

MC-1 and MC-2 Districts Schedule

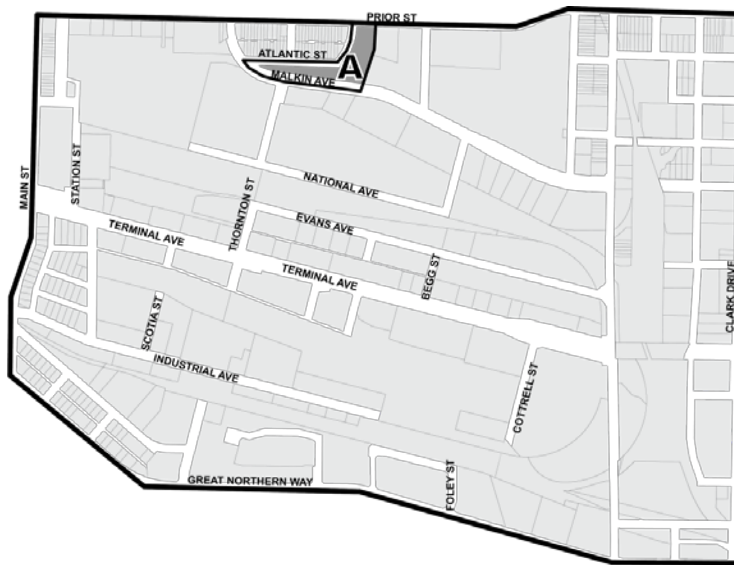
1 Intent

1.1 The intent of this Schedule is to reinforce the mixed use nature of this area, with residential, commercial and light industrial uses permitted. Emphasis is placed on building design that furthers compatibility among uses, and contributes to area character and pedestrian interest. The MC-2 District differs from the MC-1 District in limiting dwelling uses in areas adjacent to a heavy impact industrial zone.

The area of MC-1 bounded by Malkin Avenue, Atlantic Street and Prior Street allows conditional height and density to achieve new secured market rental housing to provide a transition between the residential area north of Atlantic and Prior streets and the employment-focused area of the False Creek Flats to the south.

1.2 Within the False Creek Flats, the MC-1 area north of Malkin Avenue and illustrated in Figure 1 is referred to as sub-area A, solely for the purpose of establishing permitted uses, setbacks, 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 in the MC-1 District and MC-2 District and shall be issued a permit.

2.2 Uses

2.2.1 The uses listed in section 2.2.1 shall be permitted in the MC-1 and MC-2 Districts.

- 2.2.1A
- 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;
 - (e) not applicable;
 - (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 the total area of all accessory uses is not greater than 25 percent of the gross floor area of the principal and accessory uses combined.
- 2.2.1C [Cultural and Recreational]
- Artist Studio – Class A, provided that the use must not be combined with a Residential Unit, the change of use must only apply to floor area existing as of February 26, 2013, and any additions are limited to no more than 10 percent of existing floor area.
 - Arts and Culture Indoor Event.
 - Library.
 - Museum or Archives.
- 2.2.1M [Manufacturing]
- Bakery Products Manufacturing.
 - Chemical or Chemical Products - Class B.
 - Clothing Manufacturing.
 - Dairy Products Manufacturing.
 - Electrical Products or Appliances Manufacturing.
 - Food or Beverage Products Manufacturing - Class B.
 - Furniture or Fixtures Manufacturing.
 - Ice Manufacturing.
 - Information Communication Technology Manufacturing.
 - Jewellery Manufacturing.
 - Leather Products Manufacturing.
 - Miscellaneous Products Manufacturing - Class B.
 - Non-Metallic Minerals Products Manufacturing - Class B.
 - Paper Products Manufacturing.
 - Plastic Products Manufacturing.
 - Printing or Publishing.
 - Shoes or Boots Manufacturing.
 - Tobacco Products Manufacturing.
- 2.2.1O [Office]
- Financial Institution.
 - General Office.
 - Health Care Office.

2.2.1R [Retail]

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

2.2.1S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Bed and Breakfast Accommodation.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Photofinishing or Photography Laboratory.
- Photofinishing or Photography Studio.
- Print Shop.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.
- Work Shop.

2.3 Conditions of Use

- 2.3.1 No use listed in section 2.2 of this Schedule shall involve the bulk storage of vegetable oil or fat; fish; fish oil or meal; animal oil or fat; grain; sugar; hops; scrap or waste materials; junk; lime; fertilizer; fungicides; herbicides; pesticides; explosives; matches; ammunition; fireworks; flares; wax; industrial chemicals; acids; paints; varnishes; rags; cotton waste; radioactive materials; or, except for a full serve or split island gasoline station, compressed gas, petroleum, coal tar products or derivatives.
- 2.3.2 No use listed in section 2.2 of this Schedule shall involve the storage, other than wholly within a completely enclosed building, of vegetable oil or fat; fish; fish oil or meal; animal oil or fat; scrap or waste material; paints; varnishes; oil shellac or turpentine; grain; sugar; hops; pesticides; fungicides; herbicides; or toxic or corrosive chemicals or acids.
- 2.3.3 No commercial or industrial use listed in section 2.2 of this Schedule shall involve the keeping of live animals except:
- (a) animal clinic;
 - (b) laboratory; and
 - (c) retail store.
- 2.3.4 All uses listed in section 2.2 of this Schedule shall be carried on wholly within a completely enclosed building except for the following:
- (a) parking and loading facilities;

- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) restaurant;
- (d) display of flowers, plants, fruits and vegetables;
- (e) neighbourhood public house;
- (f) vehicle dealer;
- (g) transportation and storage uses; and
- (h) lumber and building materials establishment.

2.3.5 Where goods, materials, machinery, or refuse or garbage receptacles are stored or placed outside a building, they shall be enclosed by a minimum 1.8 m high fence, wall or evergreen planting, to restrict public access and screen from public view.

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 may be permitted in the MC-1 and MC-2 Districts.

3.2.1A • Accessory uses to any of the uses listed in this section, subject to the same provisions as section 2.2.1A of this Schedule.

3.2.1AG [Agricultural]

- Urban Farm - Class B.

3.2.1C [Cultural and Recreational]

- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Hall.
- Park or Playground.
- Rink.
- Swimming Pool.
- Theatre.
- Zoo or Botanical Garden.

3.2.1D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.1I [Institutional]

- Ambulance Station.
- Child Day Care Facility.

- Church.
- Detoxification Centre.
- Public Authority Use.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.
- Community Care Facility - Class A.
- Community Care Facility - Class B.
- Group Residence.

3.2.1M [Manufacturing]

- Food or Beverage Products Manufacturing - Class A
- Metal Products Manufacturing - Class B.
- Textiles or Knit Goods Manufacturing.
- Wood Products Manufacturing - Class B.

3.2.1O [Office]

- Health Enhancement Centre.

3.2.1P [Parking]

- Parking Area.

3.2.1R [Retail]

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

3.2.1S [Service]

- Auction Hall.
- Funeral Home.
- Neighbourhood Public House.

3.2.1T [Transportation and Storage]

- Cold Storage Plant.
- Mini-storage Warehouse.
- Storage Warehouse.
- Taxicab or Limousine Station.
- Works Yard.

3.2.1U [Utility and Communication]

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

3.2.1W [Wholesale]

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

3.2.1Z • 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.

3.2.2 The uses listed in section 3.2.2 may be permitted only in the MC-1 District.

3.2.2.C [Cultural and Recreational]

- Artist Studio.
- Artist Studio – Class A, but only in sub-area A as shown in Figure 1.
- Artist Studio – Class B, but only in sub-area A as shown in Figure 1.

3.2.2DW [Dwelling]

- Dwelling Unit in conjunction with any of the uses listed in this District Schedule, except that there must be no use for residential purposes of any 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 unless the use consists only of entrances to the residential portion of the building, and except that, before making a decision to permit a dwelling Unit, the Director of Planning must consider the design and livability of the Dwelling Unit.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, except that a Multiple Conversion Dwelling must not contain any Housekeeping Unit or Sleeping Unit, and except that, before making a decision to permit a Multiple Conversion Dwelling, the Director of Planning must consider the quality and livability of the Multiple Conversion Dwelling, 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.
- Multiple Dwelling, but not in sub-area A as shown in shown in Figure 1.
- Residential Unit associated with and forming an integral part of an Artist Studio.
- Seniors Supportive or Assisted Housing,

3.2.3 The uses listed in section 3.2.3 may be permitted only in the MC-2 District.

3.2.3 C [Cultural and Recreational]

- Artist Studio - Class B, but only if the change of use applies to floor area existing as of February 26, 2013 and additions do not exceed a maximum of 10 percent of the existing floor area.

3.2.3 DW [Dwelling]

- Dwelling Unit for a caretaker or watchman or other person similarly employed, if such Dwelling Unit is essential to the operation of the business or establishment.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class B.

3.3 Conditions of Use

3.3.1 No use listed in section 3.2 of this Schedule shall involve the bulk storage of vegetable oil or fat; fish; fish oil or meal; animal oil or fat; grain; sugar; hops; scrap or waste materials; junk; lime; fertilizer; fungicides; herbicides; pesticides; explosives; matches; ammunition; fireworks; flares; wax; industrial chemicals; acids; paints; varnishes; rags; cotton waste; radioactive materials; or, except for a full serve or split island gasoline station, compressed gas, petroleum, coal tar products or derivatives.

3.3.2 No use listed in section 3.2 of this Schedule shall involve the storage, other than wholly within a completely enclosed building, of vegetable oil or fat; fish; fish oil or meal; animal oil or fat; scrap or waste material; paints; varnishes; oil shellac or turpentine; grain; sugar; hops; pesticides; fungicides; herbicides; or toxic or corrosive chemicals or acids.

3.3.3 All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (c) display of flowers, plants, fruits and vegetables;
- (d) neighbourhood public house;
- (e) vehicle dealer;
- (f) transportation and storage uses;
- (g) lumber and building materials establishment;
- (h) farmers' market;
- (i) public bike share; and
- (j) Urban Farm - Class B.

3.3.4 Where goods, materials, machinery, or refuse or garbage receptacles are stored or placed outside a building, they shall be:

- (a) enclosed by a suitable fence or wall restricting public access; and
- (b) adequately screened from view from any adjacent R district, or any R district across an adjacent street or lane, by evergreen planting, wall, or fence or related landscaping that is acceptable to the Director of Planning.

3.3.5 Where uses are carried on outside a building, pursuant to sections 3.3.3 and 3.3.4, appropriate measures shall be taken to the satisfaction of the Director of Planning to minimize any noxious or otherwise objectionable impacts that could adversely affect the surrounding area.

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 12.2 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 13.8 m, provided that consideration is given to:

- (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.

4.4 Front Yard and Setback

4.4.1 No front yard or front setback shall be permitted except that the Director of Planning may permit:

- (a) a front yard or front setback where a pedestrian or shopping courtyard or other features benefitting pedestrian character are provided;
- (b) a front setback to improve the livability of dwelling uses or community care facilities or group residences above grade;
- (c) for sites in MC-1 to provide a transition to dwelling units fronting on Heatley Avenue or Atlantic Street, a front setback may be required from either of those streets;

provided that in all cases the Director of Planning first considers:

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

4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

4.5.1 No side yard shall be required.

4.5.2 Where a side yard is provided, it shall have a minimum width of 0.9 m.

4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

4.6.1 A rear yard with a minimum depth of 3.1 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 Any portion of a building containing residential uses, and any portion of a building above the first storey and below the fourth storey, except for open roof gardens at the second storey floor level, shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.6.3 All portions of a building at the fourth storey and above shall be set back 9.1 m from the rear property line across the full width of the site, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

4.7.1 The floor space ratio shall not exceed 0.75.

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

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

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

- (a) open balconies, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed twelve percent of the floor area being provided;
- (b) roof decks if the Director of Planning first considers:
 - (i) the design of landscape treatments;
 - (ii) the effect on privacy and overlook; and
 - (iii) all applicable Council policies and guidelines.
- (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, recreation facilities and meeting rooms accessory to a residential use, to a maximum total area of 10 percent of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood; and
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

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

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and

- (ii) no more than fifty percent of the excluded balcony floor area may be enclosed.

4.7.5 Floor Area and Density in Sub-area A, MC-1 District

4.7.5.1 Notwithstanding section 4.7.1 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 in sub area A as shown in Figure 1 up to a maximum of 2.50 subject to the following:

- (a) the following uses shall not exceed a floor space ratio of 1.50:
 - (i) cultural and recreational;
 - (ii) institutional;
 - (iv) manufacturing, transportation and storage, utility and communication, and wholesale, combined;
 - (iv) office;
 - (v) parking;
 - (vi) service; and
 - (vii) other uses pursuant to section 3.2.Z;

4.7.5.2 Notwithstanding section 4.7.1 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 in sub area A as shown in Figure 1 as follows:

- (a) Dwelling Uses provided that either:
 - (i) all of the residential floor area is developed as social housing; or
 - (ii) all of the dwelling units are developed as secured market rental housing;

to a maximum additional floor space ratio of 1.8 provided that a minimum 0.7 FSR of any cultural and recreational, manufacturing, transportation and storage, utility and communication, and wholesale uses is provided.

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 relax 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

5 Relaxation of Regulations

5.1 The Director of Planning may relax the maximum height, location regulations and floor area in section 2.2.A for accessory buildings and accessory uses except that, in any event, the relaxed height shall not exceed the maximum prescribed in section 4.3.1 and the relaxed floor space shall not exceed 33-¹/₃ percent of the gross floor area of the principal and accessory uses combined.

5.2 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

5.3 The Director of Planning may, provided that the Director Planning first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council and the submission of any advisory group, property owner or tenant, relax the provisions of section 4.7.1 in the MC-1 District, excluding sub-area A as shown in Figure 1, and the MC-2 District, to permit an increase in the total floor space ratio up to a maximum of 2.50, subject to the following:

- (a) none of the following uses shall, subject to clause (b), exceed a floor space ratio of 1.50:
 - (i) cultural and recreational;
 - (ii) In MC-1, dwelling and, for the purpose of this clause, an Artist Studio and its associated residential unit which shall together be considered as a dwelling use;
 - (iii) institutional;

- (iv) manufacturing, transportation and storage, utility and communication, and wholesale, combined;
- (v) office;
- (vi) parking;
- (vii) service; and
- (viii) other uses pursuant to section 3.2.Z;
- (b) as part of the increased total floor space ratio permitted under clause (a), the Director of Planning may relax the maximum floor space ratio for dwelling uses to up to 1.80;
- (c) In MC-2, dwelling and, for the purposes of this clause, an Artist Studio - Class B and its associated residential unit which shall together be considered as a dwelling use, the maximum floor space ratio shall be 1.0; and;
- (d) the maximum floor area in retail use shall be 1 300 m².