

USE ZONE TABLE

141. DOWNTOWN SMITHVILLE

PERMITTED USE CLASSES (See Regulation 127)

Theatre, cultural and civic, general assembly, place of worship, passenger assembly, club and lodge, catering, shop, child care, commercial residential**, office, medical and professional, personal service, general service, communications, police station, indoor market, outdoor market, conservation, apartment building**

** (See condition no. 7)

(22 June 2017)

DISCRETIONARY USE CLASSES (See Regulations 26 and 128)

Educational, amusement, indoor assembly, collective residential**, recreational open space, take-out food service, convenience store

** (See condition no. 7)

(22 June 2017)

CONDITIONS

(15 May 2015)

1. Development Standards

- | | | |
|-----|---|------------------|
| (a) | Minimum Building Height
storeys | 6.5 metres or 2- |
| (b) | Maximum Height
metres | 24 |
| (c) | Minimum Building Line Setback
metres | 0 |
| (d) | All other development standards to be determined through a Comprehensive Development Plan | |

2. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

(22 June 2017)

3. Advertisement Relating to Offsite Uses / Third Party Advertisements

The conditions to be applied to the erection or display of Third Party advertisements on any site, relating to a use permitted in this or another zone or not relating to a specific land use, shall be as follows:

- (a) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

(22 June 2017)

4. Temporary Advertisement

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

5. Non-Conforming Uses

Regulation 82 and/or Regulation 83 apply to legal use of buildings or land as non-conforming uses in this zone.

6. Developments and Improvements

- (a) Existing uses within this zone may continue.

- (b) No major developments or improvements shall take place in this zone until a Comprehensive Development Plan has been adopted by the Authority for the entire area or a portion thereof, as the Authority deems necessary.
- (c) Some limited uses may be permitted subject to satisfactory servicing, road access and fire protection, provided that the uses will not inhibit or prejudice the remaining land from comprehensive development.
- (d) Costs associated with preparation of a Comprehensive Development Plan shall be the responsibility of the Applicant.
- (e) A Comprehensive Development Plan shall include land use, road layout, water, sewer and storm water services, parking, site access, service access, pedestrian movement and public access to the water's edge, landscaping, built form, locations of public spaces and development standards.
- (f) A Comprehensive Development Plan for this area shall be supported by a Land Use Assessment Report, which shall include, but is not limited to, assessment and mitigation of flood risk and assessment and mitigation of potential hazardous materials on the site or within the soil. The Comprehensive Development Plan and Land Use Assessment Report may be combined.

7. Residential Uses Restrictions

Residential uses shall not be permitted at or below the ground level of any building in this zone. Apartment buildings that are not developed as part of a mixed-use commercial development must utilize the ground floor for non-habitable activities or parking. The ground floor of commercial residential or collective residential uses shall not be utilized as habitable rooms.

8. Parking

Above-grade or surface parking shall not be permitted between a public street or public open space and the Building Line.

9. Drive-Thru Uses

Drive-thru facilities will not be permitted in the Downtown Smithville zone.

10. Accessory Buildings

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

11. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

(15 May 2015)