1 February, 2012

Report to
Vancouver Renters' Union
237 Keefer Street, Unit 245,
Vancouver V6A 1X6
&
AWLS artist work live studios group
c/o 800 Keefer Street
Vancouver V6A 3K6

Some definitions and regulations in the By-laws for
321 Railway Street (formerly 303 Railway Street) Vancouver
as related to Artist Live Work Rental Studios Class B zoning

The By-Laws for 321 Railway Street, Railtown Studios, are unique to the Railtown Studios building as,

City of Vancouver Zoning and Development By-Law CD-1 (354) 303
Railway Street By-law No. 7645 (Being a By-law to Amend By-law 3575,
being the Zoning and Development By-law) Effective 5, 1996 (Amended
up to and including By-law No. 8169, dated March 14, 2000).

While unique, these by-laws are supposed to be entirely consistent with the other definitions and regulations of City of Vancouver By-law 3575, being the Zoning and Development By-law, for Artist Live Work Rental Studios Class B; with Class B allowing for higher levels of noise and fabrication activities than are consistent with other residential uses in the municipality. The City of Vancouver provides definitions and regulations in the general land use zoning By-law 3575 specifically for artist live work studios.
On page 6 of **Definitions**, Section 2, of By-law 3575, **Live-Work Use** is defined as, "a Dwelling Unit" with Class B included as, "General Office, Health Care Office, Barber Shop or Beauty Salon, Photofinishing or Photography Studio, or Artist Studio…"

On page 6 of **Additional Regulations**, Section 11, of By-law 3575, 11.19.1, for **Residential Unit Associated with Artist Studio**, "No more than 2 persons may occupy the residential unit associated with the artist studio" except the Director of Planning may relax this occupancy limit after "the Director of Planning considers the submission of any advisory group, property owner, or tenant…and all applicable policies and guidelines adopted by Council."

As of May, 2012, the last time that I telephoned the City of Vancouver in this regard, no applications to "relax" those regulations and City requirements, for Railtown Studios at 321 Railway Street, has been made.
Section 2
Definitions

[Note: Uses defined in Section 2 and listed in the District Schedules are grouped together and listed alphabetically according to twelve generic headings as follows: Agricultural Uses, Cultural and Recreational Uses, Dwelling Uses, Institutional Uses, Manufacturing Uses, Office Uses, Parking Uses, Retail Uses, Service Uses, Transportation and Storage Uses, Utility and Communication Uses, and Wholesale Uses. For example, “Greenhouse” is listed alphabetically under “A” for “Agricultural Use”. Refer to Index for more assistance.]

In this By-law, unless the context otherwise requires:

Accessory Building means:

(a) a building, the use or intended use of which is ancillary to that of the principal building situated on the same site, but does not include an additional dwelling unit to a dwelling unit already existing;

(b) a building which is ancillary to the principal use being made of the site on which such accessory use is located;

Accessory Use means:

(a) a use which is ancillary to the principal building, or use of the principal building, situated on the same site, or

(b) a use which is ancillary to the principal use being made of the site upon which such accessory use is located;

Adult Magazine means any pamphlet or magazine which

(a) contains a visual image or representation of the pubic, perineal or perianal areas, the buttocks, or the female breast and

(b) depicts sexual conduct or sadomasochistic behaviour;

Agricultural Uses means and includes all of the following uses, and any one of them, but no other:

Greenhouse;

Nursery, Field Crop or Fruit Farm, which means the use of land for the growing of plants, shrubs, trees, vegetables, field crops, berry or bush crops, or orchard crops;

Stable, which means the use of premises for the keeping, breeding, raising, training or boarding of horses, but does not include a riding ring;

Base Surface means that hypothetical surface determined by joining the official established building grades at all corners of the site, provided however that where official established building grades cannot be obtained through application to the City Engineer, existing grades shall be used. For the purpose of measuring the height of a building at any point, the elevation at that point on the base surface shall be determined by interpolating from the official established building grades or, where official established building grades cannot be obtained, from existing grades;

Basement means a space between two floors, with the lower floor located less than 1.5 m below finished grade and the floor surface of the storey above located not more than 2.0 m above finished grade;

Board of Variance means the Board of Variance appointed pursuant to the provisions of Section 572 of the Vancouver Charter;
Cellar means a space between two floors, with the lower floor located 1.5 m or more below finished grade;

Comprehensive Development means a development containing any number of buildings or uses or a combination of sites planned or developed in an integrated fashion and requiring special regulations with the approval of City Council;

Cultural and Recreational Uses means and includes all of the following uses, and any one of them, but no other:

Arcade, which means the use of premises for four or more machines on which games are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use;

Artist Studio, which means where used without a qualifier both an Artist Studio - Class A and an Artist Studio - Class B;

Artist Studio - Class A, which means the use of premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound or one or more of the materials or processes specified under Artist Studio - Class B;

Artist Studio - Class B, which means the use of premises for the production of

(a) dance or live music involving electronically amplified sound,
(b) moving or still photography (excluding video) involving on-site film processing,
(c) paintings, drawings, pottery or sculpture involving the use of fibreglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics;

Billiard Hall;

Bingo Hall, which means the use of premises for the purpose of playing bingo and where the operation is conducted and managed by, and the proceeds are distributed to, one or more charitable organizations, but does not include bingo where the player is not playing the same game and responding to the same caller as and with other players in the hall or the use of player-oriented video lottery terminals or slot machines;

Bowling Alley;

Casino - Class 1, which means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money may be wagered and for which authority has been given under the authority of the Gambling Control Act of British Columbia or successor Act, but does not include player-operated video lottery terminals, slot machines, bingo halls, pari-mutuel betting, non-player-operated video lottery terminals, or Casino-Class 2;

Casino - Class 2, which means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money may be wagered and for which authority has been given under the authority of the Gambling Control Act of British Columbia or successor Act, and may include player-operated video lottery terminals or slot machines, but does not include bingo halls, pari-mutuel betting, and non-player-operated video lottery terminals;

Club, which means the use of premises by a non-profit society, association or corporation organized solely for the promotion of some common object and which is operated for club members and their guests only, but does not include Church, Hospital, Social Service Centre, Community Care Facility and Group Residence or premises used for residential or administrative purposes;
Community Centre or Neighbourhood House;

**Fitness Centre** includes Fitness Centre - Class 1 and Fitness Centre - Class 2;

**Fitness Centre – Class 1**, which means the use of premises, which do not exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasiums, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports;

**Fitness Centre – Class 2**, which means the use of premises, which exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasiums, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports;

Golf Course or Driving Range;

Hall;

Library;

**Marina**, which means the use of premises for the mooring of pleasure craft, but does not include repairing or building boats;

**Museum or Archives**;

Park or Playground;

**Riding Ring**, which means the use of a building for practising equestrian skills;

**Rink**: [Curling, Ice, Roller]

**Stadium or Arena**;

**Swimming Pool**;

**Theatre**;

**Zoo or Botanical Garden**;

**Development Permit Board** means the Development Permit Board of the City established under the provisions of By-law No. 5869;

**Dwelling Uses** means and includes all of the following uses, and any one of them, but no other:

**Dwelling Unit**, which means a self-contained housekeeping unit; [see section 10.21 for general regulations which apply to dwelling units]

**Infill**, which means and includes when used by itself without reference to any other dwelling term, all of the following uses, or any one of them, but no other: infill one-family dwelling, infill two-family dwelling, and infill multiple dwelling;

**Infill Multiple Dwelling**, which means a building containing only three or more dwelling units on a site already containing one or more existing buildings some or all of which are retained, but does not include a community care facility and group residence;
Infill One-Family Dwelling, which means a building consisting of only one dwelling unit on a site already containing one or more existing buildings some or all of which are retained;

Infill Two-Family Dwelling, which means a building consisting of only two dwelling units on a site already containing one or more existing buildings some or all of which are retained;

Laneway House means a detached one-family dwelling constructed in the rear yard of a site on which is situate a one-family dwelling or one-family dwelling with secondary suite.

Multiple Conversion Dwelling, which means a building converted to contain only two or more residential units, but does not include a community care facility and group residence or a one-family dwelling with secondary suite;

Multiple Dwelling, which means a building containing only three or more dwelling units, but does not include a multiple conversion dwelling or a community care facility and group residence;

One-Family Dwelling, which means a building containing only one dwelling unit;

One-Family Dwelling with Secondary Suite, which means a building containing only two dwelling units, of which the secondary suite is smaller than the principal residence, but which does not include a two-family dwelling, multiple conversion dwelling, or infill one-family dwelling;

Principal Dwelling Unit combined with a Secondary Dwelling Unit, which means a dwelling unit which is a principal residence combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit must have separate external access and shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;

Rooming House, which means a building containing three or more sleeping units, but does not include a multiple conversion dwelling or a community care facility and group residence;

Secondary Dwelling Unit means a secondary dwelling unit referred to in the definition of “Principal Dwelling Unit combined with a Secondary Dwelling Unit”;

Seniors Supportive or Assisted Housing, which means the use of a building for residential units designed to accommodate seniors as they age including separate common areas for dining and socializing, and the provision of meals, housekeeping and personal care but does not include a Community Care Facility and Group Residence;

Two-Family Dwelling, which means a building containing only two dwelling units, but does not include a multiple conversion dwelling or a one-family dwelling with secondary suite;

Family means either

(a) one or more individuals all related to one another by blood, marriage, or adoption or
(b) a maximum of three unrelated individuals living together as a household.

For the purposes of this definition, two people living together in a common-law relationship shall be deemed to be in a marriage relationship and each of the blood relatives of the parties to a common-law relationship shall be considered to be related to the partners and to the other blood relatives thereof.

Floor Space Ratio means the figure obtained when the area of the floors of the buildings on a site is divided by the area of the site;
Grade means the elevation of the surface of the ground at any point on a site;

Grade, Existing means the elevation of the surface of the existing undisturbed ground at any point on a site;

Grade, Finished means the elevation of the surface of the ground at any point on the site of a completed development between the site boundaries and the buildings. For the purpose of determining a basement or cellar, finished grade means the average elevation of the surface of the ground adjoining a building at all exterior walls of a completed development, as determined by the City Building Inspector;

Half-storey means the uppermost level of a building where the floor area, existing, proposed or as may be extended over open-to-below space, and having a minimum ceiling height of 1.2 m, does not exceed 50 percent of the storey immediately below;

Head of Household means, for the purpose of regulating family suites, the resident owner of the dwelling in which the family suite is situated or, if the owner is not resident in the dwelling, a person who is a resident of the dwelling and who, by way of a letter filed with and satisfactory to the Director of Planning, has been designated by the owner as the head of household, and includes the partner of the head of household provided such partner also resides in the same dwelling unit as the head of household;

[Height of Building -- replaced by Section 10.10.1]

Homecraft means a craft or occupation conducted as an accessory use subordinate to the principal residential use of a dwelling unit;

Housekeeping Unit means a sleeping unit containing facilities for cooking; [see section 10.20 for general regulations which apply to housekeeping units]

Information Technology means the development or production of computer software, and the design or research of computer, electrical, electronic or communications equipment, and similar products;

Institutional Uses means and includes all of the following uses, and any one of them, but no other:

Ambulance Station;

Child Day Care Facility, which means the use of premises to provide care, supervision, social or educational training to children as defined by the Community Care Facility Act and the Child Care Regulation made pursuant to the Community Care Facility Act. It includes but is not limited to group day care, preschool, special needs day care, out of school care, emergency care, child minding or overnight care but does not include the provision of licensed care in premises where up to eight children are cared for.

Church, which means the use of premises for religious worship, including, but not limited to a mosque, synagogue, temple, chapel or religious meeting room;

Community Care Facility, which means and includes Community Care Facility – Class A and Community Care Facility – Class B.

Community Care Facility – Class A, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to six or fewer persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.
Community Care Facility – Class B, which means the use of premises operated as a community care facility by a licensee under the Community Care and Assisted Living Act of British Columbia to provide residential care to seven or more persons not related by blood or marriage to the licensee or, if the licensee is a corporation, to any director, officer or member of the corporation.

Detoxification Centre, which means the use of premises for drug or alcohol detoxification or rehabilitation;

Group Residence, which means the use of premises operated as a facility to provide accommodation to six or more persons not related by blood or marriage to the operator of the facility or, if the operator is a corporation, to any director, officer or member of the corporation, where:

(a) legislation other than the Community Care and Assisted Living Act of British Columbia requires such persons to reside in the facility, but does not include a facility in a Hospital; or
(b) the facility provides a rehabilitation program in which all such persons, as a condition of residence, must participate; or
(c) the facility provides accommodation for fewer than 30 days, and may provide personal services, but does not include a Hotel, Rooming House, or boarding house.

Hospital;

Public Authority Use;

School - Elementary or Secondary;

School - University or College;

Social Service Centre, which means the use of premises by a non-profit society:

(a) providing information, referral, counselling, advocacy or health care services; or
(b) dispensing aid in the nature of food or clothing; or
(c) providing drop-in or activity space;

but does not include premises used for residential purposes or Detoxification Centre;

Lane means a public thoroughfare or way not more than 10.1 m in width which affords only a secondary means of access to a site, at the side or rear;

Live-Work Use means the use of premises for:

(a) a Dwelling Unit,
(b) General Office, Health Care Office, Barber Shop or Beauty Salon, Photofinishing or Photography Studio, or Artist Studio – Class A, or
(c) any use referred to in subsection (b) in conjunction with a Dwelling Unit use,

but does not include:

(d) any dating service, entertainment service, exotic dancer business, social escort business, or other similar business, as determined by the Director of Planning in consultation with the Chief License Inspector, or
(e) any tattooing, piercing, branding, or other similar service, as determined by the Director of Planning in consultation with the Vancouver Coastal Health Authority;
Manufacturing Uses means and includes all of the following uses, and any one of them, but no other:

Animal Products Processing, which means the use of premises for the processing of hides, skins, tankage, feathers, bristles, human hair, or other crude, inedible animal products, or for the tanning, curing, or dressing of furs, hides or skins;

Bakery Products Manufacturing;

Batteries Manufacturing;

Brewing or Distilling, which means the use of premises for the brewing or distilling of alcoholic beverages or beverage products with alcoholic content exceeding one percent by volume, where the use may involve the milling of grain, rice or malt;

Chemicals or Chemical Products Manufacturing - Class A, which means the use of premises for the manufacturing of chemicals, plastics, paints, fertilizers, synthetic rubber, synthetic resins or related chemical products, but does not include Linoleum or Coated Fabrics Manufacturing or Plastic Products Manufacturing;

Chemicals or Chemical Products Manufacturing - Class B, which means the use of premises for the manufacturing of cosmetics, toilet preparations, pharmaceuticals, medicines, disinfectants, deodorants, soaps, cleaning compounds, polishes, inks, adhesives, household tints or dyes, or similar products, but does not include Chemicals or Chemical Products Manufacturing - Class A;

Clothing Manufacturing, which means the use of premises for the manufacturing of clothing or garments, including leather clothing, but does not include Plastic Products Manufacturing, Rubber Products Manufacturing or Shoes or Boots Manufacturing;

Dairy Products Manufacturing;

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, communications equipment, computer equipment, small component electrical or electronic equipment, electric wire or cable, or transmission cable, but does not include Batteries Manufacturing or Motor Vehicle Parts Manufacturing;

Food or Beverage Products Manufacturing - Class A, which means the use of premises for the manufacturing of animal feed or the manufacturing of food or beverage products, but does not include Bakery Products Manufacturing, Brewing or Distilling or Dairy Products Manufacturing;

Food or Beverage Products Manufacturing - Class B, which means the use of premises for the manufacturing of animal feed or the manufacturing of food or beverage products, where the use does not involve the milling of grain, rice or malt, the refining of sugar, the canning of meat, fish or poultry, the pickling of fruits or vegetables, the refining of vegetable oil, the processing of fats, bones, hides, skins, offal or animal products of a like nature, the use of fish, or the use of live animals or live poultry, but does not include Bakery Products Manufacturing, Brewing or Distilling or Dairy Products Manufacturing.

Furniture or Fixtures Manufacturing, which means the use of premises for the manufacturing of furniture, mattresses or related non-electrical fixtures such as mirrors, curtain rods, cabinets, counters or lampshades, but not stone, concrete or marble furniture;
Ice Manufacturing;

**Jewellery Manufacturing**, which means the use of premises for the manufacturing of jewellery, metal badges, silverware, or precious metal alloys or products, the cutting or polishing of industrial diamonds, plating with precious metals, lapidary work, or engraving on metals except for printing purposes;

**Leather Products Manufacturing**, which means the use of premises for the manufacturing of luggage, handbags or small leather goods, but does not include Animal Products Processing, Clothing Manufacturing or Shoes or Boots Manufacturing;

**Linoleum or Coated Fabrics Manufacturing**, which means the use of premises for the manufacturing of linoleum, oil cloth, artificial leather, asphalt-felt-base floor covering, pyroxylin or vinyl-coated fabrics or other similar coated fabrics;

**Machinery or Equipment Manufacturing**, which means the use of premises for the manufacturing of machinery or equipment primarily intended for industrial or commercial use, including business or office equipment only secondarily intended for household use, but does not include Electrical Products or Appliances Manufacturing, Motor Vehicle Parts Manufacturing or Transportation Equipment Manufacturing;

**Metal Products Manufacturing - Class A**, which means the use of premises for the manufacturing of metal ingots, shapes, pigs or powders from ore or scrap, for the alloying,extruding, casting or rolling of metals, or for the manufacturing of metal structural shapes or metal castings, but does not include Jewellery Manufacturing;

**Metal Products Manufacturing - Class B**, which means the use of premises for the manufacturing of boilers, metal tanks, fabricated structural metal products, non-electrical wire or wire products, hardware, tools, cutlery, heating equipment or other fabricated metal products, or for the machining, stamping, pressing, coating, welding or smithing of metal or metal products, but does not include Electrical Products or Appliances Manufacturing, Machinery or Equipment Manufacturing, Metal Products Manufacturing - Class A, Motor Vehicle Parts Manufacturing or Transportation Equipment Manufacturing;

**Miscellaneous Products Manufacturing - Class A**, which means the use of premises for the manufacturing of any product not included in any other Manufacturing Uses included in this section 2;

**Miscellaneous Products Manufacturing - Class B**, which means the use of premises for the manufacturing of toys, games, bicycles, novelties, ornaments, decorations, brooms, brushes, scientific or professional equipment, dentures and dental supplies, eye glasses, contact lenses, orthopaedic and other health care devices, clocks, signs, displays, sporting goods, recreational equipment, musical instruments, office or artists’ supplies other than paper products, marking devices, awnings, window shades, blinds, umbrellas, notions, or wax products not involving the manufacturing of wax;

**Motor Vehicle Parts Manufacturing**, which means the use of premises for the manufacturing of parts for motor vehicles, but does not include Batteries Manufacturing, Rubber Manufacturing or Rubber Products Manufacturing;

**Non-metallic Mineral Products Manufacturing - Class A**, which means the use of premises for the manufacturing of cement, clay, concrete, gypsum, glass, stone products, clay or concrete bricks, tiles or blocks, or other non-metallic mineral products;
Non-metallic Mineral Products Manufacturing - Class B, which means the use of premises for the manufacturing of china, crockery, porcelain products, stone or concrete furniture or monuments, statuary, glass or glass products other than within glassworks, or abrasives, but does not include Non-metallic Mineral Products Manufacturing - Class A;

Paper Manufacturing, which means the use of premises for the manufacturing of paper;

Paper Products Manufacturing which means the use of premises for the manufacturing of paper products, but does not include Paper or Pulp Manufacturing, Petroleum Products or Coal Products Manufacturing or Printing or Publishing;

Petroleum Products or Coal Products Manufacturing, which means the use of premises for the manufacturing of petroleum products, coal products, tar products or derivatives, tarpaper or asphalt roofing or siding material, and for the recycling or re-refining of oil;

Plastic Products Manufacturing, which means the use of premises for the manufacturing of plastic products, including plastic clothing and footwear, but does not include Chemicals or Chemical Products Manufacturing - Class A;

Printing or Publishing, which means the use of premises for printing, lithographing, or silkscreen printing; for platemaking or engraving as allied to the printing or publishing industries; for the publishing and printing of newspapers, magazines, periodicals, books, almanacs, maps, guidelines, pamphlets, flyers, or similar matter; or for book binding and associated binding operations as allied to the printing or publishing industries; but does not include Print Shop;

Pulp Manufacturing, which means the use of premises for the manufacturing of pulp, woodfibre, fibreboard or paperboard;

Rubber Manufacturing, which means the use of premises for the manufacturing of rubber from raw material or for the manufacturing of tires;

Rubber Products Manufacturing, which means the use of premises for the manufacturing of rubber products, including rubber clothing and footwear, or for the retreading of tires, but does not include Rubber Manufacturing;

Shoes or Boots Manufacturing, which means the use of premises for the manufacturing of shoes or boots, including leather footwear, but does not include Plastic Products Manufacturing or Rubber Products Manufacturing;

Software Manufacturing, which means the use of premises for manufacturing computer software in bulk, and includes copying, packaging, storing, and shipping;

Textiles or Knit Goods Manufacturing, which means the use of premises for the manufacturing of textiles, textile products or knit goods, including, but not limited to, carpets, mats, rugs, canvas products, cotton bags, jute bags, automobile fabrics, draperies, silk fabrics, linen fabrics, thread, cordage, twine or similar products, but does not include Clothing Manufacturing or Linoleum or Coated Fabrics Manufacturing;

Tobacco Products Manufacturing;

Transportation Equipment Manufacturing, which means the use of premises for the manufacturing of aircraft, railroad rolling stock, ships, boats, truck or bus bodies, truck trailers, snowmobiles or motor vehicles;
Vegetable Oil Manufacturing;

**Wood Products Manufacturing - Class A**, which means the use of premises for the manufacturing of wood products which involves the use or milling of logs, including, but not limited to the operations of sawmills, planing mills, shingle mills, veneer mills or plywood mills, but does not include **Paper or Pulp Manufacturing**;

**Wood Products Manufacturing - Class B**, which means the use of premises for the manufacturing of wood products which does not involve the use or milling of logs, but does not include **Furniture or Fixtures Manufacturing, Paper or Pulp Manufacturing** or **Wood Products Manufacturing - Class A**;

**Mural** means a use of land constituting a work of art or graphic depiction of any kind which is painted, inscribed, inlaid or otherwise placed on, affixed to, or formed as an element of the design of an exterior wall, roof, fence, or hoarding, but does not include a sign as defined in the Sign By-law;

**Office Uses** means and includes all of the following uses, and any one of them, but no other:

- **Financial Institution**, which means the use of premises by banks, credit unions and trust companies;
- **General Office**, which means the use of premises for any office use, including Information Technology and desktop publishing, but does not include **Financial Institution, Health Care Office or Health Enhancement Centre**;
- **Health Care Office**, which means the use of premises by professions in which persons exercise skill or judgement or provide service related to the preservation or improvement of the physical, mental, or emotional health of individuals, or the treatment or care of individuals who are injured, sick, disabled or infirm, including chiropractors, dentists, optometrists, physicians, surgeons, dental hygienists, dental technicians, denturists, dietitians, licensed practical nurses, massage therapists, midwives, naturopathic physicians, nurses (registered), nurse practitioners, occupational therapists, opticians, physical therapists, psychologists, registered psychiatric nurses, traditional Chinese medicine practitioners, and acupuncturists, and other health care and social service practitioners including counsellors and herbalists but which excludes **Beauty and Wellness Centre, Detoxification Centre, Health Enhancement Centre, Hospital, Laboratory, Social Service Centre, and Community Care Facility and Group Residence**;
- **Health Enhancement Centre**, which means the use of premises to enhance health through therapeutic touch techniques including shiatsu, reflexology, bio-kinesiology, hellenwork, polarity, reiki, rolfing, and trager but which excludes **Fitness Centre, Beauty and Wellness Centre**;

**Official Established Building Grade** means the intended elevations of the street or lane along the property line of the site related to City datum, as established by the City Engineer;

**Parking Uses** means and includes all of the following uses, and any one of them, but no other:

- **Parking Area**, which means an open area of land other than a street or lane, used or intended to be used to provide space for the parking or storage of motor vehicles, and includes parking spaces, loading spaces, manoeuvring aisles and other areas providing access to parking or loading spaces, but does not mean an area providing no more than four spaces accessory to a residential use;
- **Parking Garage**, which means a structure or a portion of a structure which is principally used or intended to be used for the parking or storage of motor vehicles, but does not mean a structure providing no more than four spaces accessory to a residential use.
**Rate of Change**, for the purpose of section 3.3.6, and section 3.2.DW of each of the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-6, and FM-1 District or Districts Schedules, means the percentage net loss of rental housing units in a zoning district in the 365 days preceding the date on which a person submits a rezoning or development application, whichever first occurs, for a multiple dwelling consisting of six or more dwelling units, on real property in that zoning district, as determined by the Director of the Housing Centre or successor in function;

**Rental Housing Unit**, for the purpose of section 3.3.6, and section 3.2.DW of each of the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-6, and FM-1 District or Districts Schedules, means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include a unit rented by a not for profit housing cooperative to a member of the cooperative or a unit in a community care facility or group residence;

**Residential Rental Accommodation** means any building or part thereof which

(a) is being used, or
(b) having been used, has ceased to be used;

as habitable living accommodation on a landlord and tenant basis; but does not apply to any building which has been lawfully changed to any other use from such use prior to the 26th of October, 1989;

**Residential Storage Space** means floor area within or accessory to a dwelling unit, used to store personal items such as recreation equipment, tires, barbecues, suitcases, miscellaneous household articles, and similar items, but does not include floor area for clothes closets, linen closets, or kitchen or bathroom cupboards.

**Residential Unit** means a sleeping unit, housekeeping unit or dwelling unit;

**Retail** means to offer to sell or rent, or to sell or rent, merchandise to a consumer who buys or rents the merchandise as the ultimate consumer or end user, being the last person in the chain of distribution, for personal consumption or use and not for further sale or rent;

**Retail Uses** means and includes all of the following uses, and any one of them, but no other:

- **Adult Retail Store**, which means the use of premises to display or retail either or both of the following:
  (a) a sex object;
  (b) adult magazines using more than 3.0 linear metres of shelving, being a maximum of .6 m in depth.

- **Farmers’ Market**, means an open air or fully or partly covered market, for the sale directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts;

- **Furniture or Appliance Store**, which means the use of premises with a floor area greater than 500 m$^2$ to retail household furniture, major household appliances, or household furnishings such as carpets and draperies;

- **Gasoline Station - Full Serve**, which means the use of premises for the retail sale of motor fuels and lubricants that are dispensed by an attendant for the customer and where staff are available to provide other services such as checking tire pressure and fluid levels, cleaning windows and doing minor repairs;
Gasoline Station - Split Island, which means the use of premises for the retail sale of motor fuels and lubricants that are dispensed by the customer, and which includes at least one pump island at which all types of gasoline and diesel fuels sold by the station are dispensed by an attendant for the customer at all times the station is open for business, and where staff are available to provide other services such as checking tire pressure and fluid levels, cleaning windows and doing minor repairs;

Grocery or Drug Store, which means the use of premises to retail food or drugs, including food and drugs manufactured on the premises as an integral part of the retail operation but which excludes Neighbourhood Grocery Store or specialty shops such as bakeries, butchers, delicatessens, candy shops, and ice cream parlours which limit sales to a particular type of food;

Liquor Store, which means the use of premises for the sale of liquor, beer or wine for consumption off premises;

Neighbourhood Grocery Store, which means the use of premises with a maximum of 110 m² of retail and storage floor area for the retailing of groceries and ancillary convenience goods and services in any R District except FM-1;

Pawnshop, which means the use of premises for the retailing of goods and chattels in pawn;

Retail Store, which means the use of premises to retail merchandise, including merchandise manufactured on the premises, if the total floor area used for manufacturing does not exceed 300 m², but which excludes any other Retail Uses listed in this section 2 or included in a Lumber and Building Materials Establishment;

Secondhand Store, which means the use of more than 2.5 m² of floor area in premises for the retailing of
(a) used electronic equipment, including, but not limited to, audio or video equipment or accessories, computers, printers or fax machines, or
(b) two or more of the following types of used merchandise: bicycles, sports equipment, luggage, jewellery, cameras, musical equipment or tools;

Small-scale Pharmacy, which means a Drug Store that has a total gross store area of less than 600 m².

Vehicle Dealer, which means the use of premises to retail motor vehicles, boats, or recreational trailers;

Service Bay means an automotive mechanical service and repair facility which is completely enclosed within a building, offers services and repairs such as carburetor and ignition servicing, muffler installing, brake relining, wheel balancing, front-end alignment and similar services, and is maintained in an operable condition.

Service Uses means and includes all of the following uses, and any one of them, but no other:

Animal Clinic, which means the use of premises for the care of birds, fish, or animals except horses, including veterinary treatment, grooming, training, breeding or boarding;

Auction Hall, which means the use of premises for the sale of goods where the purchasers are invited to make competitive bids for the goods offered for sale;

Barber Shop or Beauty Salon, which means the use of premises for the styling, cutting, or chemical treatment of hair;
**Beauty and Wellness Centre**, which means the use of premises to improve beauty and wellness through styling, cutting, or chemical treatment of hair and through skin and body treatments, including pedicures, manicures, facials, microdermabrasion, electrolysis, waxing, laser, hydrotherapy, anti-aging, skin rejuvenation therapy, aromatherapy, stone therapy massage, and relaxation massage, but which excludes **Fitness Centre**;

**Bed and Breakfast Accommodation** means the use of one or two bedrooms in a dwelling unit as temporary accommodation where the room rate includes breakfast provided on the premises;

**Body-rub Parlour**, which means the use of premises for the practice of manipulating, touching or stimulating by any means of a person’s body or part thereof but does not include:

(a) medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities other than the Vancouver Charter; or

(b) a **Health Enhancement Centre**;

**Cabaret**, which means the use of premises for dancing by customers and where entertainment may be provided;

**Catering Establishment**, which means the use of premises for the preparation of food for consumption off premises but does not include a retail store or restaurant selling food directly to the public;

**Drive-through Service**, which means the use of premises where customers order and receive services, food or other goods in their motor vehicles via one or more designated drive-through lanes, but does not include uses which involve the fuelling, service, repair or washing of vehicles;

**Funeral Home**;

**Hotel**, which means premises providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units, but does not include **Bed and Breakfast Accommodation**;

**Laboratory**, which means the use of premises not providing service directly to the public for the provision of analytical, research, or testing services, including biotechnologies and energy and environmental technologies, but does not include **Photofinishing or Photography Laboratory**;

**Laundromat or Dry Cleaning Establishment**, which means the use of premises with a maximum floor area of 300 m² for the laundering or cleaning of clothing, draperies or related small household goods;

**Laundry or Cleaning Plant**, which means the use of premises for the laundering, cleaning or dying of textiles, knit goods, draperies, clothing, garments, or related goods, but does not include **Laundromat or Dry Cleaning Establishment**;

**Motor Vehicle Repair Shop**, which means the use of premises for the repairing of motor vehicles or motor vehicle parts including tires, or for the painting or repairing of motor vehicle bodies;

**Motor Vehicle Wash**, which means the use of premises for the washing of motor vehicles;
Neighbourhood Public House;

**Photofinishing or Photography Laboratory**, which means the use of premises for photofinishing or photography but does not include **Photofinishing or Photography Studio**;

**Photofinishing or Photography Studio**, which means the use of premises with a maximum floor area of 300 m² for photofinishing or portrait photography;

**Print Shop**, which means the use of premises with a maximum floor area of 300 m² for printing or lithographing;

**Production or Rehearsal Studio**, which means the use of premises for the production of motion pictures, videos, television or radio programs or sound recordings or for the rehearsal of dance, music or drama, but does not involve the presence of an audience and does not include **Artist Studio - Class A, Artist Studio - Class B or Theatre**;

**Repair Shop - Class A**, which means the use of premises for the repairing of products or goods not included in **Motor Vehicle Repair Shop** or **Repair Shop - Class B**;

**Repair Shop - Class B**, which means the use of premises for the repairing of household goods, including, but not limited to, the repairing of jewellery, leather goods, sporting goods, clothing, shoes, toys, bicycles or other household items capable of being carried to the premises by the customer, or for the sharpening of blades, cutting of keys, or re-upholstering or mending of household furniture;

**Restaurant**, which means where used without a qualifier both a **Restaurant - Class 1** and a **Restaurant - Class 2**;

“**Restaurant - Class 1**”, means the use of premises for the primary purpose of selling and serving prepared food to the public during all hours of operation, where the premises include at least 17 indoor or outdoor seats for customers consuming food purchased on the premises, and where live entertainment, including the use of non-amplified or amplified musical instruments and disc jockey mixing turntables, but excluding patron participation such as karaoke, dancing and open microphone performing, may be available.

“**Restaurant - Class 2**”, means the use of premises for the primary purpose of selling and serving prepared food to the public during all hours of operation, where the premises include at least 17 indoor or outdoor seats for customers consuming food purchased on the premises, and where live entertainment, including the use of non-amplified or amplified musical instruments and disc jockey mixing turntables and patron participation such as karaoke, dancing and open microphone performing may be available.

**Restaurant - Drive-in**, which means the use of premises for the sale of prepared food to the public where parking is provided and customers are encouraged to eat in their motor vehicles on the site, but does not include **Drive-through Service**;

**School - Arts or Self-Improvement**, which means the use of premises for training or instruction other than as included in any other use in this By-law, including, but not limited to, training or instruction in drama, music, art, driving, cooking, sewing, language, or similar forms of self-improvement;

**School - Business**, which means the use of premises for training or instruction in business skills, including, but not limited to, secretarial, teller, bookkeeping, key punching, computer programming, business machine operating or general sales skills, but does not include **School - Elementary or Secondary or School - University or College**;
**School - Vocational or Trade**, which means the use of premises for training or instruction in particular vocations or trades, including, but not limited to, barbering, beauty culture, hairdressing, broadcasting, charm or modelling, salesmanship in a particular vocation, driving (commercial transport), piloting (commercial transport), woodworking, metalworking, construction or other trade or technical occupations or vocations, but does not include **School - Elementary or Secondary or School - University or College**;

**Sign Painting Shop**;

**Wedding Chapel**, which means the use of premises for wedding ceremonies only;

**Work Shop**, which means the use of wholly enclosed premises for the storing, maintenance, and assembly of equipment and material for audio, electrical, plumbing, construction, and related trades;

**Sex Object** means any of the following:

(a) a replica of a penis, vagina, buttocks, anus, or female breast;
(b) a device, machine or instrument intended for the stimulation primarily of the penis, the vagina or the anus by vibration or suction;
(c) a pill, lotion or other medication intended to prolong or enhance the erection of the penis or the desire for sex, except when dispensed by or under the direction of a pharmacist licensed by the College of Pharmacists of British Columbia;
(d) a whip or implement intended for use in the enactment of human bondage or sadomasochistic activities when displayed in conjunction with or on the same premises as any of the objects referred to in clauses (a), (b) or (c) above;

**Site** means an area of land consisting of one or more adjoining parcels or lots abutting on a street not being a lane, but does not include a strata lot or a leasehold parcel created under section 99(1)(k) of the Land Title Act, or successor section;

**Site, Corner** means a site located at the intersection or junction of two or more streets;

**Site, Double Fronting** means a site abutting two parallel or approximately parallel streets;

**Sleeping Unit** means one or more rooms equipped to be used for sleeping and sitting purposes; [see section 10.19 for general regulations which apply to sleeping units]

**Storey** means that portion of a building which is situated between the surface of any floor and the surface of the floor next above it and, if there is no floor above it, that portion between the surface of such floor and the ceiling surface above it. A storey shall not include a basement or cellar;

**Transportation and Storage Uses** means and includes all of the following uses, and any one of them, but no other:

**Aircraft Landing Place**, which means the use of premises or an open area of water for the taking off or landing of aircraft where any license or permit issued pursuant to the provisions of the 'Aeronautics Act' is conditional upon obtaining the approval of the City of Vancouver, or where the consent of the City is required prior to the issuance of the license or permit;

**Booming Ground**, which means the use of premises or an open area of water for the collection, sorting, booming, rafting or storage of logs;

**Cold Storage Plant**;
Grain Elevator;

**Marine Terminal or Berth**, which means the use of premises for the mooring of boats, ships, float planes, ferries and other water vessels, but not including pleasure craft, for the land or water trans-shipment of goods or transfer of passengers, for the operations of a water taxi service, piloting service, boat rental or charter service, or for related marine services including steevoring, salvaging, dredging or diving;

**Mini-storage Warehouse**, which means the use of a wholly enclosed building for the storage of personal property in self-contained, self-storage units, each of which units has separate and exclusive access from either the exterior or interior of the building;

**Packaging Plant**, which means the use of premises for the boxing, crating or related packaging of goods or material brought specifically to the premises for that purpose;

**Railway Station or Rail Yard**, which means the use of premises as a depot or station for passengers awaiting use of rail transport (non-commuter), for the servicing, cleaning or live storage of railroad cars, engines and other rolling stock, for the marshalling of trains, and including related storage of goods pending transport;

**Stockyard**;

**Storage Warehouse**, which means the use of a wholly enclosed building, or portion thereof, for the storage of goods, material, machinery, or equipment, but not any storage that is ancillary to a principal use of premises, but does not include **Cold Storage Plant or Grain Elevator**;

**Storage Yard**, which means the use of a partially enclosed building, or portion thereof, or an open area of land for the storage of goods, material, machinery or equipment, but not any storage that is ancillary to a principal use of the premises;

**Taxicab or Limousine Station**, which means the use of premises as a base of operations for a taxicab, limousine, charter bus, or other land-vehicle passenger transport service, or for a pilot car service;

**Truck Terminal or Courier Depot**, which means the use of premises for the parking and servicing of trailers, containers, trucks and other motor vehicles involved in commercial transport, cartage, moving, delivery or related goods movement;

**Weighing or Inspection Station**, which means the use of premises for the weighing or inspection of vehicles;

**Works Yard**, which means the use of a partially enclosed building, or a portion thereof, or an open area of land for the storing, repairing, or cleaning of supplies, materials, equipment, or vehicles of any business which conducts construction, installation, cleaning, repair or other industrial trade services off-site;

**Utility and Communication Uses** means and includes all of the following uses, and any one of them, but no other:

**Public Utility**;

**Radiocommunication Station**, which means the use of premises for the transmitting or receiving of radio, television, satellite, microwave or related communications, but not when used for domestic purposes;
**Recycling Depot**, which means the use of premises for the collection and sorting of garbage, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage, but does not include **Animal Products Processing, Junk Yard or Shop** or **Waste Disposal Facility**;

**Waste Disposal Facility**, which means the use of premises for the treatment, reduction, recycling, incineration or disposal of refuse, garbage, sewage or other waste material, but does not include **Animal Products Processing, Junk Yard or Shop or Recycling Depot**;

**Wholesale** means to offer to sell or rent, or to sell or rent, merchandise other than at retail;

**Wholesale Uses** means and includes all of the following uses, and any one of them, but no other:

- **Bulk Fuel Depot**, which means the use of premises to wholesale gasoline, fuel oil, heating oil, petroleum, propane, kerosene, coal, coke, fuel wood, natural gas or similar fuels;

- **Cardlock Fuel Station**, which means the use of premises for the sale of motor fuels for vehicles registered as commercial vehicles, where motor fuel is dispensed by the customer who has been supplied with a card, key or other device for the operation of the fuel dispensing equipment;

- **Junk Yard or Shop**, which means the use of premises for the sale of scrap or waste materials such as rubber, tires, metal, paper, sacks, wire, ropes, rags, machinery, or motor vehicle parts, including associated wrecking, dismantling, recycling or processing;

- **Lumber and Building Materials Establishment**, which means the use of premises to wholesale and retail merchandise consisting primarily of lumber, plywood, millwork and related building materials;

- **Wholesaling - Class A**, which means the use of premises to wholesale merchandise where the operator of the premises keeps merchandise for sale or rent on the premises and the floor area for storage space exceeds the floor area for showroom or display space, but which excludes any other Wholesale Uses included in this section 2;

- **Wholesaling - Class B**, which means the use of premises to wholesale merchandise where the operator of the premises keeps merchandise for sale or rent on the premises and the floor area for showroom or display space exceeds the floor area for storage space, but which excludes any other Wholesale Uses listed in Section 2 and an office for an import agent or broker, manufacturer’s agent or similar establishment;

**Yard, Exterior Side** means that portion of a corner site extending from the front yard to the rear yard and lying between the side property line adjacent to the flanking street and the closest side of the principal building;

**Yard, Front** means that part of the site lying between the front property line and the front of the principal building and extending across the full width of the site;

**Yard, Rear** means that part of the site lying between the rear property line and the rear of the principal building and extending across the full width of the site;

**Yard, Side** means that part of the site extending from the front yard to the rear yard and lying between the side property line and the closest side of the principal building.
Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law and reference is specifically made to this section, the following additional regulations shall apply:

11.1 Development in an RA, RS, RT or C-1 District, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:

(a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and

(b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.

11.2 Development in an RS, RT or C-1 District on a site which is less than 36.6 m deep may reduce the required depths as follows:

(a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;

(b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.

11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:

11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.

11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.

11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.

11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:

(a) statuary, fountains and other objects of art;

(b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;

(c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.

11.4 Bed and Breakfast Accommodation -- subject to the following:

11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.
11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 **Riding Ring** -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 **Homecraft** -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 **Church** -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 **School - Elementary or Secondary** -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.
11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 **Hospital** -- subject to the following:

11.9.1 Before granting a development permit, the Director of Planning shall:

(a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;

(b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and

(c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

11.9.2 In the case of a specifically designed facility not being a conversion:

(a) the site area shall not be less than 3700 m² except as provided in clause (b) below;

(b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefore require a site area of larger than 3700 m²;

(c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 **Full Serve and Split Island Gasoline Stations** -- subject to the following:

11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

(a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;

(b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;

(c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;

(d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33
percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

(a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
(b) if located adjacent to the principal building, tires and vending machines;
(c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

(a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
(b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
(c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
(d) one service truck operated by the full serve or split island gasoline station;
(e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

(a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
(b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.
11.11 [Reserved]

11.12 [Reserved]

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

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

11.15 [Reserved]

11.16 Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores -- subject to the following:

11.16.1 The maximum frontage for a site shall be 15.3 m.

11.16.2 Before granting a development permit, the Director of Planning shall:
   (a) notify surrounding property owners and residents and have regard to their opinions;
   (b) have regard to the adequacy of the collection, holding and disposal of garbage and litter; and
   (c) in the case of building additions, have regard to the adequacy of the light, ventilation and privacy of adjacent residents and the design of the addition.

11.16.3 To facilitate the rehabilitation of existing premises, the Director of Planning may approve a neighbourhood grocery store or a dwelling unit in conjunction with a neighbourhood grocery store which does not comply with the provisions of section 11.16.1 or the yard, floor space ratio or site coverage regulations of the applicable district schedule.

11.17 Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing - subject to the following:

11.17.1 Before granting a Development Permit, the Director of Planning shall:
   (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
   (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
   (c) notify adjacent property owners and any others that he deems necessary; and
   (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:
   (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
   (b) the character of development within the adjacent neighbourhood.
11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

11.18.1 Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.18.2 The maximum size for an Artist Studio shall be 500 m².

11.19 Residential Unit Associated with an Artist Studio

11.19.1 No more than 2 persons may occupy the residential unit associated with an artist studio except that the Director of Planning may relax this occupancy limit for the residential unit associated with an artist studio - Class A in an IC-3, HA or C district, provided that:

(a) a ventilated workshop space is provided in a room separated from the residential units;
(b) the Director of Planning considers the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.

11.19.2 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers’ Market

11.21.1 A Farmers’ Market must be in:
(a) open air stalls or booths;
(b) stalls or booths partially or totally covered by tents or similar temporary structures; and
(c) stalls or booths in a building approved for use as a Farmers’ Market.

11.21.2 A Farmers’ Market must have at least ten stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers’ Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers’ Market must only sell local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts.
11.21.5 No more than 20% of the total number of stalls or booths in a Farmers’ Market may be used for the sale of local prepared and ready-to-eat foods and local artisan crafts.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, “footprint” means the projected area of the extreme outer limits of a laneway house including carports and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 A laneway house is not permissible except on:

(a) a site served by an open lane;
(b) a site located on a corner served by an open or dedicated lane; or
(c) a double-fronting site served by a street at both the front and rear of the site.

11.24.3 The width of a site on which a laneway house is situate must be at least 10.0 m.

11.24.4 Subject to sections 11.24.5 and 11.24.7, the height of a laneway house must not exceed:

(a) 6.1 m to the ridge of a gable, hip, or gambrel roof;
(b) 5.5 m to the highest point of a flat roof; or
(c) 5.8 m to the highest point of a shed or arced or butterfly roof.

11.24.5 If a laneway house does not include dwelling space located above an accessory parking area, the height of the roof over the accessory parking area must not exceed the maximum height for accessory buildings under the applicable district schedule.

11.24.6 The footprint of a laneway house must not exceed the greater of:

(a) the allowable floor area of an accessory building under the applicable district schedule; and
(b) the allowable floor area of the laneway house, not including enclosed or covered parking spaces, if the height of the laneway house does not exceed the allowable height of the accessory building.

11.24.7 A laneway house must not exceed one storey and a partial second storey that does not exceed 60% of the footprint of the laneway house and does not include exclusions allowed by the Director of Planning under section 11.24.17.

11.24.8 A laneway house may have a basement which the calculation of the floor area is to include.
11.24.9 The location of a laneway house must be:
   (a) within 7.9 m of the ultimate rear property line;
   (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or
       one-family dwelling with secondary suite on the site;
   (c) at least 0.6 m from the rear property line at the lane; and
   (d) a distance from each side property line equal to the required side yards for the site, except
       that if the height of the laneway house does not exceed the height limit for an accessory
       building under the applicable district schedule, the distance from each side property line
       need not exceed 10% of the lot width.

11.24.10 The width of a laneway house must not exceed that permitted for an accessory building under
       the applicable district schedule.

11.24.11 The projections into required yards regulated under section 10.7 apply to the location of a
       laneway house under sections 11.24.9 and 11.24.10.

11.24.12 The floor area of a laneway house, not including enclosed or covered parking spaces, must not
       exceed the lesser of:
       (a) 0.125 multiplied by the site area; and
       (b) 70 m².

11.24.13 Despite section 10.21, the floor area of a laneway house must be at least 26 m², except that the
       Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning is
       satisfied that the design and location of the unit provides satisfactory living accommodation,
       having regard to the type of occupancy proposed.

11.24.14 Floor area used for off-street parking or loading, bicycle storage, or accessory uses that support
       urban agriculture must not exceed 21 m² on a site of 740 m² or less or 42 m² on a site of more
       than 740 m².

11.24.15 Computation of floor area for a laneway house must include:
       (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
       (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning
           considers similar, measured by their gross cross-sectional areas and included in the
           measurements for each floor at which they are located; and
       (c) if the distance from a floor to the floor above or, in the absence of a floor above, to the
           top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of
           the floor area below the excess.

11.24.16 Computation of floor area for a laneway house must exclude:
       (a) areas of undeveloped floors located:
           (i) above the highest storey or half-storey and to which there is no permanent means
               of access other than a hatch, or
           (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
       (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
       (c) covered porches if:
           (i) their location is at the level of the basement or first storey,
           (ii) they are open on at least one side or protected by guard rails, the height of which
               must not exceed the minimum specified in the Building By-law,
(iii) the total excluded area does not exceed 3 m², and
(iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from
the porch floor;
(d) where a Building Envelope Professional as defined in the Building By-law has
recommended exterior walls greater than 152 mm in thickness, the area of the walls
exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this
clause does not apply to walls in existence prior to March 14, 2000; and
(e) with respect to exterior:
(i) wood frame construction walls greater than 152 mm thick that accommodate RSI
3.85 (R-22) insulation, or
(ii) walls other than wood frame construction greater than 152 mm thick that meet the
standard RSI 2.67 (R-15),
the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of
thickness for wood frame construction walls and 127 mm of thickness for other walls,
except that this clause is not to apply to walls in existence before January 20, 2009. A
registered professional must verify that any wall referred to in this section meets the
standards set out therein.

11.24.17 Computation of floor area for a laneway house may exclude, at the discretion of the Director of
Planning, if the Director of Planning first considers all applicable policies and guidelines
adopted by Council:
(a) open residential balconies, sundecks, roof decks, or any other appurtenances which, in the
opinion of the Director of Planning, are similar to the foregoing, if:
(i) the total area of all open balcony, sundeck, or roof deck exclusions does not exceed
8 m², and
(ii) the open balconies, sundecks, or roof decks face the lane or, in the case of a corner
site, the lane and flanking street or either of them;
(b) patios and green roofs if the Director of Planning first approves the design of sunroofs,
walls, and railings;
(c) despite section 11.24.15(c), open to below spaces or double height volumes under sloping
roofs with a pitch of at least 3:12 if:
(i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
(ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows
its slope,
(iii) the excluded area does not exceed 25% of the maximum floor space under section
11.24.12, and
(iv) the excluded area, combined with the excluded area under subsection (d), does not
exceed 25% of the maximum allowable floor space;
(d) despite section 11.24.15(c), floor areas under sloping roofs with a pitch of at least 3:12 if:
(i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and
2.1 m,
(ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows
its slope,
(iii) the excluded floor area does not exceed 10% of the maximum floor space allowed
under section 11.24.12, and
(iv) the excluded area, combined with the excluded area under subsection (c), does not
exceed 25% of the maximum allowable floor space; and
(e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the
excluded area, combined with the excluded areas under subsections (c) and (d), does not
exceed 25% of the maximum allowable floor space.
11.24.18 The Director of Planning may relax sections 11.24.4 and 11.24.9 (a), (c), and (d) if:

(a) the relaxation would assist in addressing issues arising from site topography or other site conditions;
(b) the Director of Planning first considers:
   (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council, and
   (ii) the effects on neighbouring properties.

11.24.19 Section 4.8 of each of the RS-1 District Schedule and RS-5 District Schedule applies to a laneway house.