

CD-1 (719)

188 East 6th Avenue and
2221-2299 Main Street
(formerly 2221-2223 Main Street)

By-Law No. 12304

Being a By-law to Amend Zoning and Development By-law No. 3575

Effective October 30, 2018

Amended up to and including:

By-law No. 12633, dated February 11, 2020

Consolidated for Convenience Only

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to this CD-1 By-law or provides an explanatory note.

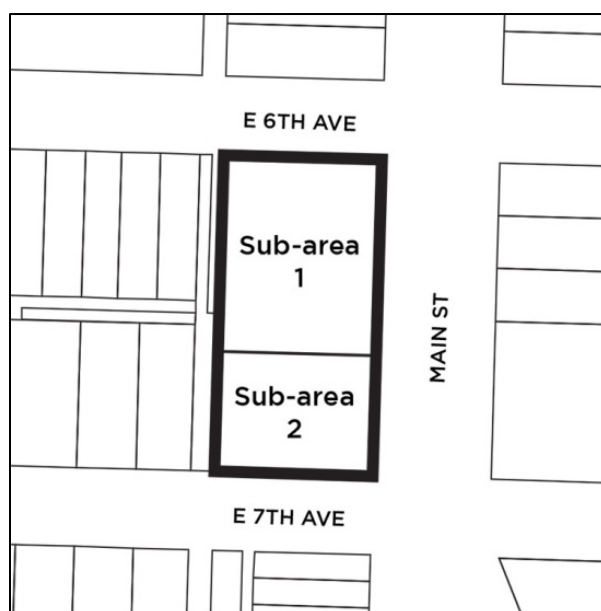
1 Zoning District Plan Amendment

This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-726 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

2 Sub-Areas

The site is to consist of two sub-areas generally as illustrated in Figure 1, for the purpose of allocation of use, conditions of use, maximum floor area, maximum density and maximum height.

Figure 1



3 Uses

- 3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (719).
- 3.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (719), and the only uses of which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Cultural and Recreational Uses, limited to Artist Studio, Arts and Culture Indoor Event, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, Museum or Archives, Park or Playground, and Theatre;

- (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
- (c) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewing or Distilling, Dairy Products Manufacturing, Jewellery Manufacturing, and Printing and Publishing;
- (e) Office Uses;
- (f) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, and Secondhand Store;
- (g) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class A, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, and Wedding Chapel;
- (h) Utility and Communication Uses, limited to Public Utility and Radio Communication Station; and
- (i) Accessory Uses customarily ancillary to the uses listed in this Section 3.2.

4 Conditions of use

- 4.1 No portion of the first storey of a building, within a depth of 10.7 m of the front wall of the building and extending across its full width, shall be used for residential purposes except for entrances to the residential portion.
- 4.2 All commercial uses permitted in this By-law shall be carried on wholly within a completely enclosed building except for:
 - (a) Farmers' Market;
 - (b) Neighbourhood Public House;
 - (c) Public Bike Share;
 - (d) Restaurant; and
 - (e) display of flowers, plants, fruits and vegetables in conjunction with a permitted use.

- 4.3 The design and lay-out of at least 50% of the dwelling units must:
- (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council’s “High-Density Housing for Families with Children Guidelines”.

4.4 In Sub-area 2, the only permitted use is Park or Playground and ancillary uses.

5 Floor area and density

- 5.1 Computation of floor space ratio for Sub-area 1 must assume that the site consists of 3,241 m², being the site size of Sub-area 1 and Sub-area 2 combined at the time of application for the rezoning as evidenced by this By-law, prior to any dedications.
- 5.2 Computation of floor space ratio for Sub-area 2 must assume that the site consists of 3,241.1 m², being the site size of Sub-area 1 and Sub-area 2 combined at the time of application for the rezoning as evidenced by this By-law, prior to any dedications.
- 5.3 The floor area and density for all permitted uses in each sub-area must not exceed the maximum permitted floor area and density set out in the following table:

Sub-area	Maximum Permitted Floor Area (m²)	Maximum Permitted Density (FSR)
1	11,107	3.43
2	97	0.03

[12633; 2020 02 11]

- 5.4 The maximum floor area for all uses combined in Sub-area 1 must not exceed 11,107 m². [12633; 2020 02 11]
- 5.5 The maximum floor space ratio for all uses combined in Sub-area 1 must not exceed 3.43. [12633; 2020 02 11]
- 5.6 Computation of floor area must include all floors of all buildings, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 5.7 Computation of floor area must exclude:
- (a) open residential balconies or sun decks and any other appurtenances, which in the opinion of the Director of Planning are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of the residential floor area being provided, and
 - (ii) the balconies must not be enclosed for the life of the building;

- (b) patios and roof gardens, if 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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, and access corridors to such uses, to a maximum total area of 10% of the total permitted floor area; and
- (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

5.8 The use of floor area excluded under section 5.7 must not include any use other than that which justified the exclusion.

6 Building height

Building height in Sub-area 1 must not exceed 30.94 m, measured from base surface.

7 Horizontal angle of daylight

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 The location of each such exterior window must allow 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, to encounter no obstruction over a distance of 24.0 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board 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.

7.5 An obstruction referred in section 7.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (719).

7.6 A habitable room referred to in section 7.1 does not include:

- (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 .

8 Acoustics

A development permit application for dwelling uses must include an acoustical report prepared by a licensed professional engineer, demonstrating that the noise levels in those portions of the dwelling units listed below will 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 (Leq24) sound level and will be defined simply as noise level in decibels.

Portions of dwelling units Noise levels (Decibels)

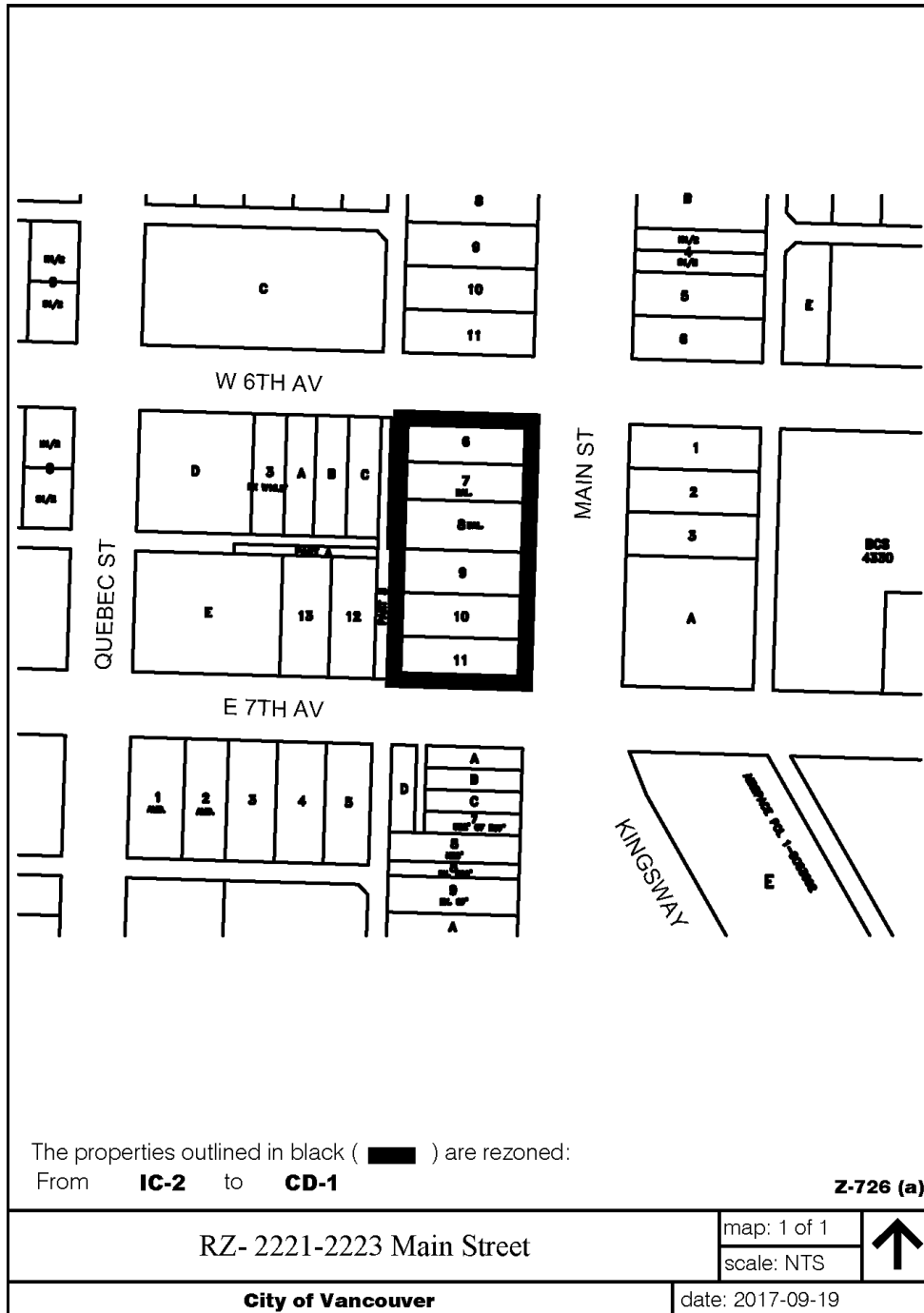
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

9 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

10 *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and certify the by-law number and date of enactment.]*

Schedule A



Public Hearing – October 17, 2017 – Item 1 – [Agenda](#)

Summary – Rezone from IC-2 (Industrial) District to permit the development of a stepped nine-storey mixed-use building with 145 social housing units and commercial uses at grade, at a height of 30.8 m (101.1 ft.) and a floor space ratio (FSR) of 3.33.

By-law enacted on October 30, 2018 – [By-law No. 12304](#)

Public Hearing – January 21, 2020 – Item 2 – [Agenda](#)

Summary – Amend CD-1 (719), By-law No. 12304, to permit the addition of a social service centre (the Mid-Main Community Health Clinic) as well as a structural change to the roof slab.

By-law enacted on February 11, 2020 – [By-law No. 12633](#)