

C-2B District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities and personal services that require central locations to serve larger neighbourhoods, districts or communities and through discretionary approvals, to encourage good design and proper utilization of the land.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

2.2.A • Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:

- (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
- (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
- (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
- (d) not applicable; [Maximum width]
- (e) not applicable; [Proximity to residential dwelling]
- (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.

- Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.

2.2.RT [Retail]

- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.SV [Service]

- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.

2.3 Conditions of Use

- 2.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
- (a) parking and loading facilities;
 - (b) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

- 3.1 Subject to all other provisions of this By-law, including section 3.3.3, and the provisions and regulations of this Schedule the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such other conditions as it may decide, provided that it first considers:
- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
 - (b) the submission of any advisory group, property owner or tenant; and
 - (c) the amount of open space, plazas and landscaping being provided and the impact of the development on the character of the community.

3.2 Uses

- 3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.
- 3.2.C [Cultural and Recreational]
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
 - Billiard Hall.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Park or Playground.
 - Rink.
 - Swimming Pool.
 - Theatre.
 - Zoo or Botanical Garden.
- 3.2.D • Deposition or extraction of material so as to alter the configuration of the land.
- 3.2.DW [Dwelling]
- Dwelling units in conjunction with any of the uses listed in this Schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion.
 - Multiple Dwelling, provided that the Development Permit Board is of the opinion that the site is suitable for residential use.

- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Development Permit Board shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion.
- Principal Dwelling Unit combined with a Secondary Dwelling Unit in a Multiple Dwelling if the Development Permit Board is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing and Publishing.
- Textile or Knit Goods Manufacturing.

3.2.O [Office]

- Office Uses.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Furniture or Appliance Store.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Liquor Store.
- Pawnshop.

- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Auction Hall.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Catering Establishment.
- Funeral Home.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Print Shop.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

3.2.U [Utility and Communication]

- Public Utility.
- Radiocommunication Station.
- Recycling Depot.

3.2.W [Wholesale]

- Wholesaling - Class A.
- Wholesaling - Class B.

- ### 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Development Permit Board considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- ### 3.3.1
- All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- parking and loading facilities;
- full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- restaurant;
- neighbourhood public house.

- ### 3.3.2
- Manufacturing Uses shall only be permitted subject to the following:

- the total floor area in manufacturing use does not exceed 300 m²;
- except for entrances to the manufacturing portion and display features which, in the opinion of the Development Permit Board, benefit pedestrian character, that portion of the first storey of a building to a depth of 4.5 m from the front wall of the building and extending across its full width shall be used for ancillary retailing purposes, unless the applicant can demonstrate, to the satisfaction of the Development Permit Board, that the site is located in a block predominantly developed with auto-oriented retailing or general business commercial uses and that deletion of the required retailing would not adversely affect adjacent uses; and

- (c) before granting a permit the Development Permit Board shall first be satisfied that there will be no undue adverse effect on uses within the building or on an abutting site.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage

The maximum frontage for any commercial use shall be 15.3 m.

4.3 Height

- 4.3.1 The maximum height of a building shall be 12.2 m except that in the case of a site fronting on a street running east and west, no portion of a building shall extend above an envelope formed by a vertical line measuring 7.3 m in height at the north property line and a plane formed by an angle of 30 degrees measured from the horizontal and having its vertex at the maximum building height permitted at the north property line.

- 4.3.2 The Director of Planning or the Development Permit Board, as the case may be, may permit an increase in the maximum height of a building to a height not exceeding 15.3 m with respect to any development and may permit a building which exceeds the envelope, provided he first considers:

- (a) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (b) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (c) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas; and
- (d) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 For any use listed in Section 2.2, a front yard shall not be permitted and a front setback shall only be permitted where a pedestrian or shopping courtyard or other features benefitting pedestrian character are provided, or where otherwise required by this By-law.

- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required except where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements shall apply:

- (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
- (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.

- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.

4.5.3 In the case of a corner site, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

4.7.1 The floor space ratio shall not exceed 1.50 in the case of a site used for purely residential uses, and in all other cases 2.50 to be distributed as follows:

- (a) uses listed in sections 2.2 and 3.2, but excluding residential uses, to a maximum floor space ratio of 1.00 on the ground or first floor;
- (b) uses listed in sections 2.2 and 3.2, but excluding residential uses, to a maximum floor space ratio of 0.50 on the second floor;
- (c) residential uses to a maximum floor space ratio of 1.00 if section (b) above has been employed, or 1.50 if section (b) has not been employed, on the second or higher floors; and for the purposes of the computation of floor space ratio, an artist studio and the associated residential unit shall be considered a residential use.

4.7.2 The following shall be included in the computation of floor space ratio:

- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.

4.7.3 The following shall be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, for residential purposes only, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length.
- (d) child day care facilities to a maximum floor area of 10 percent of the permitted floor area, provided the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;

- (f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and
- (g) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),
 the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009.

A registered professional must verify that any exterior wall referred to in subsection (ii) of this section meets the standards set out therein.

4.7.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed.

4.8 Site Coverage -- Not Applicable.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 All habitable rooms in buildings used for residential purposes shall have at least 1 window on an exterior wall which complies with the following:

- (a) the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, shall be unobstructed over a distance of 24.0 m; and
- (b) the plane or planes shall be measured horizontally from the centre of the bottom of the window.

4.10.2 For the purpose of section 4.10.1, the following shall be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building, including permitted projections;
- (c) accessory buildings located on the same site as the principal building;
- (d) the maximum size building permitted under the appropriate C or M district schedule if the site adjoins a C or M site.

4.10.3 For the purposes of section 4.10.1, the following shall not be considered as habitable rooms:

- (a) bathrooms; and
- (b) kitchens, unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m², whichever is the greater.

5 Relaxation of Regulations

- 5.1** The Development Permit Board or the Director of Planning, as the case may be, may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33⅓ percent of the gross floor area of the principal use.
- 5.2** The Development Permit Board or the Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement of section 4.10.1, having regard to the livability of the resulting dwelling units and providing that a minimum distance of 3.7 m of unobstructed view is maintained.
- 5.3** The Development Permit Board or the Director of Planning, as the case may be, may relax the maximum frontage regulation in section 4.2, provided that a pedestrian amenity area such as a courtyard or resting area is provided, or where pedestrian interest is otherwise maintained and provided he first considers all applicable policies and guidelines adopted by Council.
- 5.4** The Development Permit Board or the Director of Planning, as the case may be, may relax any of the regulations of this Schedule for the following developments:
- (a) dwelling units in conjunction with any of the uses listed in this Schedule and residential units associated with and forming an integral part of an Artist Studio, except that the 10.7 m non-residential setback shall not be relaxed;
 - (b) office uses,

provided that in determining the amount of any relaxation that may be permitted, the Development Permit Board or the Director of Planning, as the case may be, shall consider, where applicable, the amount and quality in the provision of:

- (i) landscaping;
 - (ii) usable resident open space provided by balconies, decks, roof gardens and courtyards;
 - (iii) individual dwelling units and residential units associated with and forming an integral part of an Artist Studio; and
 - (iv) light and air available to individual dwelling units and residential units associated with and forming an integral part of an Artist Studio.
- 5.5** The Development Permit Board or the Director of Planning, as the case may be, may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as he deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.