

C-2 District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of commercial uses serving both local and city wide needs, as well as residential uses, along arterial streets. This Schedule emphasizes building design that furthers compatibility among uses, ensures livability, limits impact on adjacent residential sites, and contributes to pedestrian interest and amenity.

2 Outright Approval Uses

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

2.2 Uses

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

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

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

2.2.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Bowling Alley.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.

2.2.O [Office]

- Financial Institution.
- General Office.
- Health Care Office.

- 2.2.R [Retail]
- Grocery or Drug Store except for Small-scale Pharmacy.
 - Retail Store.

- 2.2.S [Service]
- Auction Hall.
 - Barber Shop or Beauty Salon.
 - Beauty and Wellness Centre.
 - Catering Establishment.
 - Laundromat or Dry Cleaning Establishment.
 - Photofinishing or Photography Studio.
 - Print Shop.
 - Repair Shop - Class B.
 - Restaurant - Class 1.
 - School - Business.

2.3 Conditions of Use

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

3 Conditional Approval Uses

- 3.1 Subject to all other provisions of this By-law, including section 3.3.3, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such 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 to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.
- 3.2.AG [Agricultural]
- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.
- 3.2.C [Cultural and Recreational]
- Arcade.
 - Artist Studio, subject to the provisions of section 11.18 of this By-law.
 - Billiard Hall.
 - Club.
 - Community Centre or Neighbourhood House.
 - Hall.
 - Park or Playground.
 - Theatre.
 - Zoo or Botanical Garden.
- 3.2.D
- Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

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

3.2.I [Institutional]

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

3.2.M [Manufacturing]

- Jewellery Manufacturing.
- Printing and Publishing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Adult Retail Store.

- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Furniture or Appliance Store.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- School - Vocational or Trade.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Sign Painting Shop.
- Wedding Chapel, subject to section 11.20 of this By-law.

3.2.T [Transportation and Storage]

- Taxicab or Limousine Station.

3.2.U [Utility and Communication]

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

3.2.W [Wholesale]

- Lumber and Building Materials Establishment.
- Wholesaling - Class A.
- Wholesaling - Class B.

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

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
 - (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

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

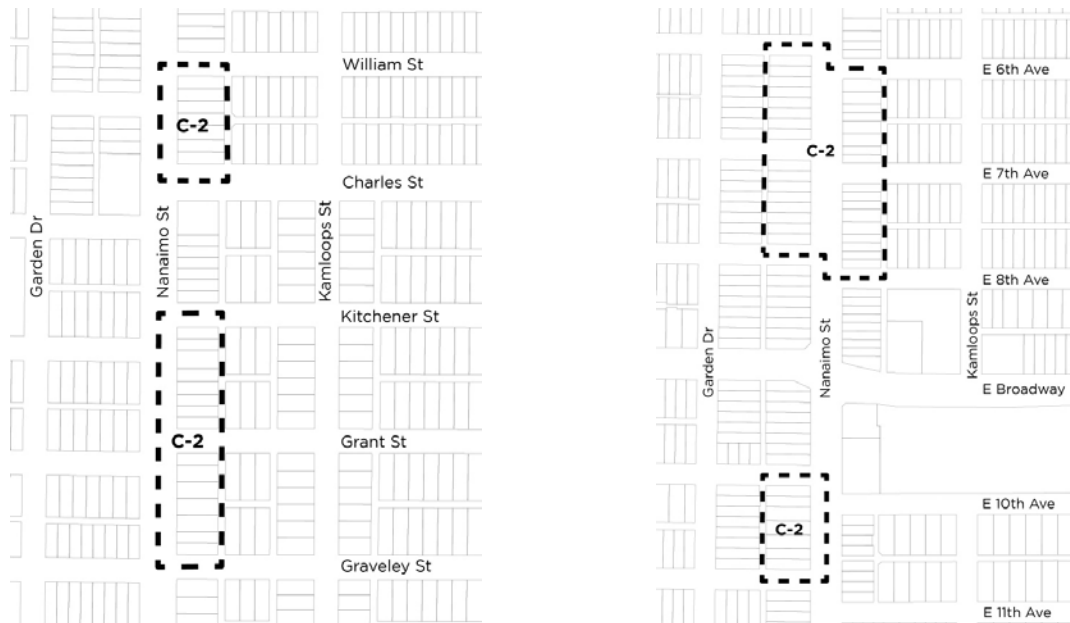
4.1 Site Area -- Not Applicable.

4.2 Frontage

4.2.1 For buildings located in the area shown on the map in Figure 1, the maximum frontage for any commercial use is 15.3 m.

4.2.2 The Director of Planning may increase the maximum frontage regulation in section 4.2.1 provided consideration is first given to the intent of this Schedule and all applicable policies and guidelines adopted by Council.

Figure 1. Nanaimo Street C-2 Areas with Maximum Commercial Frontages and Land Dedications



4.3 Height

4.3.1 The maximum height of a building shall be as follows, and as illustrated in Figure 2:

- for 6.1 m measured from the ultimate rear property line, the height of a building, measured from base surface, shall not exceed 4.6 m;
- for the next 4.6 m, the height of a building, measured from base surface, shall not exceed 10.7 m; and
- for the balance of the site, the height of a building, measured from a plane formed by lines extending horizontally back from the officially established building grades at front property line, shall not exceed 13.8 m.

4.3.2 Despite section 4.3.1, the Director of Planning or Development Permit Board, as the case may be, may permit an increase in the maximum height provided the Director of Planning or Development Permit Board first considers the intent of this Schedule, all applicable policies and guidelines adopted by Council, and the submission of any advisory group, property owner, or tenant.

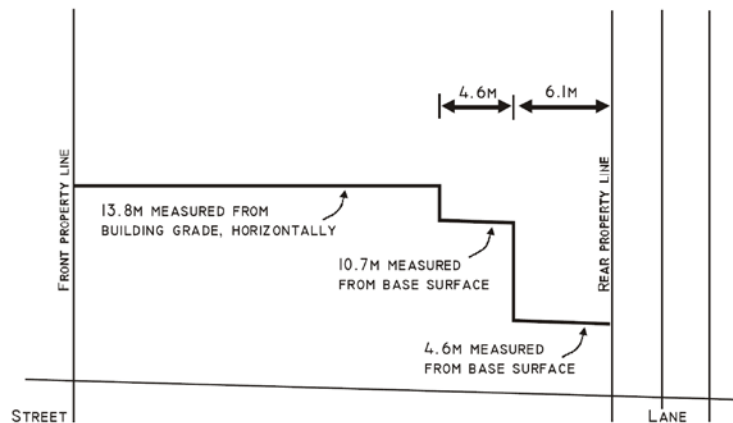


Figure 2. Height

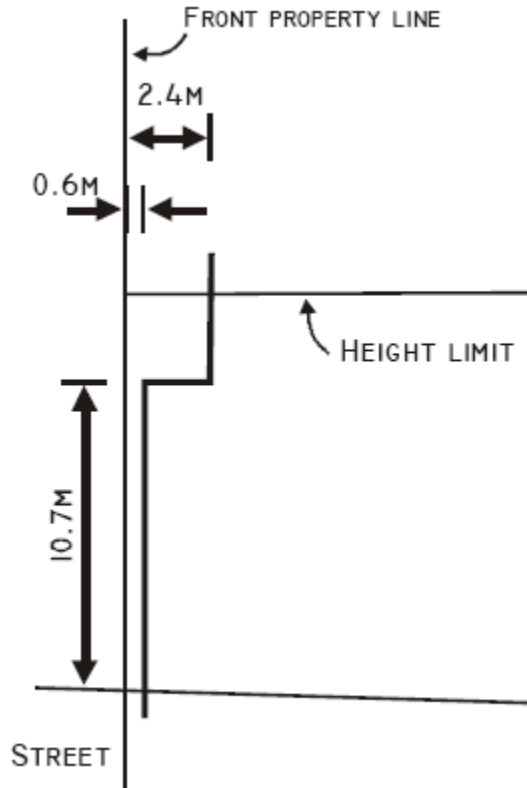
4.4 Front Yard and Setback

4.4.1 The front yard and front setback shall be as follows, and as illustrated in Figure 3:

- for portions of a building not containing dwelling uses or community care facilities or group residences, other than just entrances, within 2.0 m above the officially established building grades at the front property line:
 - subject to clause (ii), the depth of the yard shall be 0.6 m, and
 - above a height of 10.7 m, measured from a plane formed by lines extending horizontally back from the front property line at grade, the minimum depth of the front setback shall be 2.4 m except that open roof gardens may intrude into the setback;
- for portions of a building containing dwelling uses or community care facilities or group residences, other than just entrances, within 2.0 m above street grade, the minimum depth of the front yard shall be .6 m and the minimum average depth shall be 3.7 m;
- despite subsection (a), if the side of the site adjoins, without the intervention of a lane, the front yard of a site located in an R District, the minimum depth of the front yard shall be 3.7 m for a minimum distance of 3.7 m measured from the adjoining site; and
- despite subsection (a), the minimum front setback, measured from the front property line, of any parking area shall be 1.2 m.

4.4.2 Despite section 4.4.1, the Director of Planning may permit a reduced or increased front yard or front setback for portions of the building, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

Figure 3. Front Yard and Setback

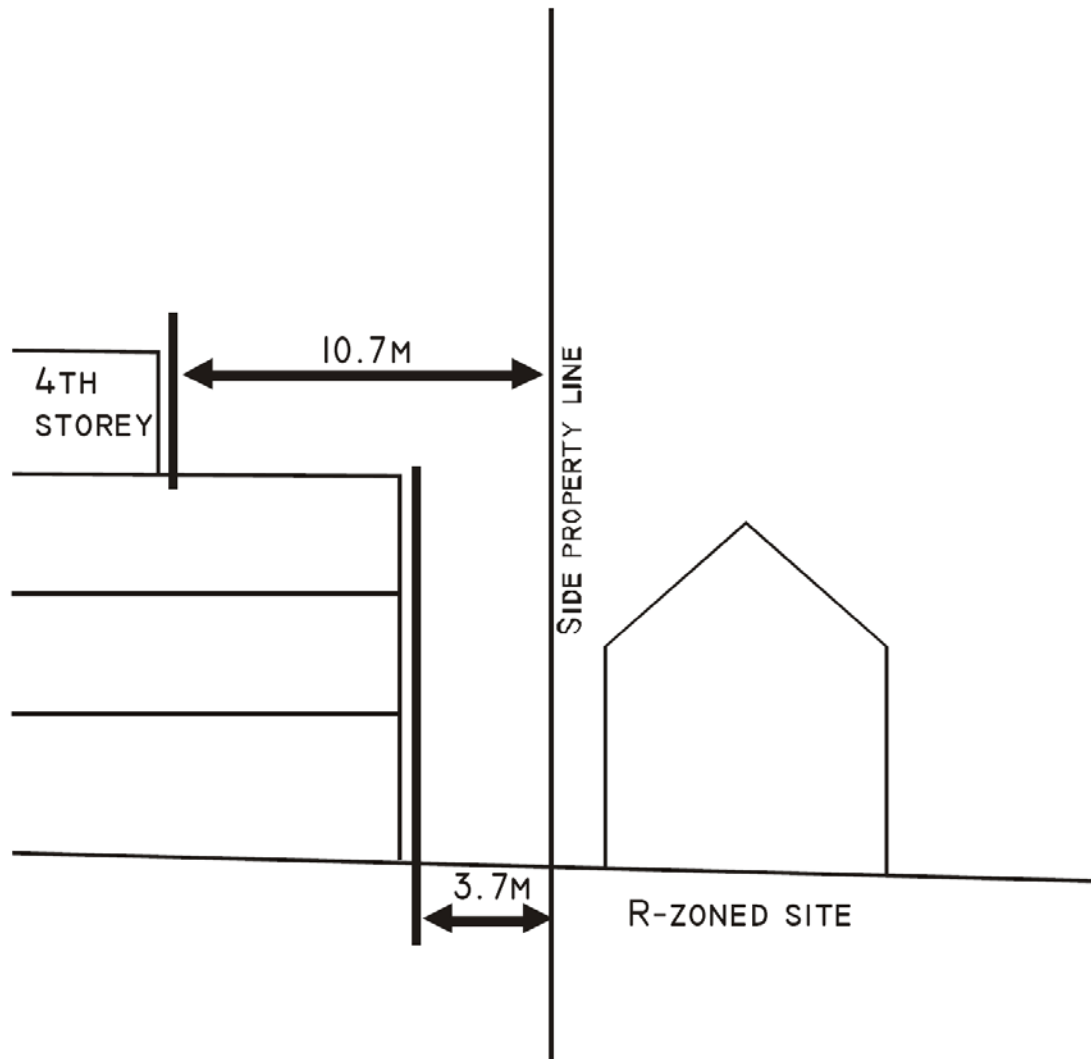


4.5 Side Yards and Setback

4.5.1 The side yards and side setback shall be as follows, and as illustrated in Figure 4:

- (a) except as otherwise required by this section 4.5.1, no side yard is necessary but if there is a side yard the minimum width shall be .9 m;
- (b) if the side of the site adjoins, without the intervention of a lane, the side yard of a site located in an R district, the minimum width of a side yard:
 - (i) for portions of a building below the fourth storey, shall be 3.7 m, and
 - (ii) for portions of a building at or above the fourth storey, shall be 10.7 m; except that the Director of Planning may permit a reduced side yard or side setback provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (c) on a corner site, the exterior side yard and side setback requirements shall be the same as the front yard and front setback requirements in section 4.4.1 and 4.4.2.

Figure 4. Side Yard and Setback Adjacent



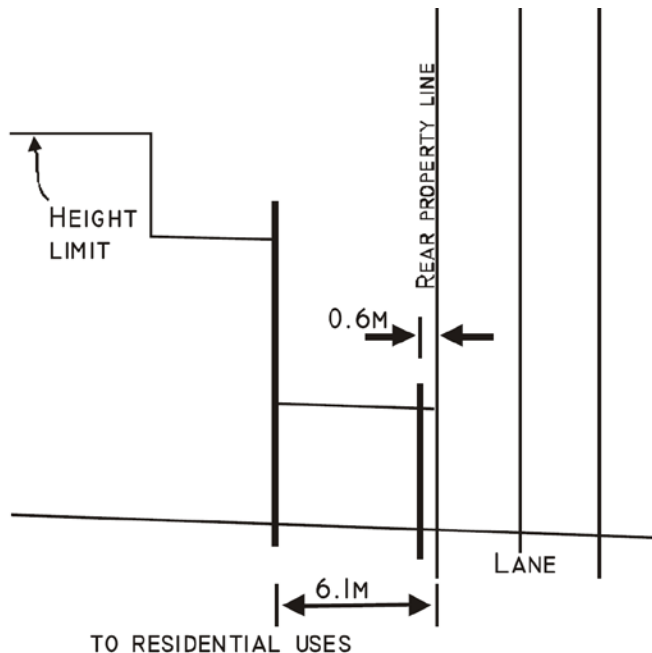
4.6 Rear Yard and Setback

4.6.1 The rear yard and rear setback, measured from the ultimate rear property line, shall be as follows, and as illustrated in Figures 5:

- (a) for portions of a building not containing dwelling uses, the minimum depth of the rear yard shall be 0.6 m;
- (b) for portions of a building containing dwelling uses, the minimum depth of the rear setback shall be 6.1 m, except that open roof gardens may intrude into the setback;
- (c) despite subsections (a) and (b), if the rear of the site adjoins, without the intervention of a lane, the side yard of a site located in an R District:
 - (i) for portions of a building not containing dwelling uses, the minimum depth of the rear yard shall be 3.1 m, and
 - (ii) for portions of a building containing dwelling uses, the minimum depth of the rear setback behind those portions of the building shall be 6.1 m, except that open roof gardens may intrude into the setback.

4.6.2 Despite section 4.6.1, the Director of Planning may permit a reduced rear yard or rear setback provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

Figure 5. Rear Yard Setback



4.7 Floor Space Ratio

4.7.1 The floor space ratio shall not exceed .75, except that the Director of Planning, may permit an increase in floor space ratio as follows:

- (a) for all uses combined, up to 2.5;
- (b) for dwelling uses in conjunction with other uses, up to 1.75 in storeys located above the front street level storey, and up to 0.4 in the front street level storey or below;
- (c) for multiple dwelling, up to 2.15; and
- (d) for the purpose of subsection(b) and (c), an artist studio shall be deemed to be a dwelling use;

provided the Director of Planning first considers the intent of this Schedule, all applicable policies and guidelines adopted by Council, and the submission of any advisory group or property owner or tenant.

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

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

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

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

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

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

4.8 Site Coverage – Not Applicable.

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

4.10 Horizontal Angle of Daylight

- 4.10.1 Each habitable room must have at least one window on an exterior wall of a building.
- 4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.
- 4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.
- 4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:
 - (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m.
- 4.10.5 An obstruction referred to in section 4.10.2 means:
 - (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any adjoining site.

4.10.6 A habitable room referred to in section 4.10.1 does not mean:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.11 Dedication of Land for Lane Purposes

4.11.1 For development sites located in the area shown in Figure 1, where a site does not abut a lane, or abuts a lane which is less than 6.1 m in width, a portion of the site, as determined by the City Engineer, to a maximum of 3.1 m, must be dedicated for lane purposes.

4.11.2 Where dedication is made, it shall be deemed not to reduce the site area for the purpose of calculating floor space ratio.

4.12 (Reserved)

4.13 (Reserved)

4.14 Dedication of Land for Sidewalk and Boulevard Purposes

4.14.1 For development sites located in the area shown in Figure 1 which adjoin the streets set forth below, a portion of the site must be dedicated for sidewalk and boulevard improvements to achieve a distance from the centerline of the street to the property line of the development site, measured at right angles, of the distance set out below:

- (i) Nanaimo Street, from from William Street to Graveley Street 15.1 m; or
- (ii) Nanaimo Street, from East 6th Avenue to East 11th Avenue 16.1 m.

4.14.2 Where dedication is made, it shall be deemed not to reduce the site area for the purpose of calculating floor space ratio.

4.15 Acoustics

4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1** The Development Permit Board or the Director of Planning, as the case may be, may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33 $\frac{1}{3}$ percent of the gross floor area of the principal use.
- 5.2** The Development Permit Board or the Director of Planning, as the case may be, may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as he deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule