

USE ZONE TABLES

140. DOWNTOWN COMMERCIAL

PERMITTED USE CLASSES (See Regulation 127)

Theatre, cultural and civic, general assembly, place of worship, passenger assembly, club and lodge, catering, funeral home, child care, commercial residential, office, medical and professional, personal service, general service, communications, police station, taxi stand, take-out food service, veterinary, shopping centre, shop, indoor market, conservation, convenience store.

DISCRETIONARY USE CLASSES (See Regulations 26 and 128)

Educational, amusement, indoor assembly, apartment building*, collective residential, outdoor market, service station, recreational open space, antenna, boarding house residential, single, double and row dwelling, medical treatment and special care**, animal***

*(See condition no. 10) **(See condition no. 14) *** (See condition no. 15)

CONDITIONS

1. Development Standards

(a) The development standards for this zone shall be as follows:

- | | | |
|-------|---|--------------|
| (i) | Minimum Building Line Setback | 0 metres |
| (ii) | Maximum Building Line Setback | 4 metres |
| (iii) | Minimum Side yard width (except where buildings

are constructed with a party wall) | 2 & 5 metres |
| (iv) | Minimum Rear yard | 10 metres |
| (v) | Maximum Height | 24 metres |

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. Apartments Attached to Shops or Businesses

Where apartments are attached to shops or other businesses, they are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be

developed as Amenity Areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This Amenity Area shall be calculated or included as part of the lot area, so that the lot area required in these regulations shall include the Amenity Area.

6. Boarding House Residential

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

7. Overhanging Advertisements and Canopies on City Right-of-Ways

- (a) Permission to erect overhanging advertisements or canopies on street reservations shall be subject to a license agreement between the City and the owner or tenant of the property or "lessee."
- (b)
 - (i) An overhanging advertisement shall not exceed 2.7 square metres in area and shall not project more than 1 metre from the building facia including attachments.
 - (ii) Overhanging advertisements shall be restricted to the onsite use.
 - (iii) A canopy shall not project more than 1.2 metres from the building facia including attachments.
- (c) The general appearance of an advertisement or canopy shall be assessed considering the amenity of the surroundings, availability of utilities, public

safety and convenience. It must also be aesthetically pleasing.

- (d) Overhanging advertisements or canopies containing advertisements shall form part of the maximum allowable advertisement for the site (reference 2 (ii) relating to advertisement of Onsite Uses).
- (e) The Authority may conditionally approve or refuse any overhanging advertisement or canopy on street reservations.
- (f) For the purpose of this zone, overhanging advertisements shall be permitted over street reservations.

8. Front Setback and Rear Yard

When infilling (new development) or redeveloping (replacing the previous development on the site) in the Downtown, the Authority reserves the discretion to decrease the front setback and rear yard standards where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are maintained. Parking will be as specified by the Authority.

9. Side yard

When infilling, (new development), redeveloping (replacing the previous development) on the site, or extending or repairing an existing development in the Downtown Commercial, the Authority reserves the discretion to decrease the side yard standard to the side property boundary where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are not compromised. Other relevant factors will also be taken into consideration including, but not limited to, the condition, function and aesthetic or design of any adjacent development.

10. Apartment Buildings

Apartment buildings in the Downtown Commercial zone shall meet the Residential High Density development standards for any required standard(s) not specified in the Use Zone Table. Parking shall be as specified in Schedule D, unless otherwise specified by the Authority.

11. Intensification**(a) Parking**

- (i) Surface or above-grade parking areas will not be permitted between a public street and the Building Line. Existing parking areas between a public street and the Building Line are permitted to continue as non-conforming uses.

(b) Commercial Ground Floor Height

- (i) For all non-residential uses, the ground floor height (floor-to-ceiling) must be at least 3.8 metres.

(c) Regulations for buildings fronting Main Street, Herald Avenue, Broadway and West Street ('the Shopping Streets') notwithstanding the general regulations of this zone, the following conditions apply to buildings fronting Main Street, Herald Avenue, Broadway and West Street:

- (i) Drive-thru uses will not be permitted. Existing drive-thru uses are permitted to continue as non-conforming uses.
- (ii) Maximum Building Height: 16 metres (5 storeys).
- (iii) Where Building Height exceeds 10 metres, the building must be set back an additional 1.5 metres from the ground floor façade.

- (iv) Minimum building height: 6.5 metres or two-storeys.
- (v) Notwithstanding condition 14(b) above, buildings located on the west side of West Street may not exceed 10 metres (3 storeys) to protect views to Three Bear Mountain.
- (vi) Residential uses will not be permitted on the ground floor.
- (vii) A minimum of 60% of the building frontage onto the street must be glazed

12. 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.

13. 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.

14. Medical Treatment and Special Care

(03 August 2018)

The medical treatment and special care classification of use, limited to children's homes, convalescent homes, homes for the aged, orphanages, infirmaries, sanatoria and medical treatment centres, may be permitted at the discretion of the Authority where they may be considered as a public use, providing a service to the community and regional area.

15. Animal

(17 August 2018)

Animal use in the Downtown Commercial zone pertains only to the exclusive indoor kenneling of non-canine household pets.