

## COMPREHENSIVE DISTRICT (CD-1)

### INTENT

126. The intent of this district is to provide for a wide range of goods and services, to maintain commercial activities and personal services that require central locations to serve the local neighbourhoods and to provide for dwelling uses designed compatibly with commercial uses. The design guidelines shall be used in conjunction with the by-law and the intent of the guidelines shall be adhered to.

### OUTRIGHT APPROVAL USES

127. (1) The shaded area shown on Schedule “1” attached hereto, shall be more particularly described as CD-1, and the only uses permitted within the outlined area, subject to all other provisions of this by-law and to compliance with section 127(3) and all other applicable regulations permitted in this District, and the only uses for which development permits will be issued are:
- (2) Uses:
- a) Bank or Financial Institution.
  - b) Barber/Beauty Parlour.
  - c) Business School or Commercial School.
  - d) Community Village Space.
  - e) Clinic or Office for medical, dental or similar purposes, including associated laboratory facilities, but not including any such use where the principal services rendered are related to drug or alcohol detoxification or rehabilitation.
  - f) Electric Repair Shop.
  - g) Grocery Market.
  - h) Multiple Family Dwellings.
  - i) Office.
  - j) Outdoor Plaza and Courtyard.

- k) Parking Area, subject to the provisions of section 137 of these regulations.
- l) Photography Studio or Photograph Gallery.
- m) Residential Amenity Space.
- n) Full-Service Restaurant.
- o) Retail or Service outlets catering to the needs of the local neighbourhood except those specifically identified as Conditional Uses in Section 128(2).
- p) Shoe Repair shop.
- q) Service Outlet for the collection and distribution of laundered or dry-cleaned articles but, not for the treatment, cleaning or processing of such articles.
- r) Tailor Shop.

(3) Conditions of Use

- a) Lot 1, 2, 3, 4, 5, 13 & 14 (Parcel I)
  - i) all ground floor space on Lot 1, 2,3 ,4 ,5, 13 &14 (Parcel I), shall only be occupied by lobby space for access to upper floors or by the uses listed in sub-section (2) above, other than uses specified in sub-paragraphs (e), (h), (i) and (m), or by any uses approved in accordance with Section 128;
  - ii) all second floor space shall only be occupied by the uses listed in sub-section (2) above, other than the uses specified in sub-paragraph (h), or by any uses approved in accordance with Section 128.
- b) Block M (Parcel II)
 

All ground floor space on Block M (*Parcel II*), shall only be occupied by lobby space for access to upper floors or the uses listed in sub-section (2) above, other than the uses specified in sub-paragraph (e), (h), (i) and (m); except for frontage along Dalhousie Road which may also be occupied by

uses (e) and (i); or

other uses approved in accordance with Section 128.

c) Block N (Parcel III)

All ground floor space on Block N (*Parcel III*), shall only be occupied by the uses listed in sub-section (2) above, or by uses approved in accordance with Section 128.

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

- i) loading facilities;
- ii) outdoor restaurant seating;
- iii) display of flowers, plants, fruits and vegetables.

e) All buildings within this District shall:

- i) provide an accessible, properly ventilated, garbage holding area within the building envelope of all new developments of sufficient size to contain garbage produced by the occupants of the building.
- ii) where a building contains more than 4 dwelling units, a recycling area of sufficient size to accommodate recyclable material produced by the occupants of the building, shall be provided within the building envelope.

#### CONDITIONAL APPROVAL USES

128. (1) Subject to all other provisions of this Bylaw and all the other applicable regulations, the Manager may approve any of the uses listed in Section 128(2), subject to the conditions of Section 128(3) and including such conditions or additional regulations the Manager may decide, provided that before making a decision the Manager:

- a) considers the intent of the By-law, the Design Guidelines, and the recommendations of the *Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008)*; and
  - b) notifies such adjacent property owners and residents the Manager deems may be affected.
- (2) Conditional Uses:
- a) Appliance Repair Shop.
  - b) Bed and Breakfast Accommodation.
  - c) Bowling Alley, Pool Hall, or similar facility for public use excluding a Video Arcade.
  - d) Child Day Care Facility.
  - e) Collection Agency.
  - f) Convenience Store.
  - g) Craft Manufacturing Shop with retail sales.
  - h) Health Club.
  - i) Hotel.
  - j) Liquor Store.
  - k) Non Full-Service Restaurant (Fast Food, Take-Out).
  - l) Pet Shop.
  - m) Place of Worship.
  - n) School (professional, vocational or trade).
  - o) School (public or private).
  - p) School or Academy for the teaching of drama, music, art, dance, meditation, self-defence, self-improvement and similar arts.
  - q) Social Service Centre.
  - r) Special Needs Residential Facility.
  - s) Temporary Parking Area.

- t) U-Brew.
- u) Any other use which is not specifically listed in this or any other Land-Use District in this bylaw but which the Manager considers comparable in nature to the uses listed for this District, having regard to the intent of this Land-Use District.

(3) Conditions of Use

All conditions of section 127 (3) shall apply.

FLOOR SPACE RATIO

129. (1) a) Lot 1, 2, 3, 4, 5, 13 & 14 (Parcel I) shall have a maximum floor space ratio of 2.5.
- b) Block M (*Parcel II*) shall have a maximum floor space ratio of 2.5.
- c) Block N (*Parcel III*) shall have a maximum floor space ratio of 2.5.
- (2) The following will be included in the computation of floor space ratio:
- a) all floors having a minimum ceiling height of 4 feet, including earthen floor, both above and below ground level, to be measured to the outer limits of the glazing or where applicable to the centerline of the building walls;
  - b) stairways, fire escapes, elevator shafts and other features which the Manager considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

- (3) The following will 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 Manager, are similar to the foregoing;
  - b) open patios and roof gardens, provided that the Manager first approves the design of sunroofs and walls;
  - c) where floors are used for off-street parking and loading, bicycle storage, heating mechanical equipment, recycling facilities, garbage holding areas or uses which in the opinion of the Manager are similar to the foregoing, those floors or portions thereof so used, which:
    - i) are at or below the average grade, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length.
  - d) community village space, residential amenity space, day care facilities, to a maximum total of 5 percent of the total building floor area;
  - e) areas of undeveloped floors which are located:
    - i) above the highest storey or half storey and to which there can be no permanent means of access other than a hatch; or
    - ii) adjacent to a storey with a ceiling height of less than 4 feet.
  - f) residential storage space provided that where the space is provided at or above the average grade, the maximum exclusion shall be 40 square feet per dwelling unit.

#### FRONTAGE

130. (1) The maximum frontage for each ground floor commercial unit shall not exceed 25 feet except:

- a) a grocery market which may be 50 feet or;
  - b) any use approved by the Manager, after consulting with the *Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008)*.
- (2) Where residential dwellings are located above the first floor of retail or office space, ground floor lobby frontage is limited to 20 feet.

## HEIGHT

131. (1) The maximum height on Lot 1, 2, 3, 4, 5, 13 & 14 (*Parcel I*) shall not exceed 4 storeys or 45 feet but, the Manger, after consulting with the *Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008)*, may permit a maximum height of 4 storeys or 50 feet.
- (2) The maximum height on Block M (*Parcel II*) and Block N (*Parcel III*) shall not exceed 6 storeys or 70 feet.
- (3) The Manager, at his discretion, may permit a greater height than otherwise permitted for the following items if they do not in total, exceed one-third of the width of the building or buildings as measured on any elevation drawings and do not in total, cover more than 10 percent of the roof area on which they are located as viewed from directly above:
- a) architectural appurtenances such as towers, turrets, cupolas, trellises and roof garden access, provided:
    - i) no additional floor area is created; and
    - ii) no protrusion extends more than 4 feet above the height limitation.
  - b) mechanical appurtenances such as elevator machine rooms;
  - c) chimneys;
  - d) items similar to any of the above.

## SETBACKS

## 132. (1) Street Setbacks

- a) All street front buildings shall be constructed at a setback (Build-to-Line) of 10 feet from the property line and have a frontage height of 3 storeys. Up to 50 percent of this frontage requirement may be further set back to achieve greater articulation in the facade;
- b) The fourth and fifth floors of all street front buildings shall be constructed an average of 18 feet, with no portion closer than 10 feet, from the property line;
- c) The sixth floor of all street front buildings shall be constructed an average of 26 feet with no portion closer than 18 feet from the property line;
- d) Setbacks shall not apply to areas below grade;
- e) Balconies and bay windows may intrude into the required setbacks;
- f) The Manager, after consulting with the *Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008)* may permit variances to the building setbacks to improve design articulation and building appearance.

## (2) Lane Setbacks

- a) Lot 1, 2, 3, 4, 5, 13 & 14 (*Parcel I*) shall have a minimum setback from Lane C of 4 feet;
- b) Block M (*Parcel II*) shall have a minimum setback from Lane C of 4 feet;
- c) Block N (*Parcel III*) shall have a minimum setback from the New Lane of 4 feet;
- d) setbacks shall not apply to areas below grade.



## LANES

133. (1) Vehicle access to Lane B to and from University Boulevard shall be closed.
- (2) Lane C shall extend from Western Parkway to Allison Road.
- (3) Lane C shall be a minimum of 20 feet wide and the new lane shall be a minimum of 24 feet wide.

## PUBLIC EASEMENT

134. Block N shall have a 20 foot north/south public easement or statutory right of way in favour of the Crown registered as a charge on the land. The easement shall be located adjacent to the western property line, a pedestrian walkway with landscaping on either side shall be required within the easement.

## OPEN SPACE REQUIREMENTS

135. (1) Lot 1, 2, 3, 4, 5, 13 & 14 (*Parcel I*) shall have a publicly accessible plaza no less than 1,500 square feet located at the corner of Western Parkway and University Boulevard.
- (2) Block M (*Parcel II*) shall have a publicly accessible plaza no less than 3,000 square feet located mid-block, on Western Parkway, adjacent to the sidewalk; and shall have a mid-block publicly accessible east/west walkway connecting the plaza to the eastern property line.
- (3) Block N (*Parcel III*) shall have a landscaped inner courtyard no less than 4,000 square feet located immediately east of and adjacent to the north/south easement.

## SITE COVERAGE

136. (1) Lot 1, 2, 3, 4, 5, 13 & 14 (*Parcel I*) shall have a maximum site coverage of 75%.
- (2) Block M (*Parcel II*) shall have a maximum site coverage of 65%.
- (3) Block N (*Parcel III*) shall have a maximum site coverage of 65%.

## PARKING PROVISIONS

Schedule 3: Parking Requirements are not applicable in the Comprehensive District (CD-1)

137. (1) On-Site Parking
- a) Residential - a minimum of 1.1 spaces for every dwelling unit and one additional space for every 2,000 square feet of gross floor area, except that no more than 2.2 spaces for every dwelling unit need be provided;
  - b) Residential - a minimum of 1 space for every 5 dwelling units.  
Guest Parking - Residential guest parking shall be located so that it is safe convenient and easily found and shall not be limited in its use by security gates or fencing;
  - c) Retail - a minimum of 0.50 spaces per 1000 square feet of floor space;
  - d) Grocery Store - a minimum of 0.40 spaces per 1000 square feet of floor space;
  - e) Office - a minimum of 2.00 spaces per 1000 square feet of floor space;
  - f) Restaurant - a minimum of 0.50 spaces per 1000 square feet of floor space.

Where floor area is used as a unit of measurement for the calculation of required parking spaces, it shall include the gross floor area of the building(s) excluding only floor space for community village space and floor space within the basement used to provide parking, including access aisles.

## RESIDENTIAL DWELLINGS

138. (1) The minimum residential unit sizes shall be:
- a) One bedroom - 650 square feet;
  - b) Two Bedroom - 850 square feet;
  - c) Three bedroom - 1050 square feet.

## SIGNAGE

Schedule 4: Sign Control requirements are not applicable in the Comprehensive District (CD-1)

139. (1) Signs that are not expressly permitted in this bylaw are prohibited.
- (2) Visibility into shops from the street shall be maintained, any solid signage, advertising or blackout panels placed against the inside surfaces of store front glazing are prohibited. Clear glass shall be used for retail store fronts.
- (3) Prohibited Signs
- a) Billboards;
  - b) Revolving signs;
  - c) Banners, pennants, bunting, flags (other than national, provincial, municipal flags), balloons or other gas-filled inflatable devices;
  - d) Roof signs;
  - e) Changeable copy signs;
  - f) Sandwich boards or any other temporary signs;
  - g) Back-lit signs.

(4) Permitted Signs

- a) projecting signs are permitted subject to the following regulations:
  - i) minimum clearance of 8.0 feet above grade;
  - ii) maximum 6 square feet in area;
  - iii) mounted in the middle one-third of the frontage of the premises and not more than 4 feet from the building face.
  
- b) Signs on Awning Drops are permitted subject to the following regulations:
  - i) maximum awning drop/skirt of 16 inches in depth;
  - ii) painted on vinyl applied lettering or incised lettering with applied backing;
  - iii) no rear lighting installed under awnings; and
  - iv) no signage or graphic material on any sloped, curved or vertical portion of an awning other than on a drop, as described above.
  
- c) Hanging Signs are permitted subject to the following regulations:
  - i) minimum clearance of 8 feet above grade;
  - ii) maximum area 6 square feet; and
  - iii) mounted in the middle one-third of the frontage of the premises under awnings and canopies.
  
- d) Window Signs are permitted subject to the following regulations:
  - i) maximum area of 6 square feet;
  - ii) paper, cardboard, plastic or fabrics are not permitted for window sign construction, with the exception of cut-out vinyl surface applied to inside of glazing; and
  - iii) No back-lit signs, displays, or product machines may be visible through store windows.
  
- e) Building Directories are permitted subject to the following regulations
  - i) maximum area of 6 square feet; and
  - ii) located at the front entrance of building.

(5) Number of Signs

A maximum of two permanent signs are permitted per business frontage.

(6) Materials

Exposed surfaces of signs may be constructed of any material with the exception of plastic, fibreglass, plywood or particle board either painted or unfinished.

(7) Colour

Colour of signage must be coordinated with the building facade with which it is associated.

(8) Lighting

a) Signs may incorporate front-lighting for their illumination;

b) Limited use of rear lighting is permitted, provided it is restricted to:

i) individually incised plastic or glass letters or symbols mounted in a solid, opaque sign face; and

ii) individual halo-lit lettering or symbols mounted on a solid, opaque background;

iii) neon signs are permitted as a form of illuminated signage.

(9) Height

a) Signs must be located no higher than the finished third floor level;

b) Signs located over pedestrian areas or sidewalks shall have a minimum clearance of 8 feet above grade.

(10) Lettering

a) The maximum permitted lettering size on any sign is 1 foot;

b) Symbols are encouraged, depicting the nature of the business occupation.

## (11) Comprehensive Sign Plan

- a) A comprehensive sign plan showing the size, type, location, and number of signs for each parcel. The design, placement and colour of the signs shall be coordinated with the architectural elements of the building and take into consideration the intent of the Design Guidelines;
- b) No permanent sign shall be placed on the parcel until a Comprehensive Sign Plan has been submitted and approved by the Manager;
- c) Prior to approving a Comprehensive Sign Plan the Manager shall consider:
  - i) conformance of the proposed signs with the bylaw and design guidelines;
  - ii) the consistency of the plan with signs on adjoining parcels; and
  - iii) the recommendation of the University Endowment Lands *Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008)*;
- d) When a Comprehensive Sign Plan is approved, all signs placed on a parcel must be in compliance with the Comprehensive Sign Plan for that parcel.

## (12) Application for Sign Permit

- a) Before any person places, erects or alters a sign, that person shall make application in writing to the Manager and shall obtain a sign permit.
- b) An application shall be on a form prescribed by the Manager and shall include:
  - i) a statement by the owner confirming that they approve the application and that the proposed sign conforms with the Comprehensive Sign Plan;

- ii) drawings to scale for each side of the sign, giving all pertinent dimensions as well as the colour scheme, materials, copy and type face, and details of surrounding framework and structural mounting details; and
  
- iii) drawings to scale showing the position of the sign painted on or attached to the building or structure together with the location of any existing signs.