

MC-1 and MC-2 Districts Schedule

1 Intent

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.

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]

- 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.
- 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.
- Software 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, subject to the provisions of section 11.4 of this By-law.
- 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, including section 3.3.3, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such other conditions as it may decide, provided that it 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.
- 3.2.1C [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, subject to the provisions of section 11.17 of this By-law.
 - Group Residence, subject to the provisions of section 11.17 of this By-law.
- 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, subject to the provisions of section 11.10 of this By-law.
 - Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
 - Liquor Store.
 - Pawnshop.
 - Secondhand Store.
 - Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
 - 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 Development Permit Board 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, Subject to section 11.18 of this by-law.

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 Development Permit Board 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 Development Permit Board 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.

- Residential Unit associated with and forming an integral part of an Artist Studio, subject to section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

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

3.2.3C [Cultural and Recreational]

- Artist Studio - Class B, subject to section 11.18 of this By-law, but only if the change of use applies to floor space existing as of September 10, 1996 and additions do not exceed a maximum of 10 percent of the existing floor space.

3.2.3DW [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, subject to section 11.19 of this By-law.

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; and
- (h) farmers' market.

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 he 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.

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 benefiting pedestrian character are provided;
- (b) a front setback to improve the livability of dwelling uses or community care facilities or group residences above grade;

provided that in both cases he 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 residential balconies or sundecks, 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 eight percent of the residential floor area being provided;
 - (b) patios and roof gardens for residential purposes only provided that the Director of Planning first approves the design of sunroofs and walls;
 - (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;
 - (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; and
 - (f) portions of exterior walls contributing to thermal and building envelope performance, in accordance with the provisions of section 10.33 - Exterior Wall Exclusions, in Section 10 of the General Regulations of the Zoning & Development By-law.

- 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.

4.8 Site Coverage -- Not Applicable

4.9 [Deleted -- See Parking By law]

4.10 Horizontal Angle of Daylight

- 4.10.1 All habitable rooms in buildings used for residential purposes shall have at least 1 window on an exterior wall which complies with the following:
- (a) the window shall 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, shall be unobstructed over a distance of 24.0 m; and
 - (b) the plane or planes shall be measured horizontally from the centre of the bottom of the window.
- 4.10.2 For the purpose of section 4.10.1, the following shall be considered as obstructions:
- (a) the maximum size building permitted on any adjoining sites;
 - (b) part of the same building including permitted projections; and
 - (c) accessory buildings located on the same site as the principal building.
- 4.10.3 For the purposes of section 4.10.1, the following shall not be considered as habitable rooms:
- (a) bathrooms; and
 - (b) kitchens, unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m², whichever is the greater.

4.11-4.14 [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- $\frac{1}{3}$ percent of the gross floor area of the principal and accessory uses combined.
- 5.2** The Director of Planning may, in the case of a dwelling unit located above the first floor, relax the horizontal angle of daylight requirement of section 4.10.1 having regard to the livability of the resulting dwelling units and provided that a minimum distance of 3.7 m of unobstructed view is maintained.
- 5.3** 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 he 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.
- 5.4** The Director of Planning may, provided that he 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 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.