

BY-LAW NO. _____

**A By-law to amend the Zoning & Development By-law regarding
Mount Pleasant Industrial Area**

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

1. This by-law amends the indicated provisions of the Zoning and Development By-law.
2. In Section 2, Definitions Council:
 - (a) strikes out the definitions of “Electrical Products or Appliances Manufacturing”, “General Office”, “Information Technology”, and “Software Manufacturing”;
 - (b) adds the following definitions, in alphabetical order:

“**Digital Entertainment and Information Communication Technology** means the use, design or development of technology to process digital information and/or deliver a broad range of digital products and services, including but not limited to business applications, data security, data storage, management and processing, entertainment and gaming, interactive educational, communications, e-commerce, social media, software and mobile applications, and may include the use of information technology and telecommunications infrastructure, for hosting, storing and processing digital media, information and applications;”
 - (c) under Manufacturing Uses adds the following definitions, in alphabetical order:

“**Electrical Products or Appliances Manufacturing**, which means the use of premises for the manufacturing or remanufacturing of small electrical appliances, both electrical and non-electrical major household appliances, lighting fixtures, table or floor lamps, radios, televisions, small component electrical or electronic equipment, electric wire or cable, or transmission cable, but does not include Batteries Manufacturing or Motor Vehicle Parts Manufacturing;”

“**Information Communication Technology Manufacturing** means the production of electrical, electronic or communications equipment, including but not limited to computer-enabled devices, computer hardware, infrastructure, semiconductors, fibre cables and telecommunications equipment;” and
 - (d) under Office Uses, adds the following definition in alphabetical order:

“General Office, which means the use of premises for any office use, including Digital Entertainment and Communication Information Technology but does not include Financial Institution, Health Care Office or Health Enhancement Centre;”.

3. In the I-3 District Schedule, under Section 2.2.0 [Office] Council strikes out:

“

- General Office, but limited to Information Technology”

and substitutes:

“

- General Office, but limited to Digital Entertainment and Information Communication Technology”

4. In the MC-1, MC-2, M-1, M-1A, M-1B, M-2, IC-1, IC-2, IC-3, I-1, I-2, I-3 District Schedules, Council strikes out Software Manufacturing as a permitted use under Section 2.2 M or 2.2.1 M, and substitutes “Information Communication Technology Manufacturing”.

5. This by-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plans attached as Schedules A1, A2 and A3 to this by-law, and incorporates Schedules A1, A2 and A3 into Schedule D to By-law No. 3575.

6. Council amends the Zoning and Development By-law by adding the I-A and I-1B Mount Pleasant Industrial Districts Schedules attached to this By-law as Schedules B1 and B2.

7. Council amends Schedule F for Affordable Housing and Amenity Share Costs of the Zoning and Development By-law by adding the following:

**"Schedule F
Affordable Housing and Amenity Share Cost Schedule**

| Zoning District | Affordable Housing Share Cost | Amenity Share Cost |
|-----------------|-------------------------------|---|
| I-1A | | \$64.58 m ² |
| I-1B | | Level 1- \$64.58 per m ² (to a max FSR of 5.0 above 3.0 FSR) |
| | | Level 2- \$462.85 per m ² (to a max FSR of 6.0 above 5.0 FSR) |

8. 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.


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

ENACTED by Council this _____ day of _____, 2017

Mayor

City Clerk



The properties outlined in black () are rezoned:
 From **I-1** to **I-1A**

Z-715 (a) (i)

RZ - Mount Pleasant Industrial Area

| |
|-------------|
| map: 1 of 2 |
| scale: NTS |

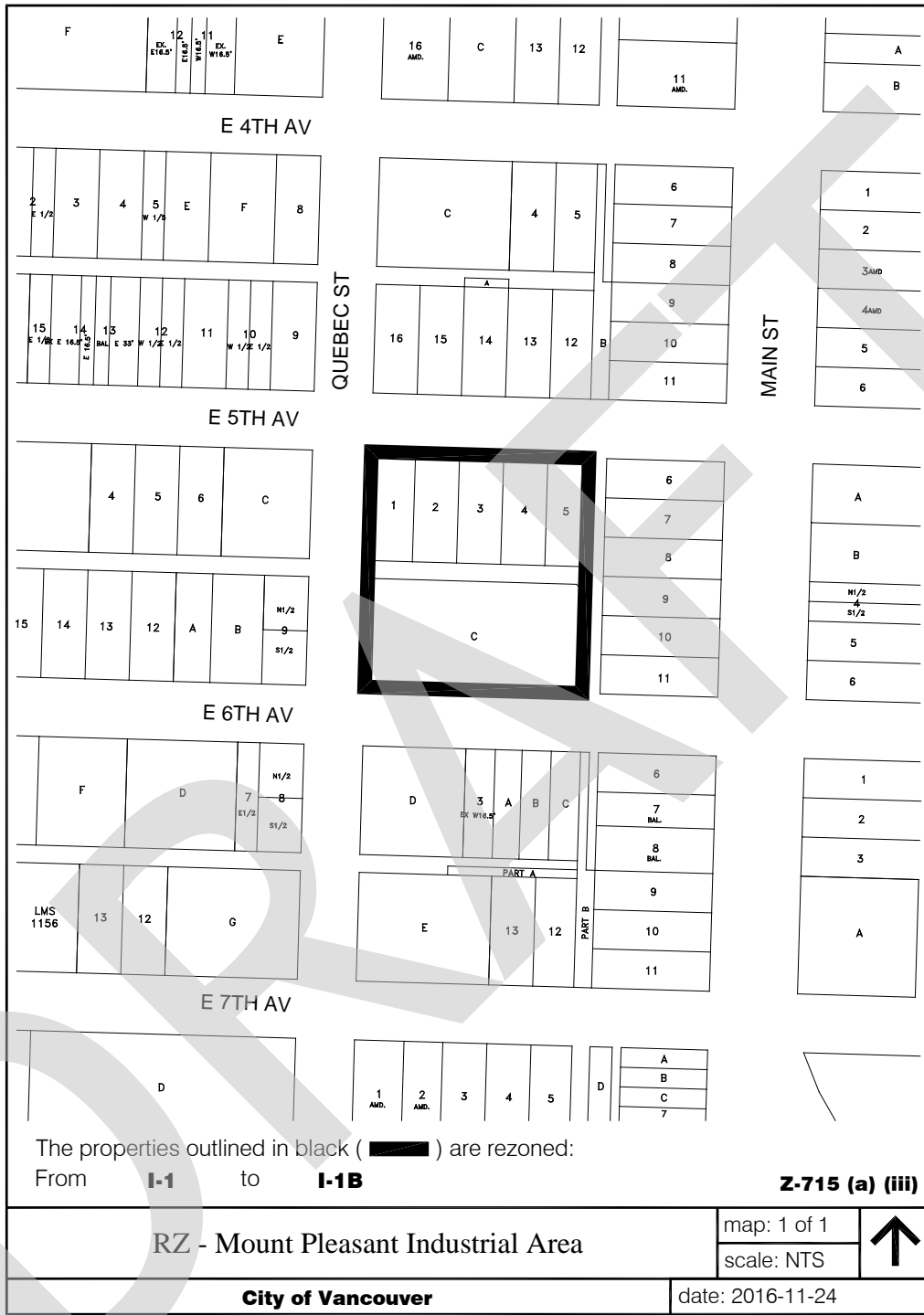


City of Vancouver

date: 2016-11-24



Schedule A



The properties outlined in black () are rezoned:
From **I-1** to **I-1B**

Z-715 (a) (iii)

RZ - Mount Pleasant Industrial Area

map: 1 of 1
scale: NTS



City of Vancouver

date: 2016-11-24

Schedule B1

I-1A District Schedule

1. Intent

The primary intent of this schedule is to permit light industrial uses, including those with a significant amount of research and development activity, that are generally compatible with one another and with adjoining residential or commercial districts. Complementary commercial uses, including office and retail, with a particular focus on digital entertainment and information communication technology use, are also permitted, subject to the limitations in this schedule.

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 these districts 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 situated 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 33⅓ % 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]

- Artist Studio - Class A, provided that the use must not be combined with a Residential Unit, the change of use must only apply to floor area existing as of [date of enactment] and any additions are limited to no more than 10 % of existing floor area.
- Arts and Culture Indoor Event.
- Club.

2.2.I [Institutional]

- Church.

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.
- Information Communication Technology 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.
- Tobacco Products Manufacturing.
- Wood Products Manufacturing - Class B.

2.2.R [Retail]

- Gasoline Station - Full Serve.

2.2.S [Service]

- Animal Clinic.
- Catering Establishment.
- Laboratory.
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- 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 m².

2.3 Conditions of Use

2.3.1 All uses listed in section 2.2 of this schedule, except a full-serve gasoline station and a lumber store, shall be carried on 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, except for a full-serve gasoline station, 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, and the regulations of this schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and such other conditions as the Director of Planning or the Development Permit Board may decide, provided that the Director of Planning or the Development Permit Board 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 Buildings to any of the uses listed in this schedule, except as provided for in section 2.2.A of this schedule.
- 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, except that accessory retail use may be approved only in conjunction with manufacturing uses.

3.2.AG [Agricultural]

- Urban Farm - Class B.

3.2.C [Cultural and Recreational]

- Artist Studio - Class B, provided that the change of use applies to floor area existing as of [*date of enactment*] and additions are limited to a maximum of 10 % of the existing floor area.
- Theatre.

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.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class B.

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.O [Office]

- General Office.
- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Public Bike Share.
- Vehicle Dealer.

3.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Laundromat or Dry Cleaning Establishment.
- Neighbourhood Public House.
- Photofinishing or Photography Studio.
- Print shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- Restaurant - Class 2.
- School - Arts or Self-Improvement.
- School - Business.

- 3.2.T [Transportation and Storage]
 - Aircraft Landing Place.
 - 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 Director of Planning or 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 provisions 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 All uses listed in section 3.2 of this schedule, except a Cardlock fuel station, vehicle dealer and transportation and storage uses, shall be carried 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 A Neighbourhood Public House use shall not be located within 300 m of an existing Neighbourhood Public House use.
- 3.3.6 A Restaurant - Class 2 use shall not be located within 200 m of an existing Restaurant - Class 2 use.
- 3.3.7 A Lounge use accessory to Brewing or Distilling use shall be carried on wholly within a completely enclosed building.

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 not exceed 33.5 m except that:

- (a) for a depth of 6.1 m measured from a property line adjacent to Quebec Street, the height of a building must not exceed 18.3 m, as illustrated in Figure 1;
- (b) for a depth of 4.5 m measured from a property line adjacent to 2nd Avenue, 3rd Avenue, 4th Avenue and 5th Avenue, the height of a building must not exceed 18.3 m, as illustrated in Figure 2;
- (c) for a depth of 9.1 m measured from the property line adjacent to the north/south lane running between 2nd and 5th Avenue, the height of a building must not exceed 18.3 m, as illustrated in Figure 3;
- (d) the floor area of any storey located above 18.3m in height must not exceed 65% of the floor area of the largest storey located at or below 18.3 m; and
- (e) except for those buildings existing as of [*date of enactment*], the floor to floor height of the first floor of a building must measure a minimum of 5.35 m.

Figure 1 Height Limit along Quebec Street



Figure 2 Height Limit along 2nd, 3rd, 4th and 5th Avenue

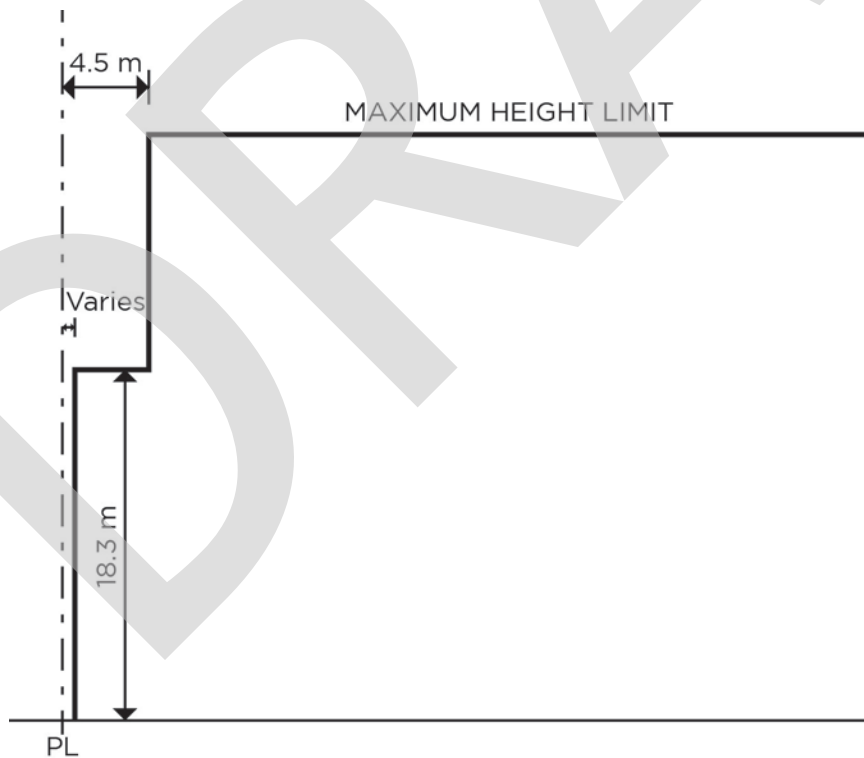
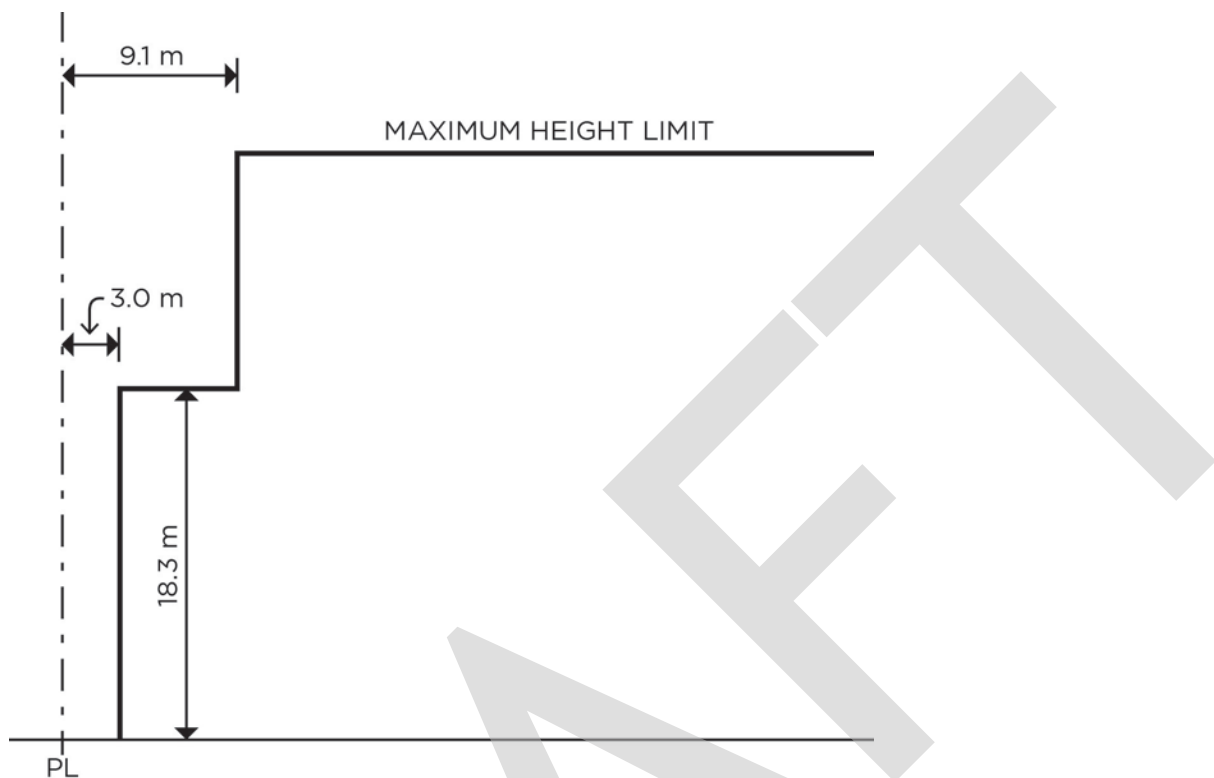


Figure 3 Height Limit at North/South Lane between 2nd and 5th Avenue



4.4 Setbacks

The setback of a building must be at least:

- (a) for properties on the south side of 2nd Avenue, 31.7 m measured from the property line adjacent to the north side of the dedicated street;
- (b) 1.5 m from the property line adjacent to Quebec Street;
- (c) 0.65 m from the property line adjacent to 3rd Avenue;
- (d) 0.65 m from the property line adjacent to 4th Avenue;
- (e) 0.65 m from the property line adjacent to 5th Avenue;
- (f) 3.0 m from property line adjacent to the north/south lane, running between 2nd and 5th Avenue; and
- (g) 0.6 m from any property line adjacent to an east-west lane,

except that no setbacks shall be required for buildings existing as of [date of enactment].

4.5 Floor Area and Density

4.5.1 Maximum floor space ratio shall not exceed 3.0, except that:

- (a) the maximum floor space ratio shall be 3.0 for Manufacturing Uses, Transportation and Storage Uses, except mini-storage warehouse use, Utility and Communication Uses, Wholesale Uses and Service Uses limited to: Catering Establishment; Laboratory; Laundry or Cleaning Plant; Motor Vehicle Repair Shop; Photofinishing or Photography

- Laboratory; Production or Rehearsal Studio; Repair Shop - Class A; Sign Painting Shop; and Work Shop;
- (b) the maximum floor space ratio shall be 1.0 for General Office use, except that the Director of Planning may permit additional floor area for General Office use to a maximum floor space ratio of an additional 1.0, if an equal amount of floor area on the ground floor is used for a use listed in subsection 4.5.1(a);
 - (c) the maximum floor space ratio shall be 1.0 for Service Uses limited to: Animal Clinic; Auction Hall; Barber Shop or Beauty Salon; Laundromat or Dry Cleaning Establishment; Photofinishing or Photography Studio; Print Shop; Repair Shop - Class B; School - Arts or Self Improvement; School - Business; and School - Vocational or Trade; and
 - (d) the maximum floor space ratio for all other uses combined must not exceed 1.0, except that the maximum permitted floor area:
 - (i) for Retail use, including accessory Retail use, must not exceed 1,000 m²,
 - (ii) for Neighbourhood Public House use must not exceed 500 m², of which at least 25 % must be Manufacturing Uses, limited to Brewing or Distilling,
 - (iii) for Restaurant - Class 1 use must not exceed 150 m²,
 - (iv) for Restaurant - Class 2 use must not exceed 300 m², and
 - (v) for a lounge use accessory to a Brewing or Distilling use must not exceed 80 m².

4.5.2 Notwithstanding section 4.5.1 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, the Director of Planning may permit an increase in the permitted floor area of one m² per amenity share, provided to the city at no cost to the city, for the following uses:

- (a) uses listed in subsection 4.5.1(a), and
 - (b) digital entertainment and information communication technology use,
- to a maximum additional floor space ratio of 2.0 above the maximum permitted floor space ratio of 3.0.

4.5.3 For the purposes of section 4.5.2, amenity share means an amenity share as set out in Schedule F of this by-law.

4.5.4 Notwithstanding section 4.5.2, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.

4.5.5 For the purposes of this district schedule, amenity means a Child Day Care Facility.

4.6 Computation of Floor Area

4.6.1 Computation of floor area must include all floors of all buildings, both above and below ground level, measured to the extreme outer limits of the building.

4.6.2 Computation of floor area must exclude:

- (a) open residential balconies 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 % of the residential floor area being provided;
- (b) roof decks if the Director of Planning first considers:
 - (i) the design of landscape treatments,
 - (ii) the effect on privacy and overlook, and
 - (iii) all applicable Council policies and guidelines;
- (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; and
- (d) storage area associated with an artist studio - class B where the storage area is provided below the base surface and subject to a maximum exclusion of 20 m² for each artist studio - class B;

5 Relaxation of Regulations

5.1 The Director of Planning may relax the height requirements of section 4.3 of this schedule as follows:

- (a) the maximum height of a building existing as of [*date of enactment*], may exceed 33.5 m by 1.5m to a maximum height of 35 m;
- (b) any floor above 18.3 m may be permitted to extend into the required upper floor setback as follows:
 - (i) on Quebec Street, the width of the building may extend up to 3.0 m into the required 6.1 m upper floor setback for up to one-third of the width of a building fronting the street, and
 - (ii) on 2nd, 3rd, 4th and 5th Avenue, the 4.5 m upper floor setback may be reduced for up to one-third of the width of a building fronting the avenue,

except that:

- (iii) the floor area of any storey located above 18.3 m in height must not exceed 80% of the floor area of the largest permitted storey located at or below 18.3m; and
- (iv) the building must not encroach into the ground floor setbacks as specified in section 4.4.

- 5.2 The Director of Planning may relax the computation of floor area exclusions of section 4.6.2 of this schedule for accessory amenity areas, including child day care facilities and recreation facilities to a maximum of 10 % of the total permitted floor area.

DRAFT

**Schedule B2
I-1B District Schedule**

1. Intent

The primary intent of this schedule is to permit light industrial uses, including those with a significant amount of research and development activity, that are generally compatible with one another and with adjoining residential or commercial districts. Complementary commercial uses, including office and retail, with a particular focus on digital entertainment and information communication technology use, are also permitted, subject to the limitations in this schedule.

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 these districts 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 situated 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 $\frac{1}{3}$ % 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]

- Artist Studio - Class A, provided that the use must not be combined with a Residential Unit, the change of use must only apply to floor area existing as of [date of enactment] and any additions are limited to no more than 10 % of existing floor area.
- Arts and Culture Indoor Event.
- Club.

2.2.I [Institutional]

- Church.

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.
- Information Communication Technology 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.
- Tobacco Products Manufacturing.
- Wood Products Manufacturing - Class B.

2.2.R [Retail]

- Gasoline Station - Full Serve.

2.2.S [Service]

- Animal Clinic.
- Catering Establishment.
- Laboratory.
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- 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 m².

2.3 Conditions of Use

- 2.3.1 No use listed in section 2.2 of this schedule, except a full-serve gasoline station 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, except for a full-serve gasoline station, 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, and the regulations of this schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and such other conditions as the Director of Planning or the Development Permit Board may decide, provided that the Director of Planning or the Development Permit Board first considers:
- the intent of this schedule and all applicable policies and guidelines adopted by Council; and
 - the submission of any advisory group, property owner or tenant.

3.2 Uses

- 3.2.A
- Accessory Buildings to any of the uses listed in this schedule, except as provided for in section 2.2.A of this schedule.
 - 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, except that accessory retail use may be approved only in conjunction with manufacturing uses.

3.2.AG [Agricultural]

- Urban Farm - Class B.

3.2.C [Cultural and Recreational]

- Artist Studio - Class B, provided that the change of use applies to floor area existing as of [*date of enactment*] and additions are limited to a maximum of 10 % of the existing floor area.
- Theatre.

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.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class B.

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.O [Office]

- General Office.
- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Public Bike Share.
- Vehicle Dealer.

3.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Laundromat or Dry Cleaning Establishment.
- Neighbourhood Public House.
- Photofinishing or Photography Studio.
- Print shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- Restaurant - Class 2.
- School - Arts or Self-Improvement.
- School - Business.

3.2.T [Transportation and Storage]

- Aircraft Landing Place
- 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 Director of Planning or 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 provisions 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 All uses listed in section 3.2 of this schedule, except a Cardlock fuel station, vehicle dealer and transportation and storage uses, shall be carried on 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 A Neighbourhood Public House use shall not be located within 300 m of an existing Neighbourhood Public House use.

3.3.6 A Restaurant - Class 2 use shall not be located within 200 m of an existing Restaurant - Class 2 use.

3.3.7 A lounge use accessory to Brewing or Distilling use shall be carried on wholly within a completely enclosed building.

4. Regulations

All uses approved under sections 2 or 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 not exceed 38 m except that:

- (a) for a depth of 6.1 m measured from a property line adjacent to Quebec Street, the height of a building must not exceed 18.3 m, as illustrated in Figure 1;
- (b) for a depth of 4.5 m measured from a property line adjacent to 5th Avenue and 6th Avenue, the height of a building must not exceed 18.3 m, as illustrated in Figure 2;
- (b) for a depth of 9.1 m measured from the property line adjacent to the north-south lane running between 5th Avenue and 6th Avenue, the height of a building must not exceed 18.3m, as illustrated in Figure 3;
- (c) the floor area of any storey located above 18.3 m in height must not exceed 65% of the floor area of the largest storey located at or below 18.3 m; and
- (d) except for those buildings existing as of [*date of enactment*], the floor to floor height of the first floor of a building must measure a minimum of 5.35 m.

Figure 1 Height Limit along Quebec Street



Figure 2 Height Limits along 5th and 6th Avenue

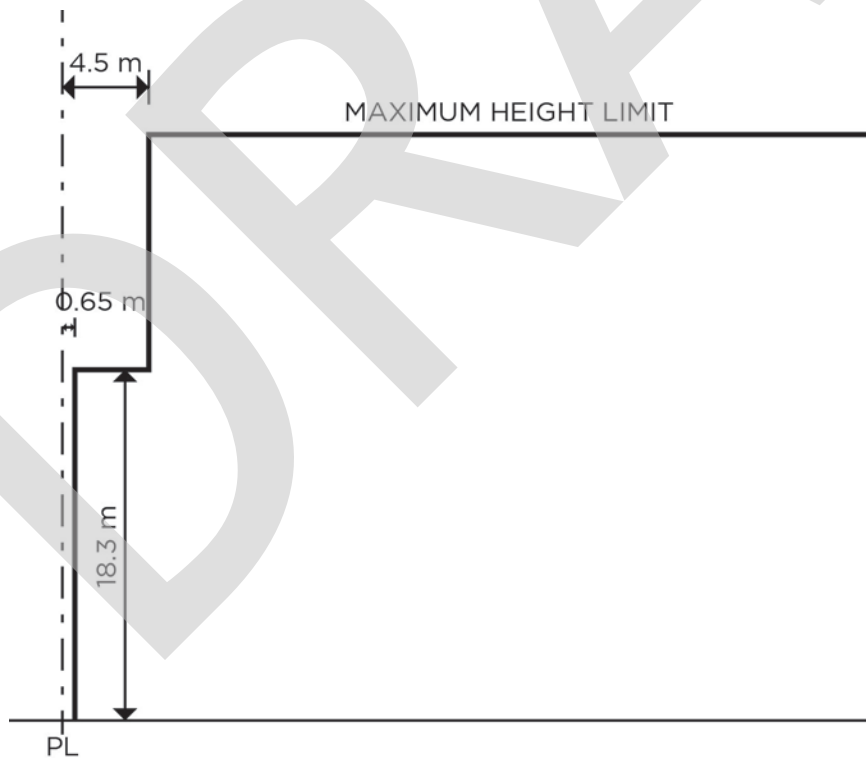
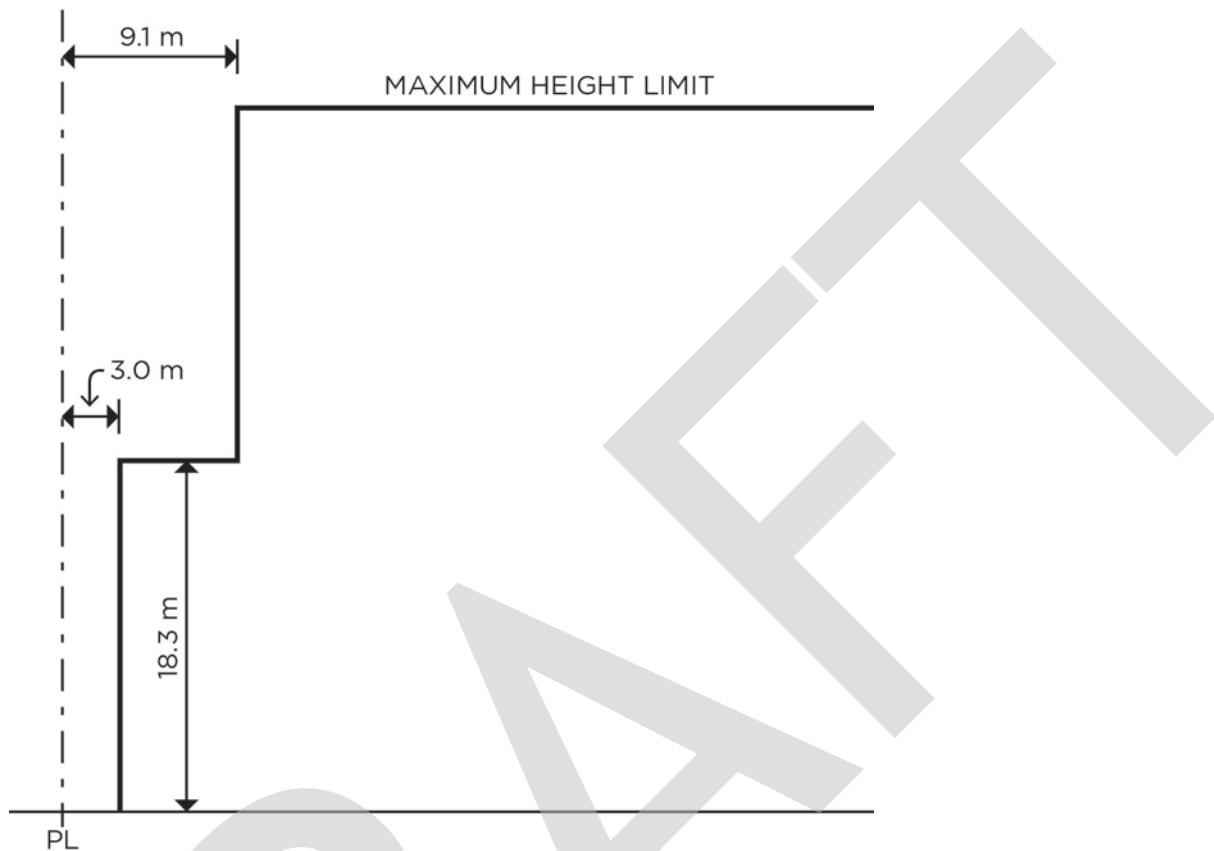


Figure 3
Avenue

Height Limit at North/South Lane running between 5th and 6th



4.4 Setbacks

The setback of a building must be at least:

- (a) 1.5 m from the property line adjacent to Quebec Street;
- (b) 0.65 m from the property line adjacent to 5th Avenue;
- (c) 0.65 m from the property line adjacent to 6th Avenue;
- (d) 3.0 m from the property line adjacent to the north/south lane, running between 5th and 6th Avenue; and
- (e) 0.6 m from any property line adjacent to an east-west lane,

except that no setbacks shall be required for buildings existing as of [date of enactment].

4.5 Floor Area and Density

4.5.1 Maximum floor space ratio shall not exceed 3.0, except that:

- (a) the maximum floor space ratio shall be 3.0 for Manufacturing Uses, Transportation and Storage Uses, except mini-storage warehouse use, Utility and Communication Uses, Wholesale Uses and Service Uses limited to: Catering Establishment; Laboratory; Laundry or Cleaning

Plant; Motor Vehicle Repair Shop; Photofinishing or Photography Laboratory; Production or Rehearsal Studio; Repair Shop - Class A; Sign Painting Shop; and Work Shop;

- (b) the maximum floor space ratio shall be 1.0 for General Office use, except that the Director of Planning may permit additional floor area for General Office use to a maximum floor space ratio of an additional 1.0, if an equal amount of floor area on the ground floor is used for a use listed in subsection 4.5.1(a);
- (c) the maximum floor space ratio shall be 1.0 for Service Uses limited to: Animal Clinic; Auction Hall; Barber Shop or Beauty Salon; Laundromat or Dry Cleaning Establishment; Photofinishing or Photography Studio; Print Shop; Repair Shop - Class B; School - Arts or Self Improvement; School - Business; and School - Vocational or Trade; and
- (d) the maximum floor space ratio for all other uses combined must not exceed 1.0, except that the maximum permitted floor area:
 - (i) for Retail use, including accessory Retail use, must not exceed 1,000 m²,
 - (ii) for Neighbourhood Public House use must not exceed 500 m², of which at least 25 % must be Manufacturing Uses, limited to Brewing or Distilling,
 - (iii) for Restaurant - Class 1 use must not exceed 150 m²,
 - (iv) for Restaurant - Class 2 use must not exceed 300 m², and
 - (v) for a lounge use accessory to a Brewing or Distilling use must not exceed 80 m².

4.5.2 Notwithstanding section 4.5.1 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, the Director of Planning may permit an increase in the permitted floor area of one m² per amenity share (level 1) provided to the city at no cost to the city, for the following uses:

- (a) uses listed in subsection 4.5.1(a), and
- (b) digital entertainment and information communication technology use,

to a maximum additional floor space ratio of 2.0 above the maximum permitted floor space ratio of 3.0.

4.5.3 For the purposes of section 4.5.2, an amenity share (level 1) means an amenity share (level 1) as set out in Schedule F of this by-law.

4.5.4 For the purposes of this district schedule, an amenity (level 1) means a Child Day Care Facility.

4.5.5 Notwithstanding sections 4.5.1 and 4.5.2 of this district schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, the Director of Planning may permit an increase in the permitted floor area of one m² per amenity share (level 2) provided to the city at no cost to the city, for the following uses:

- (a) uses listed in subsection 4.5.1(a), and
- (b) digital entertainment and information communication technology use,

to a maximum additional floor space ratio of 1.0 above the maximum additional floor space ratio of 2.0 provided for in section 4.5.2.

4.5.6 For the purposes of section 4.5.5, amenity share (level 2) means an amenity share (level 2) as set out in Schedule F of this by-law

4.5.7 For the purposes of section 4.5.5, an amenity (level 2) means

- (a) Child Day Care Facility;
- (b) Community Centre or Neighbourhood House;
- (c) Library;
- (d) Museum or Archives;
- (e) Park or Playground;
- (f) Rink;
- (g) Swimming Pool; and
- (h) Social Service Centre.

4.5.8 Amenity (level 2) shares are allocated as follows:

- (a) 14% must be allocated to a Child Day Care Facility; and
- (b) 86% must be allocated to any amenity (level 2) use listed in section 4.5.7.

4.5.9 Notwithstanding sections 4.5.2 and 4.5.5, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.

4.6 Computation of Floor Area

4.6.1 Computation of floor area must include all floors of all buildings, both above and below ground level, measured to the extreme outer limits of the building.

4.6.2 Computation of floor area must exclude:

- (a) open residential balconies 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 8 % of the residential floor area being provided;
- (b) roof decks if the Director of Planning first considers:
 - (i) the design of landscape treatments;
 - (ii) the effect on privacy and overlook; and
 - (iii) all applicable Council policies and guidelines.
- (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) storage area associated with an artist studio - class B where the storage area is provided below the base surface and subject to a maximum exclusion of 20 m² for each artist studio - class B.

5.0 Relaxation of Regulations

5.1 The Director of Planning may relax the height requirements of section 4.3 of this schedule as follows:

- (a) any floor above 18.3 m may be permitted to extend into the required upper floor setback as follows:
 - (i) on Quebec Street, the width of the building may extend up to 3.0 m into the required 6.1 m upper floor setback for up to one-third of the width of a building fronting the street, and
 - (ii) on 5th and 6th Avenue, the 4.5 m upper floor setback may be reduced for up to one-third of the width of a building fronting the avenue,

except that:

- (iii) the floor area of any storey located above 18.3 m in height must not exceed 80% of the floor area of the largest permitted storey located at or below 18.3m; and
- (iv) the building must not encroach into the ground floor setbacks as specified in section 4.4.

5.2 The Director of Planning may relax the computation of floor area exclusions of section 4.6.2 for accessory amenity areas, including child day care facilities and recreation facilities, to a maximum of 10 % of the total permitted floor area.