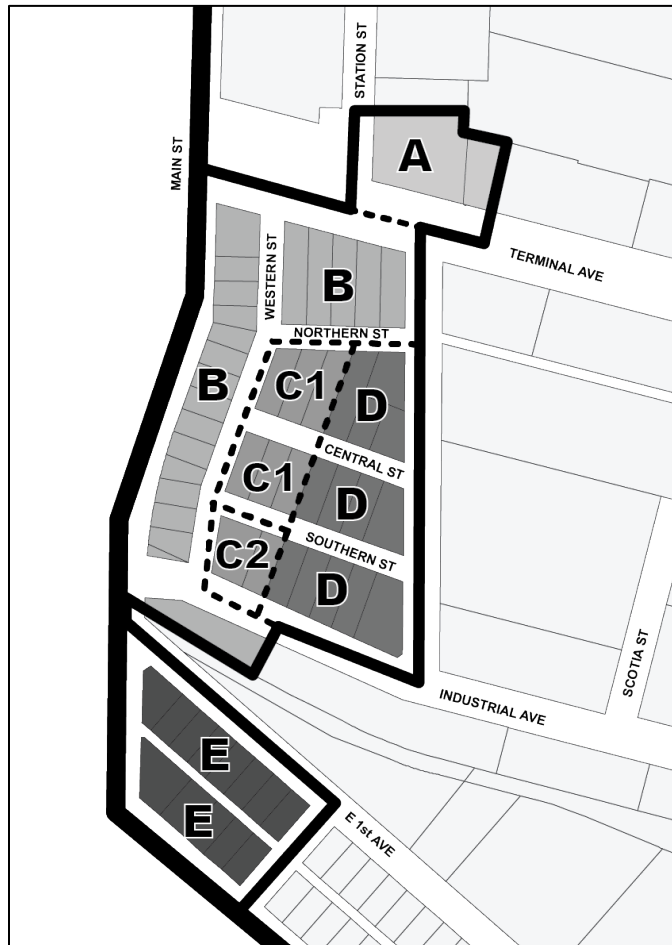


FC-2 District Schedule **(False Creek Flats Innovation District)**

1 Intent

- 1.1 The intent of this Schedule is to permit and encourage the development of a high-density mixed-use neighbourhood, including some residential and compatible industrial uses, together with job space to support a wide spectrum of economic uses, representing the broader False Creek Flats economy, including the creative, cultural and food economy, industrial production, research and development, and employment intensification.
- 1.2 The FC-2 District is to consist of six sub-areas as illustrated in Figure 1, solely for purpose of establishing permitted uses, floor area and height.

Figure 1



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 as specified in section 2.2 and shall be issued a permit.

2.2 Uses

2.2 The uses listed in section 2.2 shall be permitted in all sub-areas of the FC 2 District.

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

- (a) an accessory building must not exceed 4.6 m in height, and must not exceed 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 ridge of a gable, hip, or gambrel roof;
- (b) an accessory building must be situate in the rear yard no less than 3.1 m from the ultimate centre line of any rear or flanking lane; and
- (c) an accessory building's total floor area, measured to the extreme outer limits of the building, must not exceed 10% of the total area of the site.

● Accessory Uses customarily ancillary to any of the outright uses listed in this section, except that accessory retail use:

- (a) may not be combined with wholesale use;
- (b) is limited to the lesser of 33 1/3 percent or 500 m² of the gross floor area of the principal and accessory uses combined;
- (c) except for accessory retail uses associated with an Artist Studio, must be separated by a wall from the floor area used for all other uses; and
- (d) all uses other than accessory retail use must be inaccessible to the public.

2.2.C [Cultural and Recreational]

- Artist Studio.
- Arts and Culture Indoor Event.
- Theatre.

2.2.M [Manufacturing]

- Bakery Products Manufacturing.
- Clothing Manufacturing.
- Creative Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Furniture or Fixtures Manufacturing.
- Information Communication Technology Manufacturing.
- Jewellery Manufacturing.
- Leather Products Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Shoes or Boots Manufacturing.
- Textiles or Knit Goods Manufacturing.
- Wood Products Manufacturing - Class B.

2.2.S [Service]

- Catering Establishment.
- Laboratory.
- Photofinishing or Photography Studio.

- Photofinishing or Photography Laboratory.
- Print Shop.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant – Class 1, provided that the total floor area does not exceed 300 m².
- School - Vocational or Trade.
- Sign Painting Shop.
- Work Shop.

2.2.U [Utility and Communication]

- Radiocommunication Station.

2.3 Conditions of Use

- 2.3.1 No use listed in section 2.2 of this Schedule, except for Cultural and Recreational uses, Production or Rehearsal Studio, and Restaurant, shall be carried on other than wholly within a completely enclosed building, except for off-street parking and loading, heating and mechanical equipment, or other facilities or equipment which in the opinion of the Director of Planning are similar to the foregoing.
- 2.3.2 No use listed in section 2.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; coal tar products or derivatives; or compressed gas or petroleum.
- 2.3.3 No use listed in section 2.2 of this Schedule shall involve the storage, other than wholly within a completely enclosed building, of lime; fertilizer; toxic or corrosive chemicals or acids; flammable liquids or solids; scrap or junk; rags or cotton waste; fungicides, herbicides or pesticides; paint, varnish, oil shellac or turpentine; grain, hops, or sugar; fish, fish oil or meal, animal oil or fat, or vegetable oil.
- 2.3.4 No use listed in section 2.2 of this Schedule, except for a Laboratory, shall involve the keeping of live animals.

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

- 3.2.1 The uses listed in section 3.2.1 shall be permitted in all sub-areas of the FC 2 District.
- 3.2.1.A ● Accessory Uses to any of the uses listed in this Schedule, other than as provided for in section 2.2.A of this Schedule.
- 3.2.1.AG [Agricultural]
- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Hall.
- Park or Playground.

3.2.1.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Public Authority Use.
- Social Service Centre.

3.2.1.M [Manufacturing]

- Batteries Manufacturing.
- Brewing or Distilling.
- Dairy Products Manufacturing.
- Electrical Products or Appliances Manufacturing.
- Food or Beverage Products Manufacturing - Class A.
- Machinery or Equipment Manufacturing.
- Metal Products Manufacturing - Class B.
- Miscellaneous Products Manufacturing - Class A.
- Motor Vehicle Parts Manufacturing.
- Non-metallic Mineral Products Manufacturing - Class B.
- Paper Products Manufacturing.
- Plastic Products Manufacturing.
- Rubber Products Manufacturing.
- Transportation Equipment Manufacturing.

3.2.1.O [Office]

- General Office, including Digital Entertainment Information and Communication Technology, but not including the offices of accountants, lawyers and notary publics, nor the offices of real estate, advertising, insurance, travel and ticket agencies.
- General Office, but only in sub-areas A and E as shown in Figure 1.
- Financial Institution.
- Health Care Office, but only in sub-area A as shown in Figure 1.

3.2.1.P [Parking]

- Parking Uses.

3.2.1.R [Retail]

- Farmers' Market. Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.
- Public Bike Share.
- Neighbourhood Grocery Store.
- Retail Store, but limited to the sale of art and hand-crafted products.
- Limited Service Food Establishment, which means the use of premises for the primary purpose of selling, or selling and serving, prepared food to the public during all hours of operation, where the premises include not more than 16 indoor or outdoor seats for customers consuming food purchased on the premises, but where customers may also purchase food for take-out, and where live entertainment is not available.

3.2.1.S [Service]

- Animal Clinic.
- Hotel
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Neighbourhood Public House.
- Restaurant – Class 2, provided that the total floor area does not exceed 300 m².
- Auction Hall.
- Repair Shop - Class B.
- Short Term Rental Accommodation.

3.2.1.T [Transportation and Storage]

- Bulk Data Storage.
- Railway Station or Rail Yard.
- Taxicab or Limousine Station.
- Truck Terminal or Courier Depot.
- Cold Storage Plant.
- Packaging Plant.
- Storage Warehouse.

3.2.1.U [Utility and Communication]

- Public Utility.
- Recycling Depot.

3.2.1.W [Wholesale]

- Wholesaling - Class A.
- Wholesaling - Class B.

- 3.2.1.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.
- A use which is listed in section 2 of this Schedule but does not comply with the conditions of use in section 2.3.

3.2.2 The uses listed in section 3.2.2 shall be permitted in sub-areas B, C and E of the FC 2 District.

3.2.2.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this Schedule.
- Micro dwelling.
- Residential Unit associated with and forming an integral part of an artist studio.
- Temporary Modular Housing.

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;
- (c) Neighbourhood Grocery Store;
- (d) Restaurant;
- (e) Retail Store;
- (f) Farmers' Market;
- (g) Public Bike Share;
- (h) Urban Farm - Class B;
- (i) Park or Playground;

- (j) Neighbourhood Public House;
 - (k) Parking Uses; and
 - (l) Transportation and Storage Uses.
- 3.3.2 Despite section 3.3.1, the Director of Planning may permit a use listed in section 3.2 of this Schedule to be carried on outside of a completely enclosed building if appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts.
- 3.3.3 No use listed in section 3.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; coal tar products or derivatives; or compressed gas or petroleum.
- 3.3.4 No use listed in section 3.2 of this Schedule shall involve the storage, other than wholly within a completely enclosed building, of lime; fertilizer; toxic or corrosive chemicals or acids; flammable liquids or solids; rags or cotton waste; fungicides, herbicides or pesticides; paint, varnish, oil shellac or turpentine; grain, hops, or sugar; fish, fish oil or meal, animal oil or fat, or vegetable oil.
- 3.3.5 No use listed in section 3.2 of this Schedule, except for an animal clinic, shall involve the keeping of live animals.
- 3.3.6 No use listed in section 3.2 of this Schedule shall involve the storage of goods or materials other than wholly within a completely enclosed building unless the yard or portion of the yard containing the goods or materials is enclosed by a suitable fence or wall restricting public access.
- 3.3.7 A lounge use accessory to Brewing or Distilling use shall be carried on wholly within a completely enclosed building.
- 3.3.8 Except for entrances, Office uses are not permitted at street level.
- 3.3.9 Except for entrances, Bulk Data Storage use shall not be permitted at the ground floor.
- 3.3.10 Except for residential entrances, no dwelling uses are permitted at grade.

4 Regulations

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

- 4.1 Site Area – Not Applicable.**
- 4.2 Frontage – Not Applicable.**
- 4.3 Height**
- 4.3.1 The maximum height of a building shall be
- (a) 22.9 m in sub-areas A and B;
 - (b) 10.7 m in sub-area C1;
 - (c) 18.3 m in sub-areas C2, D, and E.

and except for buildings existing as October 31, 2017 the floor to floor height of the first floor of a building must measure a minimum of 6.0 m.

- 4.3.2 Despite section 4.3.1, the Director of Planning may vary the requirement to provide a minimum 6.0 m floor to floor height of the first floor of a building, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.
- 4.3.3 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 with respect to any development, provided that it first considers:
- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
 - (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
 - (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
 - (d) the provision for pedestrian needs;
 - (e) the preservation of the character and general amenity desired for the area; and
 - (f) the submission of any advisory group, neighbouring property owner or tenant;
- and the maximum height may not exceed:
- (a) 51.8 m in sub-areas A, B, C2, and D;
 - (b) 18.3 m in sub-area C1; and
 - (c) 42.7 m in sub-area E.

4.4 Front Yard

- 4.4.1 A front yard with a minimum depth of 0.6 m shall be provided, except that the minimum front setback for any parking area shall be 1.2 m.
- 4.4.2 Despite section 4.4.1, the Director of Planning may permit a reduced or increased front yard or front setback for portions of the building, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.5 Side Yards and Setbacks

- 4.5.1 No side yard shall be provided, except that on a corner site, the exterior side yard and side setback requirements shall be the same as the front yard and front setback requirements in section 4.4.1 and 4.4.2.
- 4.5.2 Despite section 4.5.1, the Director of Planning may permit a reduced or increased front yard or front setback for portions of the building, provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 0.6 m shall be provided.
- 4.6.2 Despite section 4.6.1, the Director of Planning may permit a reduced rear yard or rear setback provided the Director of Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.7 Floor Area and Density

Floor Area and Density in Sub-Area A

4.7.1 The floor space ratio shall not exceed 7.0 in sub-area A, subject to the following:

- (a) the maximum floor space ratio for retail or service uses except hotel shall be 1.0;
- (b) the maximum floor space ratio for hotel use shall be 4.0;
- (c) the maximum floor space ratio for all other uses permitted by sections 2.2 and 3.2 but not listed in (a) or (b) of this section 4.7.1 shall be 3.0; and
- (d) the maximum floor space ratio for office use shall be 6.75,

provided that the Director of Planning or the Development Permit Board first considers:

- (i) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (iv) the effect of the development on traffic in the area; and
- (v) the provision for pedestrian needs.

Floor Area and Density in Sub-Area B

4.7.2 The floor space ratio shall not exceed 5.00 for non-residential uses, and not exceed 3.0 for dwelling uses in sub-area B. The Director of Planning or the Development Permit Board may permit an increase in this maximum floor space ratio to any figure up to and including 6.50, which may include up to 5.00 of dwelling uses, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the effect of the development on traffic in the area;
- (e) the provision for pedestrian needs; and
- (f) the design and livability of any dwelling uses.

Floor Area and Density in Sub-Area C1

4.7.3 The floor space ratio shall not exceed 1.00 for non-residential uses in sub area C-1. The Director of Planning or the Development Permit Board may permit an increase in this maximum floor space ratio up to and including 2.50, limited to 1.50 of non-residential uses and which may include up to 1.00 of dwelling uses developed as social housing, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the effect of the development on traffic in the area;
- (e) the provision for pedestrian needs; and
- (f) the design and livability of any dwelling uses.

Floor Area and Density in Sub-Area C2

- 4.7.4 The floor space ratio shall not exceed 4.00 in sub area C-2, with a maximum of 1.00 for non-residential uses and a maximum of 3.00 for dwelling uses developed as social housing. The Director of Planning or the Development Permit Board may permit an increase in this maximum floor space ratio up to and including 6.50, limited to 1.50 of non-residential uses, and which may include up to 5.00 of dwelling uses developed as social housing, provided that the Director of Planning or the Development permit Board first considers:
- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
 - (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;
 - (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
 - (d) the effect of the development on traffic in the area;
 - (e) the provision for pedestrian needs; and
 - (f) the design and livability of any dwelling uses.

Floor Area and Density in Sub-Area D

- 4.7.5 The floor space ratio shall not exceed 3.00 in sub-area D. The Director of Planning or Development Permit Board may permit an increase in this maximum floor space ratio up to and including 7.50 except that:
- (a) the total floor area must include a minimum 1.00 FSR for any of the following uses combined:
 - (i) Cultural and Recreational, limited to Artist Studio – Class B;
 - (ii) Manufacturing, limited to Bakery Products Manufacturing, Brewing or Distilling, Chemicals or Chemical Products Manufacturing - Class B, Clothing Manufacturing, Dairy Products Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Metal Products Manufacturing – Class A or B, Miscellaneous Products Manufacturing - Class A, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Paper Products Manufacturing, Printing or Publishing, Plastic Products Manufacturing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Textiles or Knit Goods Manufacturing, and Wood Products Manufacturing - Class B;
 - (iii) Service, limited to Catering Establishment, Motor Vehicle Repair Shop, Print Shop, Repair Shop - Class A, Repair Shop - Class B, and Sign Painting Shop; or
 - (iv) Accessory Uses customarily ancillary to any use permitted by this section; and

Provided the Director of Planning or Development Permit Board first considers:

- (i) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (iv) the effect of the development on traffic in the area;
- (v) the provision for pedestrian needs; and
- (vi) the design and livability of any dwelling uses.

Floor Area and Density in Sub-Area E

4.7.6 The floor space ratio shall not exceed 3.00, subject to the following:

- (a) the maximum floor space ratio shall be 3.00 for Artist Studio, Manufacturing Uses, Transportation and Storage Uses, Utility and Communication Uses, Wholesale Uses, Service Uses listed in section 2.2.S, and Parking Uses;
- (b) the maximum floor space ratio shall be 1.00 for Creative Products Manufacturing and the maximum floor space ratio shall be 1.00 for all other uses combined;
- (c) the floor area for Retail Uses shall not exceed 1 000 m²;
- (d) the floor area for General Office or Health Care Office combined shall not exceed 33 percent of the total gross floor area of all principal and accessory uses combined, except that the Director of Planning may permit up to a maximum floor space ratio of 2.00 for General Office if a minimum floor space ratio of 1.00 is provided for any of the following uses combined:
 - (i) Cultural and Recreational, limited to Artist Studio – Class B;
 - (ii) Manufacturing, limited to Bakery Products Manufacturing, Brewing or Distilling Clothing Manufacturing, Dairy Products Manufacturing, Food or Beverage Products Manufacturing - Class B, Jewellery Manufacturing, Leather Products Manufacturing, Metal Products Manufacturing – Class B, Miscellaneous Products Manufacturing - Class A, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Paper Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, Textiles or Knit Goods Manufacturing, Wood Products Manufacturing - Class B;
 - (iii) Service, limited to Catering Establishment, Motor Vehicle Repair Shop, Print Shop, and Repair Shop - Class B; or
 - (iv) Accessory Uses customarily ancillary to any use permitted by this section; and
- (e) the floor area for a lounge use accessory to a Brewing or Distilling use must not exceed 80 m².

4.7.7 Notwithstanding section 4.7.6 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory groups, neighbourhood property owners or tenants consulted by the Director of Planning, the Director of Planning may permit an increase in the permitted floor area for the following uses:

- (a) Dwelling Uses, provided that at least 50% of the residential floor area is comprised of social housing,

to a maximum additional floor space ratio of 3.50 in addition to the maximum permitted floor space ratio of 3.00 of non-residential uses, including the provision of a minimum floor space ratio for 1.00 combined of any uses listed in sub sections 4.7.6 (d) (i), (ii),(iii) and (iv).

4.7.8 Notwithstanding section 4.7.6 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory groups neighbourhood property owners or tenants consulted by the Director of Planning, the Director of Planning may permit an increase in the permitted floor area of one m² per amenity share, provided to the City at no cost to the City, for the following uses:

- (a) Dwelling Uses developed as secured market rental housing,

to a maximum additional floor space ratio of 3.5 in addition to the maximum permitted floor space ratio of 3.0 of non-residential uses, including the provision of a minimum floor space ratio of 1.0 combined for any uses listed in sub sections 4.7.6 (d) (i), (ii), (iii) and (iv).

- 4.7.9 Notwithstanding section 4.7.8, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.10 For the purposes of section 4.7.8, amenity share means an amenity share as set out in Schedule F of this by-law.
- 4.7.11 For the purposes of this district schedule, amenity means the following:
- (a) Community Centre or Neighbourhood House.
- 4.7.12 Notwithstanding section 4.7.6 of this schedule, if the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory groups neighbourhood property owners or tenants consulted by the Director of Planning, the Director of Planning may permit an increase in the permitted floor area for Dwelling Uses developed as secured market rental housing to a maximum additional floor space ratio of 3.5 in addition to the maximum permitted floor space ratio of 3.0 of non-residential uses, including the provision of a minimum floor space ratio of 1.0 combined for any uses listed in sub sections 4.7.6 (d) (i), (ii), (iii) and (iv), provided that a minimum of 35% of the dwelling units covering 35% of the floor space provided as secured market rental housing meet the rent requirements for each unit type set out in Schedule H of this By-law at the time of initial occupancy, and subject to the rental increases agreed upon in any Housing Agreement. Agreed upon rental increases will generally be in accordance with the increases permitted under section 22 of the Residential Tenancy Regulation, B.C. Reg. 477/2003.
- 4.7.13 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.14 Computation of floor area shall exclude:
- (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 12% 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 are at or below the base surface provided that the off street parking spaces do not have a length of more than 7.3 m;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
- (e) storage space associated with an Artist Studio - Class B where the space is provided below the base surface and subject to a maximum exclusion of 20 m² for each Artist Studio - Class B.
- 4.7.15 Computation of floor area may exclude:
- (a) interior public space, including atria and other similar spaces, provided that:
- (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m²;
- (ii) the excluded area shall be secured by covenant and right of way in favour of the City which sets out public access and use; and
- (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lessor of 20 % of the permitted floor area or 1 000 m², provided, in the case of 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.

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 m².

4.11 to 4.14 (Reserved)

4.15 Acoustics

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

| Portions of dwelling units | Noise levels (Decibels) |
|-----------------------------------|--------------------------------|
| Bedrooms | 35 |
| Living, dining, recreation rooms | 40 |
| Kitchen, bathrooms, hallways | 45 |