habitat of a protected wildlife species.
- (10) An owner of land may, despite Part 6 of Interim Tree Bylaw No. 4892, 2016 or any successor District bylaw that regulates the cutting of trees, cut and remove without obtaining a tree cutting permit any tree that is located within the area dealt with in an approved landscaping plan and not designated in the landscaping plan as a tree to be retained.
- (11) A certificate of occupancy shall not be issued in respect of a dwelling on a lot to which this Section applies, unless the landscaping shown on the plan has been installed to the satisfaction of the Director.
- (12) In the event that a dwelling is occupied prior to the issuance of a certificate of occupancy and the landscaping shown on the landscaping plan has not been installed to the satisfaction of the District, the security provided by the applicant shall be forfeited to the District and used for the landscaping of public areas.
- (13) Landscaping provided on a lot in accordance with this Section shall be maintained in good condition and without limiting the generality of the foregoing, the owner of the lot must:
  - a. replace any tree, shrub or other plant that does not survive transplantation;
  - b. maintain the aesthetic value of the landscaping;
  - c. maintain the runoff retention and erosion prevention functions of the landscaping;
  - d. maintain any screening effect of the landscaping; and
  - e. maintain the function of the landscaping in providing habitat for native species of fauna.

- (14) no person shall, having installed landscaping in accordance with this Section, alter the landscaping so as to increase the percentage of the area of the Permitted Building Envelope that is covered by impermeable surfaces or un-vegetated permeable surfaces except as permitted under any subsequently approved building permit application.

#### **130.16 – Fences**

- (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 the site.
- (2) Where a fence is located on or within 1.2 m of a retaining wall, the maximum combined height of the fence and wall is 2.4 m.
- (3) No fence or part of a fence in any zone may be constructed of barbed or razor wire.

#### **130.17 – Lot Consolidations**

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

#### **4.2 Section 141.04 Paved Surface in Yards Fronting Streets is deleted.**

READ A FIRST TIME on April 18, 2016

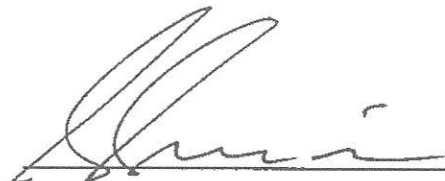
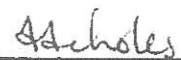
PUBLICATION OF NOTICE OF PUBLIC HEARING on May 8 and May 11, 2016

PUBLIC HEARING HELD on May 16, 2016

READ A SECOND TIME on May 16, 2016

READ A THIRD TIME on May 16, 2016

ADOPTED by the Council on June 6, 2016

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Municipal Clerk