

## IC-3 District Schedule

### 1 Intent

The primary intent of this Schedule is to permit a mix of light industrial, live arts and theatre, residential and related uses that are generally compatible with adjoining residential and commercial districts. Service uses compatible with and complementing light industrial uses and a limited number of office uses are also permitted, but not general retail stores.

The general intent of the external design regulations is to achieve certain public objectives with respect to the historic Brewery Creek water course.

### 2 Outright Approval Uses

**2.1** Subject to all other provisions of this By-law, including the additional regulations in section 11.3 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, except that:

- (a) an accessory building must not exceed 4.6 m in height, and must not exceed 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 ridge of a gable, hip, or gambrel roof;
- (b) an accessory building must be situate in the rear yard no less than 3.1 m from the ultimate centre line of any rear or flanking lane; and
- (c) an accessory building's total floor area, measured to the extreme outer limits of the building, must not exceed 10% of the total area of the site.

- Accessory Uses customarily ancillary to any of the uses listed in this section, but not including accessory retail use in conjunction with wholesale uses listed in section 2.2.W, provided that, unless permitted as an outright approval use pursuant to section 2.2 of this Schedule, the total floor area of all accessory uses shall not be greater than 33- $\frac{1}{3}$  percent of the gross floor area of the principal and accessory uses combined, and provided that the floor area in accessory retail use is separated by a wall from the floor area in other uses which shall be inaccessible to the general public.

**2.2.C** [Cultural and Recreational]

- Club.
- Fitness Centre.
- Hall.
- Theatre.

**2.2.M** [Manufacturing]

- Bakery Products Manufacturing.
- Batteries Manufacturing.
- Chemicals or Chemical Products Manufacturing - Class B.
- Clothing Manufacturing.

- Dairy Products Manufacturing.
- Electrical Products or Appliances Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Furniture or Fixtures Manufacturing.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Leather Products Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Non-metallic Mineral Products Manufacturing - Class B.
- Paper Products Manufacturing.
- Plastic Products Manufacturing.
- Printing or Publishing.
- Rubber Products Manufacturing.
- Shoes or Boots Manufacturing.
- Software Manufacturing.
- Tobacco Products Manufacturing.
- Wood Products Manufacturing - Class B.

2.2.R [Retail]

- Retail Store, but limited to the sale of art and hand-crafted products.

2.2.S [Service]

- Catering Establishment.
- Laboratory.
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Photofinishing or Photography Laboratory.
- Photofinishing or Photography Studio.
- Print Shop.
- Production or Rehearsal Studio.
- School - Vocational or Trade.
- Sign Painting Shop.
- Work Shop.

2.2.T [Transportation and Storage]

- Cold Storage Plant.
- Packaging Plant.
- Storage Warehouse.

2.2.U [Utility and Communication]

- Radiocommunication Station.

2.2.W [Wholesale]

- Lumber and Building Materials Establishment.
- Wholesaling - Class A.
- Wholesaling - Class B, provided that floor area does not exceed 1 000 m<sup>2</sup>.

## 2.3 Conditions of Use

- 2.3.1 No use listed in section 2.2 of this Schedule, except a retail store and a lumber store, shall be carried on other than wholly within a completely enclosed building, except for off-street parking and loading, heating and mechanical equipment, or other facilities or equipment which in the opinion of the Director of Planning are similar to the foregoing.
- 2.3.2 No use listed in section 2.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; rags or cotton waste; and compressed gas, petroleum, coal or tar products or derivatives.

## 3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, including section 3.3.3, and the additional regulations in section 11.3 of this By-law, 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; and
- (b) the submission of any advisory group, property owner or tenant.

## 3.2 Uses

- 3.2.A
- Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.A of this Schedule.
  - Accessory Uses customarily ancillary to any of the uses listed in this Schedule, other than as provided for in 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.
- Bingo Hall.
- Casino - Class 1.
- Community Centre or Neighbourhood House.

### 3.2.DW [Dwelling]

- Dwelling Unit for a caretaker, watchman or other person or persons similarly employed, if such dwelling unit is considered to be essential to the operation of the business or establishment.
- 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.
- Dwelling Unit existing as of and used continuously since October 25, 1988, provided that any additions thereto are limited to 10 percent of existing floor space or 37 m<sup>2</sup>, whichever is the lesser.
- 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.

### 3.2.I [Institutional]

- Ambulance Station.
- Public Authority Use.
- Social Service Centre.

- 3.2.M [Manufacturing]
- Brewing or Distilling.
  - Chemicals or Chemical Products Manufacturing - Class A.
  - Food or Beverage Products Manufacturing - Class A.
  - Linoleum or Coated Fabrics Manufacturing.
  - Machinery or Equipment Manufacturing.
  - Metal Products Manufacturing - Class B.
  - Miscellaneous Products Manufacturing - Class A.
  - Motor Vehicle Parts Manufacturing.
  - Non-metallic Mineral Products Manufacturing - Class A.
  - Rubber Manufacturing.
  - Textiles or Knit Goods Manufacturing.
  - Transportation Equipment Manufacturing.
  - Vegetable Oil Manufacturing.
- 3.2.0 [Office]
- General office, but not including the offices of accountants, lawyers and notary publics, nor the offices of real estate, advertising, insurance, travel and ticket agencies.
- 3.2.P • Parking Uses.
- 3.2.S [Service]
- Auction Hall.
  - Cabaret.
  - Restaurant - Class 1.
  - Restaurant - Class 2.
  - School-Arts or Self Improvement.
- 3.2.T [Transportation and Storage]
- Aircraft Landing Place.
  - Railway Station or Rail Yard.
  - Storage Yard.
  - Taxicab or Limousine Station.
  - Truck Terminal or Courier Depot.
  - Weighing or Inspection Station.
  - Works Yard.
- 3.2.U [Utility and Communication]
- Public Utility.
  - Recycling Depot.
- 3.2.W [Wholesale]
- Cardlock Fuel Station.
  - Wholesaling - Class B, other than as provided for in section 2.2.WH of this Schedule.
- 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.

- Any use which is listed in section 2.2 of this Schedule but which does not comply with the conditions of use of section 2.3.1.
- Any other use which is not specifically listed in this District Schedule but which was a legally conforming use existing as of October 25, 1988.

### 3.3 Conditions of Use

- 3.3.1 No use listed in section 3.2 of this Schedule, except a Cardlock fuel station and transportation and storage uses, shall be carried on other than wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts.
- 3.3.2 No use listed in section 3.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; rags or cotton waste; and, except for a Cardlock fuel station, compressed gas, petroleum, coal or tar products or derivatives.
- 3.3.3 No use listed in section 3.2 of this Schedule shall involve the storage, other than wholly within a completely enclosed building, of toxic or corrosive chemicals or acids; scrap; fungicides, herbicides or pesticides; paint, varnish, oil shellac or turpentine; grain, hops, or sugar; fish, fish oil or meal, animal oil or fat, or vegetable oil.
- 3.3.4 No use listed in section 3.2 of this Schedule shall involve the storage of goods or materials other than wholly within a completely enclosed building unless the yard or portion of the yard containing the goods or materials is enclosed by a suitable fence or wall restricting public access.
- 3.3.5 No use listed in section 3.2 of this Schedule shall involve the storage of goods or materials or the placement of machinery or of refuse or garbage receptacles other than wholly within a completely enclosed building unless adequately screened from view from any adjacent R district, or any R district across an adjacent street or lane, by evergreen planting, wall, or fence and related landscaping that is acceptable to the Director of Planning.

## 4 Regulations

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

**4.1 Site Area** -- Not Applicable.

**4.2 Frontage** -- Not Applicable.

### 4.3 Height

4.3.1 The maximum height of a building shall be 18.3 m.

### 4.4 Front Yard

4.4.1 No front yard shall be required.

### 4.5 Side Yards

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 a side yard with a minimum width of 1.5 m shall be provided adjoining the R District.

4.5.2 Where a side yard is provided, although not required, a side yard with a minimum width of .9 m shall be provided.

#### **4.6 Rear Yard**

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 of the lane.

4.6.2 The Director of Planning may waive the requirement to provide a rear yard where he is satisfied that the site is located within an area where rear access to the site and adjacent sites is not likely to be required.

#### **4.7 Floor Space Ratio**

4.7.1 The floor space ratio shall not exceed 3.00, subject to the following:

- (a) the maximum floor space ratio shall be 1.00 for all uses other than artist studio, manufacturing uses, retail store, school, theatre, transportation and storage uses, and wholesaling - class A;
- (b) the maximum floor space ratio shall be 2.5 for artist studio and the associated residential unit;
- (c) the floor area in retail uses, including accessory retail, shall not exceed 1 000 m<sup>2</sup>.

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

- (a) all floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) in the case of dwelling uses and Artist Studios, where the distance from a floor to the floor above or where there is no floor above to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess height except the additional amount shall not be counted in the case of undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies and mechanical penthouses.

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 are at or below the base surface, provided that the off-street parking spaces do not have a length of more than 7.3 m for the purpose of exclusion from floor space ratio computation;
- (d) storage space associated with an artist studio where the space is provided below the base surface and subject to a maximum exclusion of 20 m<sup>2</sup> for each artist studio;
- (e) amenity areas, including child day care facilities, recreation facilities and meeting rooms accessory to a residential use, to a maximum total area of 10 percent of the total permitted floor area;
- (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 Where a need for a cultural facility has been demonstrated to the satisfaction of the Development Permit Board or Director of Planning, the Development Permit Board or Director of Planning may increase the maximum floor space ratio for any one building, which includes one or more of such facilities. The Development Permit Board or the Director of Planning will 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 increase in floor area that may be permitted, the Development Permit Board or Director of Planning 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;
- (e) the opinion of City Council; and
- (f) all applicable policies and guidelines adopted by Council.

- 4.7.5 The Director of Planning or the Development Permit Board may, for any development where a residential unit is being provided in conjunction with and forming an integral part of an artist studio, permit an increase in floor space ratio, subject to prior approval by City Council, and the securing of a Housing Agreement and provided that the residential unit is occupied by persons receiving income equal to or less than the income defined by the British Columbia Housing Management Corporation as 'core need'.

In determining the amount of the increase in floor space ratio that may be permitted by this section 4.7.5, the Director of Planning or the Development Permit Board, with advice from the Manager of the Housing Centre and the Manager of Real Estate, shall consider:

- (a) the cost to the developer of adhering to the conditions of the housing agreement;
- (b) the value of the increased floor area;
- (c) the value of any relaxation of other regulations;
- (d) the impact upon livability and environmental quality of the neighbourhood; and
- (e) all applicable policies and guidelines adopted by Council.

**4.8 to  
4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 Building continuity shall be achieved at the street property line (which is, for the purposes of this section 4.17, the property line along an abutting street but not a lane) as follows:

- (a) no yard shall be permitted along a street property line, except for a required setback, side or rear yard, and yard established by building line;

- (b) the first storey shall include the main pedestrian entrance and facilities serving the public, such as reception area or lobby and showroom or display area, which shall be oriented with maximum visibility to the abutting street or, in the case of a corner site, the widest abutting street;
  - (c) where a building occupies a corner site, architectural features, lighting, signage, and related facade characteristics shall be located so as to orient the building to the widest abutting street;
  - (d) transparent window area shall comprise at least 80 percent of the exterior wall surface of the first storey along an abutting street and 40 percent of the exterior wall surface on every upper storey along an abutting street;
  - (e) no portion of the floor of the first storey along an abutting street shall be more than 1.0 m above or below grade at the street property line.
- 4.17.2 If the Director of Planning or Development Permit Board is satisfied that enforcement of section 4.17.1 will result in unnecessary hardship, and that the form of development will otherwise achieve building continuity, the Director of Planning or Development Permit Board may relax all or some of the requirements of section 4.17.1.
- 4.17.3 Garbage container storage areas, heating and mechanical equipment, and off-street parking and loading facilities shall be enclosed, located or screened so as not to be visible from the centre line of an abutting street.
- 4.17.4 Any use which is not carried on wholly within a completely enclosed building, including parking use, shall be set back 1.2 m from the street property line at an abutting street and screened, so as not to be visible from the centre line of every abutting street, by evergreen planting, wall, or fence with related landscaping.