

## C-1 District Schedule

### 1 Intent

The intent of this Schedule is to provide for small-scale convenience commercial establishments, catering typically to the needs of a local neighbourhood and consisting primarily of retail sales and certain limited service functions, and to provide for dwelling uses designed compatibly with commercial uses.

### 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.

• The Director of Planning may vary the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the maximum height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33<sup>1</sup>/<sub>3</sub> percent of the gross floor area of the principal use.

2.2.O [Office]

- General Office.

2.2.R [Retail]

- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Laundromat or Dry Cleaning Establishment.

- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.

### **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.

2.3.2 All office, retail and service uses shall cater to the day-to-day needs of residents of the local neighbourhood.

2.3.3 The Director of Planning may vary the use conditions of section 2.3.1 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.

## **3 Conditional Approval Uses**

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

### **3.2 Uses**

3.2.A • Accessory 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.

3.2.C [Cultural and Recreational]

- Artist Studio.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Park or Playground.
- Rink.
- Swimming Pool.

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 and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- 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 Director of Planning 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;
  - (b) building additions shall not be permitted; and
  - (c) no housekeeping or sleeping units shall be created.
- Residential Unit associated with and forming an integral part of an Artist Studio.
- Seniors Supportive or Assisted Housing.

### 3.2.I [Institutional]

- Child Day Care Facility.
- Church.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B.
- Group Residence.

### 3.2.O [Office]

- Financial Institution.
- Health Care Office.
- Health Enhancement Centre.

### 3.2.P [Parking]

- Parking Uses.

### 3.2.R [Retail]

- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve.
- Gasoline Station - Split Island.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy.

### 3.2.S [Service]

- Bed and Breakfast Accommodation.
- Neighbourhood Public House.
- Print Shop.
- Short Term Rental Accommodation.

3.2.U [Utility and Communication]

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

3.2.Z • Any other use which is not specifically listed and defined as a use in Section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District 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 11.13.2 of this By-law continues to apply;
- (c) neighbourhood public house;
- (d) farmers' market;
- (e) public bike share; and
- (f) Urban Farm - Class B.

3.3.2 The Director of Planning may vary the use conditions of section 3.3.1 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.

**4 Regulations**

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

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

**4.2 Frontage** -- Not Applicable.

**4.3 Height**

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board, as the case may be, may permit an increase in the maximum height of a building to a height not exceeding 10.7 m with respect to any development provided that the Director of Planning or the Development Board, as the case may be, considers:

- (a) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (b) the extent to which the increase in maximum height allows for roof forms and building design that is sympathetic to buildings in the surrounding neighbourhood;
- (c) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas; and
- (d) the submission of any advisory group, property owner or tenant.

#### **4.4 Front Yard and Setback**

- 4.4.1 No front yard shall be required except that where the front yard of the site adjoins, without the intervention of a lane, the front yard of a site located in an R District, a front yard with a minimum depth of 3.7 m shall be provided.
- 4.4.2 No parking or loading of vehicles shall be permitted in a front yard or front setback.
- 4.4.3 The Director of Planning may vary the front yard requirements of section 4.4 to permit the outdoor display of retail goods or an outdoor eating area in conjunction with a restaurant, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this Schedule.

#### **4.5 Side Yards**

- 4.5.1 No side yard shall be required except where the side of the site adjoins, without the intervention of a lane, the side yard of a site located in an R district, in which case a side yard with a minimum width of 10 percent of the width of the site shall be provided, except that it must be a minimum of .9 m and need not be more than 1.5 m in width.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner site, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.
- 4.5.4 In the case of 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, the exterior side yard shall be regulated by the provisions of section 10.27 of this By-law.

#### **4.6 Rear Yard and Setbacks**

- 4.6.1 A rear yard with a minimum depth of 10.7 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 In the case of a site having an average depth of less than 36.5 m, the required rear yard may be reduced in accordance with section 10.29 of this By-law.

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

- 4.7.1 The floor space ratio shall not exceed 1.20, except that the floor space ratio for dwelling uses shall not exceed 0.75 and, for this purpose an artist studio shall be deemed to be a dwelling use.
- 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) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of these exclusions does not exceed 8% of the floor area being provided;
  - (b) patios and roof decks, provided that the Director of Planning first considers the effect on privacy and overlook;

- (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 m<sup>2</sup> 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 deck 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 may vary the horizontal angle of daylight requirement, if:

- (a) the Director of Planning 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 m<sup>2</sup>.

**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.

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