

C-5, C-5A and C-6

Districts Schedule

1 INTENT AND OVERVIEW

1.1 Intent

The intent of this schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End, and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages the scale and function of the external design of buildings oriented towards pedestrians. Acoustic regulations in [Section 10](#) of this by-law apply to dwelling units.

The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district by providing density bonuses for social housing and secured market rental housing. The C-6 district provides a transition between the Downtown and the West End and differs from the C-5 and C-5A districts by permitting a greater density and scale.

1.2 Overview

The table below provides an overview of outright and conditional approval uses in the C-5, C-5A and C-6 districts, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in [section 3](#) of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
--	All uses in section 2.1 of this schedule	3.1

2 USE REGULATIONS

2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including [section 2.2](#).

The uses identified in the table below as outright approval uses are permitted in these districts and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in these districts by the Director of Planning or Development Permit Board, with or without conditions, if the Director of Planning or Development Permit Board considers:

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

Uses are listed under their general land use category. Applicable use-specific regulations in section 2.2 of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

Use	Approval	Use-Specific Regulations
Agricultural Uses		
Urban Farm - Class B	Conditional	
Cultural and Recreational Uses		
Artist Studio	Conditional	2.2.1
Arts and Culture Event	Outright	2.2.1
Billiard Hall	Outright	2.2.1
Bowling Alley	Outright	2.2.1
Club	Outright	2.2.1, 2.2.2
Community Centre or Neighbourhood House	Outright	2.2.1
Fitness Centre	Outright	2.2.1
Library	Outright	2.2.1
Museum or Archives	Outright	2.2.1
Rink	Outright	2.2.1
Swimming Pool	Outright	2.2.1
Theatre	Outright	2.2.1
Dwelling Uses		
Dwelling uses, existing on or before February 4, 2014 and only in the C-5 district	Conditional	2.2.3
Mixed-Use Residential Building, only in the C-5A and C-6 districts	Conditional	2.2.2, 2.2.4, 2.2.5
Residential Unit associated with and forming an integral part of an Artist Studio, only in the C-5A and C-6 districts	Conditional	
Seniors Supportive or Assisted Housing, only in the C-5A and C-6 districts	Conditional	

Use	Approval	Use-Specific Regulations
Seniors Supportive or Assisted Housing, existing on or before February 4, 2014 and only in the C-5 district	Conditional	2.2.3
Institutional Uses		
Ambulance Station	Conditional	2.2.1, 2.2.6
Child Day Care Facility	Outright	2.2.2
Community Care Facility – Class B, only in the C-5A and C-6 districts	Conditional	2.2.1
Community Care Facility – Class B, existing on or before February 4, 2014 and only in the C-5 district	Conditional	2.2.1, 2.2.3
Detoxification Centre	Conditional	2.2.1, 2.2.7
Group Residence, only in the C-5A and C-6 districts	Conditional	2.2.1
Group Residence, existing on or before February 4, 2014 and only in the C-5 district	Conditional	2.2.1, 2.2.3
Public Authority Use	Conditional	2.2.1, 2.2.6
School - Elementary or Secondary	Outright	2.2.1
School - University or College	Outright	2.2.1
Social Service Centre	Outright	2.2.1, 2.2.2
Office Uses		
Financial Institution	Outright	2.2.1
General Office	Outright	2.2.1
Health Care Office	Outright	2.2.1
Health Enhancement Centre	Conditional	2.2.1
Parking Uses		
Parking Area	Conditional	2.2.8
Retail Uses		
Adult Retail Store	Conditional	2.2.1
Cannabis Store	Conditional	2.2.1
Farmers' Market	Conditional	2.2.9
Furniture or Appliance Store	Outright	2.2.1
Gasoline Station - Full Serve	Conditional	2.2.10
Gasoline Station - Split Island	Conditional	2.2.10
Grocery or Drug Store, except for Small-Scale Pharmacy	Outright	2.2.1
Grocery Store with Liquor Store	Conditional	2.2.1, 2.2.11
Liquor Store	Conditional	2.2.1, 2.2.11
Pawnshop	Conditional	2.2.1, 2.2.12

Use	Approval	Use-Specific Regulations
Public Bike Share	Conditional	
Retail Store	Outright	2.2.1
Secondhand Store	Conditional	2.2.1 , 2.2.12
Small-Scale Pharmacy	Conditional	2.2.1
Service Uses		
Animal Clinic	Outright	2.2.1
Barber Shop or Beauty Salon	Outright	2.2.1
Beauty and Wellness Centre	Outright	2.2.1
Bed and Breakfast Accommodation	Conditional	2.2.1
Cabaret	Conditional	2.2.1 , 2.2.13
Catering Establishment	Outright	2.2.1
Hotel	Conditional	2.2.1 , 2.2.14
Laundromat or Dry Cleaning Establishment	Outright	2.2.1
Neighbourhood Public House	Conditional	2.2.15
Photofinishing or Photography Studio	Outright	2.2.1
Print Shop	Conditional	2.2.1
Repair Shop - Class B	Outright	2.2.1
Restaurant - Class 1	Outright	
Restaurant - Class 2	Conditional	2.2.13
School - Arts or Self-Improvement	Outright	2.2.1
School - Business	Outright	2.2.1
School - Vocational or Trade	Outright	2.2.1
Short Term Rental Accommodation	Conditional	2.2.1
Utility and Communication Uses		
Public Utility	Conditional	2.2.1 , 2.2.16
Recycling Depot	Conditional	2.2.1
uncategorized		
Accessory Uses, customarily ancillary to any outright approval use listed in this section 2.1	Outright	2.2.1 , 2.2.17
Accessory Uses, customarily ancillary to any conditional approval use listed in this section 2.1	Conditional	2.2.1 , 2.2.18
Any other use that is not specifically listed and defined as a use in Section 2 of this by-law	Conditional	2.2.1 , 2.2.19
Deposition or extraction of material, which alters the configuration of the land	Conditional	

2.2 Use-Specific Regulations

- 2.2.1 All commercial uses listed in section 2.1 of this schedule, and all outright approval accessory uses accessory to the outright commercial uses listed in section 2.1 of this schedule, must be carried on wholly within a completely enclosed building, other than the following:
- (a) arts and culture event;
 - (b) child day care facility;
 - (c) display of flowers, plants, fruits and vegetables;
 - (d) farmers' market;
 - (e) gasoline station - full serve;
 - (f) gasoline station - split island;
 - (g) neighbourhood public house;
 - (h) outdoor eating area in combination with a cabaret, club, grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
 - (i) parking and loading facilities;
 - (j) public bike share;
 - (k) restaurant; and
 - (l) urban farm - class B.
- 2.2.2 In the C-5A and C-6 districts, no portion of any floor of a club, social service centre or child day care facility is permitted within 2.0 m of street grade along a fronting street or flanking street if the adjoining site on the flanking street is in a C district, except for entrances.
- 2.2.3 In the C-5 district, no portion of any floor of a dwelling unit, community care facility - class B or group residence is permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district, except for entrances.
- 2.2.4 Any of the non-dwelling uses listed in section 2.1 of this schedule are permitted in a mixed-use residential building.
- 2.2.5 Mixed-use residential building may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with use.
- 2.2.6 Ambulance station and public authority may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, and vehicular ingress and egress.

- 2.2.7 Detoxification centre may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses and size.
- 2.2.8 Parking area may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses and pedestrian amenity.
- 2.2.9 Farmers' market may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility and pedestrian amenity.
- 2.2.10 Gasoline station - full serve and gasoline station - split island may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, number existing, and vehicular ingress and egress.
- 2.2.11 Grocery store with liquor store and liquor store may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, and vehicular ingress and egress.
- 2.2.12 Pawnshop and secondhand store may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, and vehicular ingress and egress.
- 2.2.13 Cabaret or restaurant - class 2 may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to parking, vehicular circulation, compatibility with surrounding uses and noise control.
- 2.2.14 Hotel may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, and taxi and bus ingress and egress.
- 2.2.15 Neighbourhood public house may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to vehicular circulation and compatibility with surrounding uses.
- 2.2.16 Public utility may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, and category of facility.
- 2.2.17 Accessory uses customarily ancillary to any outright approval use listed in section 2.1 of this schedule are permitted provided that the total floor area of all accessory uses does not exceed 25% of the gross floor area of the principal use, unless permitted as an outright approval use pursuant to section 2.1 of this schedule.
- 2.2.18 Accessory uses customarily ancillary to any conditional approval use listed in section 2.1 of this schedule must comply with the provisions in section 2.2.17 above.

- 2.2.19 Any other use that is not specifically listed and defined as a use in [Section 2](#) of this by-law may be permitted if the Director of Planning considers the use to be comparable in nature to the uses listed in this schedule, having regard to the intent of this schedule.

3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

3.1 All Uses

All uses in these districts are subject to the following regulations.

3.1.1 Density and Floor Area

- 3.1.1.1 The maximum floor space ratio is 2.20 in the C-5 and C-5A districts and 2.60 in the C-6 district, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio must not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio permitted in this section [3.1.1.1](#); and
 - (b) if there is no heritage density available for transfer, the Director of Planning or Development Permit Board may increase the permitted floor area by 1 m² for each amenity share provided to the City at no cost to the City, to a maximum of 10% above the maximum permitted floor space ratio, if the Director of Planning or Development Permit Board considers the intent of this schedule, all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.
- 3.1.1.2 The Director of Planning may increase the permitted floor area for hotel existing on September 30, 1986, by a maximum of 5% if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities.
- 3.1.1.3 The Development Permit Board may increase the permitted floor space ratio by a maximum of 10% where the increase results from a transfer of heritage density, except that this increase must not apply to a hotel where the floor area has already been increased pursuant to section [3.1.1.2](#) above or a development where there has been an increase in floor space ratio pursuant to section [3.1.1.1\(b\)](#) above.
- 3.1.1.4 The Director of Planning or Development Permit Board may increase the maximum floor space ratio in the C-5A and C-6 districts for mixed-use residential building, if:
- (a) the floor space ratio does not exceed:
 - (i) 7.00 in the C-5A district, and
 - (ii) 8.75 in the C-6 district, except that the floor space ratio must be at least 1.20 for non-dwelling uses;
 - (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is developed as social housing, or all dwelling units are secured market rental housing, except that this requirement does not apply to any portion of floor area that is increased pursuant to sections [3.1.1.1\(b\)](#) or [3.1.1.3](#) above; and
 - (c) the Director of Planning or the Development Permit Board considers the intent of this schedule and all applicable Council policies and guidelines.

- 3.1.1.5 For the purposes of section 3.1.1.3 above, "heritage density" means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with [Heritage Incentive Program Policies and Procedures](#).
- 3.1.1.6 Despite section 3.1.1.1(b) above, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this schedule and this by-law.

3.1.2 Building Form and Placement

Regulations		C-5 and C-5A	C-6
3.1.2.1	Maximum unit frontage located on a floor having an elevation within 2.0 m of street grade, except for community centre, gasoline station - full serve, gasoline station - split island, parking area, and school - elementary or secondary	7.7 m	no maximum
3.1.2.2	Maximum building height	18.3 m	
3.1.2.3	Front yard	not permitted	
3.1.2.4	Side yard	not permitted	
3.1.2.5	Minimum rear yard and rear setback for portions of a building:		
	(a) not containing dwelling uses	7.6 m	
	(b) containing non-dwelling uses	not required	

Frontage

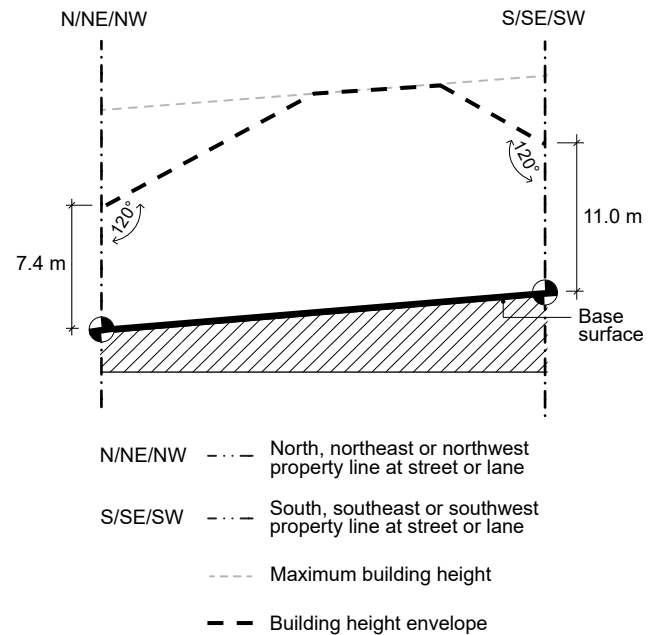
- 3.1.2.6 The Director of Planning or Development Permit Board may increase the maximum unit frontage in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site if:
- (a) the Director of Planning or Development Permit Board considers the intent of this schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
 - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
 - (c) no more than a total of 50% of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store and their departments, except that this total amount must be interspersed with other retail or service uses; and
 - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

- 3.1.2.7 For the purposes of section 3.1.2.6 above, any department of a grocery or drug store, or grocery store with liquor store that has its own check-out facility and entrance/exit door to the street is deemed to be an individual occupancy.

Building Height

- 3.1.2.8 Despite the maximum building height in section 3.1.2.2 above, no portion of the building may extend above the envelope formed by a vertical line measuring 7.4 m in height at the north, northeast or northwest property line at a street or lane and a vertical line measuring 11.0 m at the south, southeast or southwest property line at a street or lane and a plane formed by an angle of 120 degrees measured from each of the vertical lines.

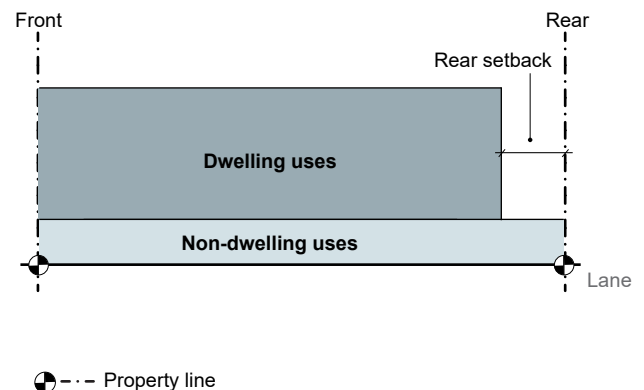
Diagram: Maximum building height envelope



- 3.1.2.9 The Director of Planning or Development Permit Board may increase the maximum building height to a height not exceeding 64.0 m in the C-5A and C-6 districts if the Director of Planning or Development Permit Board considers:

- the impact on neighbourhood liveability and environmental quality;
- the impact on views, shadowing, privacy, lower level treatment of buildings, and open space; and
- the intent of this schedule, all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.

Diagram: Rear yard and rear setback



- 3.1.2.10 The Director of Planning or Development Permit Board may permit a portion of a building to extend above the building envelope prescribed in section 3.1.2.8 above, except that the building height must not exceed 18.3 m in the C-5 district, if the Director of Planning or Development Permit Board considers:

- the impact on neighbourhood liveability and environmental quality;
- the impact on views, shadowing, privacy, lower level treatment of buildings, and open space; and

- (c) the intent of this schedule, all applicable Council policies, and guidelines and the submission of any advisory group, property owner or tenant.

3.1.2.11 The Director of Planning or Development Permit Board may vary the maximum building height regulations for a mixed-use residential building in the C-6 district if the Director of Planning or Development Permit Board considers the intent of the schedule and all applicable Council policies and guidelines, and:

- (a) the maximum building height does not exceed 91.4 m; and
- (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is developed as social housing, or all dwelling units are secured market rental housing.

Front Yard

3.1.2.12 Despite section 3.1.2.3 above, the Director of Planning may permit a front yard if the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

Side Yard and Side Setback

3.1.2.13 Despite section 3.1.2.4 above, the Director of Planning may permit a side yard if:

- (a) a portion of a building contains dwelling uses, in which case that portion may be set back from the side property lines to comply with the horizontal angle of daylight regulations in section 4.4 of this schedule; or
- (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

Rear Yard and Rear Setback

3.1.2.14 Despite the minimum rear yard depth and rear setback in section 3.1.2.5(b) above, where the rear of the site abuts a lane, the required minimum rear yard depth will be decreased by the distance between the rear property line and the ultimate centre line of the lane.

3.1.2.15 The Director of Planning may decrease the rear yard depth and rear setback for dwelling uses, if the Director of Planning is satisfied that residential liveability is achieved for the development site and neighbouring existing or potential dwelling uses.

4 GENERAL REGULATIONS

All uses in these districts are subject to the following regulations.

4.1 Amenity Shares

- 4.1.1 For the purposes of this schedule, amenity means conservation of protected heritage property.
- 4.1.2 For the purposes of this schedule, the cost of an amenity share is the amount specified per m² in [Schedule G: Heritage Amenity Share Cost Schedule](#) of this by-law for the C-5, C-5A and C-6 zoning districts.

4.2 Computation of Floor Area

- 4.2.1 Computation of floor area must include all floors of all buildings including accessory buildings, both above and below ground level, measured to the extreme outer limits of the building.
- 4.2.2 Computation of floor area must exclude:
- (a) balconies and decks, and any other appurtenances that the Director of Planning considers similar to the foregoing, provided that the total area of these exclusions does not exceed 12% of the permitted floor area;
 - (b) patios and roof decks, if the Director of Planning considers the impact 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 that the Director of Planning considers similar to the foregoing, those floors or portions thereof, which are located at or below the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length; and
 - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 4.2.3 The Director of Planning may exclude:
- (a) interior public space, including atria and other similar spaces, if:
 - (i) the excluded area does not exceed the lesser of 10% of the permitted floor area or 600 m²,
 - (ii) the excluded area is secured by covenant and right-of-way in favour of the City that sets out public access and use, and
 - (iii) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines; and
 - (b) amenity areas, including child day care facilities and non-profit recreation facilities, to a maximum area not exceeding the lesser of 10% of the total permitted floor area or 1,000 m² if, in the case of

child day care facilities, the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood.

4.3 Horizontal Angle of Daylight

- 4.3.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 4.3.2 For the purposes of section 4.3.1 above, habitable room means any room except a bathroom or kitchen.
- 4.3.3 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 2 angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.
- 4.3.4 The plane or planes referred to in section 4.3.3 above must be measured horizontally from the centre of the bottom of each window.
- 4.3.5 An obstruction referred to in section 4.3.3 above means:
 - (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 4.3.6 The Director of Planning may vary the horizontal angle of daylight requirement if:
 - (a) the Director of Planning considers all applicable Council policies and guidelines; and
 - (b) the minimum distance of unobstructed view is at least 3.7 m.

4.4 External Design

- 4.4.1 All developments must provide along all abutting streets any 1 or a combination of:
 - (a) display windows;
 - (b) individualized tenancy unit design;
 - (c) building articulation;
 - (d) pedestrian entrance definition via a recess or projecting canopy; or
 - (e) any other architectural features that facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.4.2 The first storey must be built to the front and side property lines except as otherwise permitted in section 3.1.2 of this schedule, while the remaining storeys may terrace back from the property lines.
- 4.4.3 Direct pedestrian access to each individual commercial occupancy which abuts the fronting street of the site must be provided at the fronting street at or near grade level.

- 4.4.4 Continuous weather protection must be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district and must:
- (a) have a minimum depth of 1.5 m; and
 - (b) be in the form of:
 - (i) a retractable fabric awning,
 - (ii) a canopy attached to the building face by bolts to facilitate easy removal, or
 - (iii) such other form as may be satisfactory to the Director of Planning and City Engineer.
- 4.4.5 That portion of a building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district must be:
- (a) rounded with a minimum radius of 1.8 m;
 - (b) indented or truncated with minimum dimensions of 1.8 m by 1.8 m; or
 - (c) architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.4.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district must be accentuated by:
- (a) variances of height;
 - (b) cupolas;
 - (c) domes;
 - (d) other architectural appurtenances; or
 - (e) any proposals varying from the above, to the satisfaction of the Director of Planning.
- 4.4.7 A minimum of 1 pedestrian entrance to commercial uses must be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.4.8 All garbage and recycling container storage areas must be screened from view from nearby sidewalks and dwelling units.
- 4.4.9 Mechanical equipment must be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning, and exposed duct work is not permitted.
- 4.4.10 Dwelling uses must provide:
- (a) pedestrian access separate from access to other uses; and
 - (b) a minimum of 1 bicycle rack per 4 dwelling units in an enclosed storage room.

5 RELAXATIONS

- 5.1 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax the maximum floor space ratio for any 1 building that includes 1 or more of such facilities, and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.
- 5.2 In determining the increase in floor area that may be permitted under section 5.1 above, the Development Permit Board must consider:
- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.