

BY-LAW NO. 13621

**A By-law to amend
Zoning and Development By-law No. 3575
Regarding Patios**

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 No. 3575.
2. In section 10, Council strikes out Section 10.35 “Temporary Patio” in its entirety.
3. In the RM-5, RM-5A, RM-5B, RM-5C, and RM-5D District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All uses listed in section **2.1** of this schedule, other than dwelling uses, must be carried on wholly within a completely enclosed building, except for the following:

- (a) child day care facility;
- (b) display of flowers, plants, fruit and vegetables;
- (c) farmers’ market;
- (d) outdoor eating area in combination with a club, grocery or drug store, or neighbourhood grocery store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (e) park or playground;
- (f) parking and loading facilities;
- (g) public bike share;
- (h) restaurant; and
- (i) urban farm – class A.”.

4. In the RM-6 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, except for the following:

- (a) child day care facility;

- (b) display of flowers, plants, fruits and vegetables;
- (c) farmers' market;
- (d) gasoline station – split island;
- (e) outdoor eating area in combination with a club, grocery or drug store, neighbourhood grocery store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (f) park or playground;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant; and
- (j) urban farm – class A.”.

5. In the C-1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

- “2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:
- (a) display of flowers, plants, fruits and vegetables;
 - (b) farmers’ market;
 - (c) gasoline station – full serve;
 - (d) gasoline station – split island;
 - (e) neighbourhood public house;
 - (f) outdoor eating area in combination with a club, grocery or drug store, or retail store;
 - (g) parking and loading facilities;
 - (h) public bike share;
 - (i) restaurant – class 1; and
 - (j) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

6. In the C-2 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island
- (f) lumber and buildings material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;
- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station;
- (n) urban farm – class B; and
- (o) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having

regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

7. In the C-2B District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant – class 1;
- (j) urban farm – class B; and
- (k) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

8. In the C-2C District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;

- (b) farmers' market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant – class 1; and
- (j) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

9. In the C-2C1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

- “2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:
- (a) display of flowers, plants, fruits and vegetables;
 - (b) drive-through service;
 - (c) farmers' market;
 - (d) gasoline station – full serve;
 - (e) gasoline station – split island;
 - (f) neighbourhood public house;
 - (g) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and

- location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (h) parking and loading facilities;
- (i) public bike share;
- (j) restaurant – class 1;
- (k) restaurant – drive-in; and
- (l) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

10. In the C-3A District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule and all outright approval accessory uses listed in section **2.1** of this schedule, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) lumber and buildings material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;

- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station;
- (n) urban farm – class B; and
- (o) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

11. In the C-5, C-5A, and C-6 Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule, and all outright approval accessory uses accessory to the outright commercial uses listed in section **2.1** of this schedule, must be carried on wholly within a completely enclosed building, other than the following:

- (a) child day care facility;
- (b) display of flowers, plants, fruits and vegetables;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) neighbourhood public house;
- (g) outdoor eating area in combination with a cabaret, club, grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (h) parking and loading facilities;
- (i) public bike share;
- (j) restaurant; and
- (k) urban farm – class B.”.

12. In the C-7 and C-8 Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All outright approval uses listed in section **2.1** of this schedule, and all conditional approval uses listed in section **2.1** of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) outside storage for any outright approval use that is not specifically listed as an outright approval use in section **2.1** of this schedule but that was existing as of December 12, 1995;
- (h) parking and loading facilities;
- (i) public bike share;
- (j) restaurant;
- (k) taxicab or limousine station;
- (l) urban farm – class B; and
- (m) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

13. In the FC-1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All outright approval uses listed in section 2.1 of this schedule, and all conditional approval uses listed in section 2.1 of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) lumber and building material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;
- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station; and
- (n) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

14. In the FC-2 District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:

“(a) that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (i) display of flowers, plants, fruits and vegetables,
- (ii) farmers’ market,
- (iii) neighbourhood grocery store,
- (iv) neighbourhood public house,
- (v) outdoor eating area in combination with a club or neighbourhood grocery store subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,
- (vi) park or playground,
- (vii) parking and loading facilities,
- (viii) parking uses,
- (ix) public bike share,
- (x) restaurant – class 2,
- (xi) retail store,
- (xii) transportation and storage uses, and
- (xiii) urban farm – class B,

except that the Director of Planning may vary this regulation if appropriate measures are taken, to the satisfaction of the Director of Planning, to minimize any dangerous, injurious, noxious or otherwise objectionable impacts that could adversely affect the surrounding area and adjoining non-industrial districts;”.

15. In the I-1 District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:

“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

16. In the I-1 District Schedule, Council strikes out Section 2.2.2(a) and substitutes the following:

“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

17. In the I-1A District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:

“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

18. In the I-1A District Schedule, Council strikes out Section 2.2.2(a) and substitutes the following:

“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

19. In the I-1B District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:

“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

20. In the I-1B District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:

“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

21. In the I-1C District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:

“(a) except for park or playground, aircraft landing place, and outdoor eating area in combination with a grocery or drug store, neighbourhood public house, or restaurant, or retail store, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

22. In the I-1C District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:

“(a) except for outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director

of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

23. In the I-3 District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:

“(a) except for gasoline station, parking uses, transportation and storage uses, vehicle dealer, and outdoor eating area in combination with a neighbourhood grocery store, restaurant, or retail store, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

24. In the IC-1 and IC-2 Districts Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:

“(a) except for cardlock fuel station, gasoline station – split island, and outdoor eating area in combination with a club, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

25. In the IC-1 and IC-2 Districts Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:

“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a restaurant or retail store, must be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating or mechanical equipment, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

26. In section 4.2.5 of the IC-1 and IC-2 Districts Schedule, Council strikes out “, and cardlock fuel station” and substitutes “, cardlock fuel station, and outdoor eating area”.

27. In the IC-3 District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:

- “(a) except for cardlock fuel station, transportation and storage uses, and outdoor eating area in combination with a restaurant, must 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 and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

28. In the IC-3 District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:

- “(a) except for retail store and lumber, building materials establishment, and outdoor eating area in combination with a club, must 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 that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

29. In section 4.2.4 of the IC-3 District Schedule, Council strikes out “Any use that is not carried on wholly within a completely enclosed building” and substitutes “Except for outdoor eating area, any use that is not carried on wholly within a completely enclosed building”.

30. In the MC-1 and MC-2 Districts Schedule, Council strikes out Section 2.2.1 (c) and substitutes the following:

- “(c) must be carried on wholly within a completely enclosed building, except for the following:
 - (i) display of flowers, plants, fruits and vegetables,
 - (ii) farmers’ market,
 - (iii) gasoline station – full serve,
 - (iv) gasoline station – split island,
 - (v) lumber and building materials establishment,
 - (vi) neighbourhood public house,
 - (vii) outdoor eating area in combination with a club, subject to any conditions that the Director of Planning considers necessary, having

regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,

- (viii) parking and loading facilities,
- (ix) public bike share,
- (x) transportation and storage uses,
- (xi) urban farm – class B, and
- (xii) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers 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 and all applicable Council policies and guidelines; and”.

31. In the MC-1 and MC-2 Districts Schedule, Council strikes out Section 2.2.2 (c) and substitutes the following:

“(c) must be carried on wholly within a completely enclosed building, except for the following:

- (i) display of flowers, plants, fruits and vegetables,
- (ii) gasoline station – full serve,
- (iii) gasoline station – split island,
- (iv) lumber and building materials establishment,
- (v) neighbourhood public house,
- (vi) outdoor eating area in combination with a grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,
- (vii) parking and loading facilities,
- (viii) restaurant,
- (ix) transportation and storage uses, and
- (x) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor

display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers 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 and all applicable Council policies and guidelines; and”.

32. In the HA-1 and HA-1A Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All non-dwelling uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) gas station – split island;
- (c) farmers’ market;
- (d) neighbourhood public house;
- (e) outdoor eating area in combination with a cabaret, club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (f) park or playground;
- (g) parking and loading facilities;
- (h) public bike share; and
- (i) restaurant and refreshment facilities,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.”.

33. In the HA-2 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All non-dwelling conditional approval uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;

- (b) farmers' market;
- (c) neighbourhood public house;
- (d) outdoor eating area in combination with a grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (e) parking and loading facilities;
- (f) public bike share; and
- (g) restaurant,

except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.

34. In the HA-2 District Schedule, Council strikes out Section 2.2.2 and substitutes the following:

“2.2.2 All non-dwelling outright approval uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) outdoor eating area in combination with a cabaret, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (c) parking and loading facilities; and
- (d) restaurant and refreshment facilities,

except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.

35. In the HA-3 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

- “2.2.1 All non-dwelling uses listed in section 2.1 of this schedule must be carried on wholly within a completely enclosed building, other than the following:
- (a) grocery store or drug store;
 - (b) farmers’ market;
 - (c) neighbourhood public house;
 - (d) outdoor eating area in combination with a club, grocery or drug store, or restaurant – class 2, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
 - (e) park or playground;
 - (f) parking and loading facilities;
 - (g) public bike share;
 - (h) restaurant – class 1; and
 - (i) retail store.”.

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

ENACTED by Council this 7th day of March, 2023

Signed _____ “Ken Sim”
Mayor

Signed _____ “Rosemary Hagiwara”
Acting City Clerk