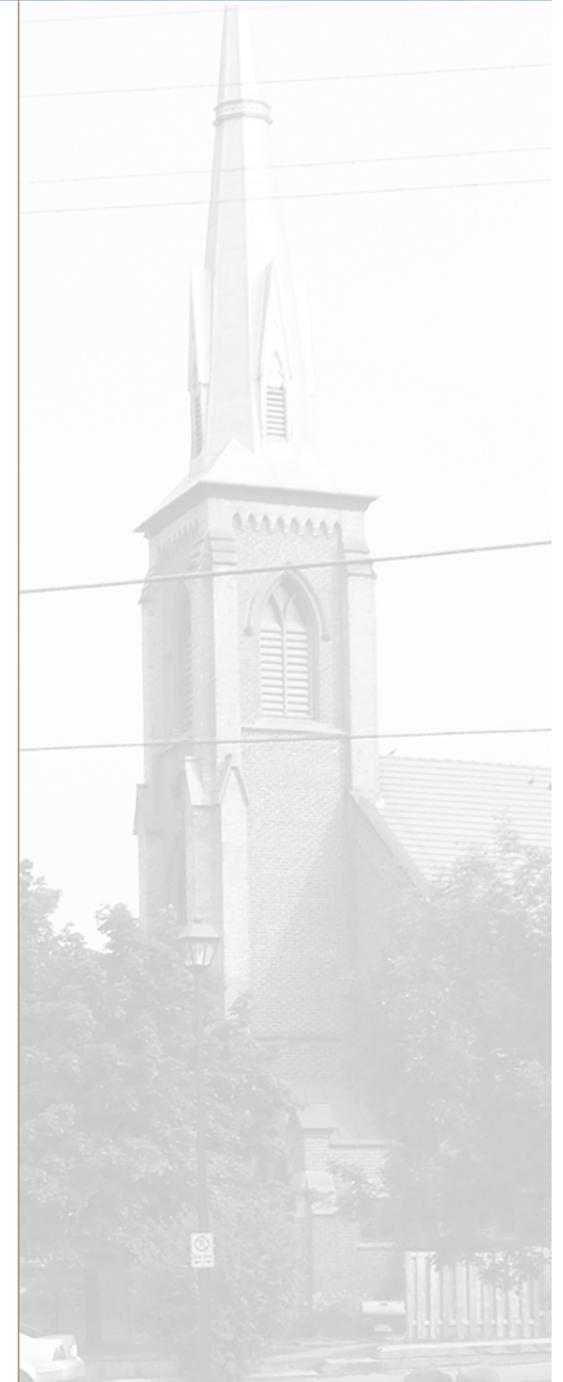


Part 4.0 DEVELOPMENT REGULATIONS

- 4.1 Districts
- 4.2 Permitted and Prohibited Uses, Standards and Standard Specific Criteria and Other General Provisions
- 4.3 DPS REGULATIONS MATRIX



PART 4.0 DEVELOPMENT REGULATIONS

4.1 Districts

The following districts are established for the Main Street North Development Permit System Area:

1. Central Area Mixed Use Two – Development Permit System (CMU2-DPS)
2. Central Area Mixed Use Three – Development Permit System (CMU3-DPS)
3. Residential Single Detached B – Development Permit System (R1B-DPS)
4. Institutional One – Development Permit System (I1-DPS)
5. Open Space – Development Permit System (OS-DPS)

4.2 Permitted and Prohibited Uses, Standards and Standard Specific Criteria and Other General Provisions

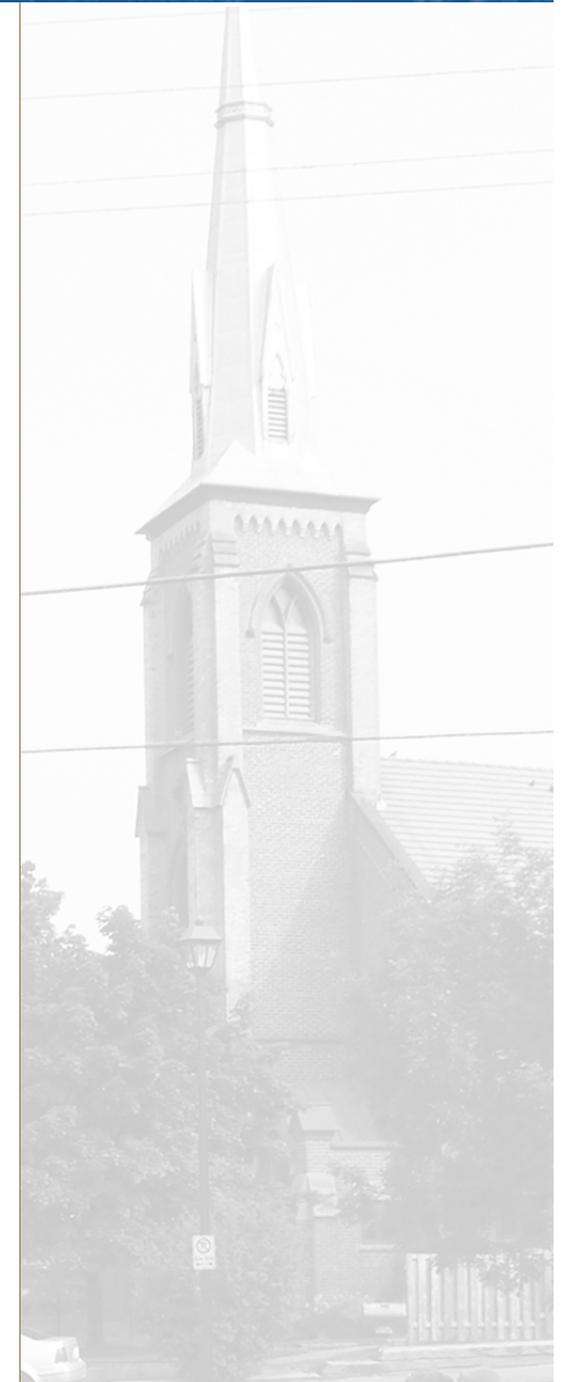
No lands shall be used, and no building or structure, grading, landscape or vegetation, shall be erected, located, used or altered, nor shall the use of any building, structure or lot or grading, landscape or vegetation of any lot be changed, in whole or in part, except in conformity with the following provisions as set out in the DPS Regulations Matrix.

4.3 DPS REGULATIONS MATRIX

- a. Permitted uses and Regulations pertaining to requirements and restrictions for uses and use of land, buildings, landscaping, grading, site servicing are provided in the matrix below. These provisions are also subject to all other applicable provisions within the parent provision for Development Permits By-law Areas under Chapter 1.0 of the Development Permit By-Law as amended.
- b. The symbol ‘●’ in the column for a specific district indicates that the Uses and any other Requirements and Restrictions as set out in the rows in the matrix apply to that specific district. A number following the symbol ‘●’ indicates that one or more conditions apply to the use, with that condition listed under the column entitled ‘Special Provisions’.
- c. If the cell in the matrix is blank for a particular row or provision, it shall be interpreted to mean that either the particular use/requirement is not permitted or that the regulation/requirement does not apply, as the case may be, based on a reasonable reading of the related text.
- d. Whether a variance to a particular permission, prohibition, requirement or restriction is permitted is indicated below each section in the matrix. Any related criteria, conditions and limitations are also set out.

4.3.1. Permitted Uses

Uses permitted in any DPS District as shown on Schedule ‘2’ to this By-law, as amended, are denoted in the column applicable to that district and corresponding with the row of a specific permitted use set out below.



4.3.1	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
A) Non-Residential Uses						
(1) Administrative Office of any Public Authority	•	•				
(2) Animal Hospital	•					
(3) Art Gallery or Studio	•	•				
(4) Bank, Trust Company or Financial Company	•					
(5) Bed and Breakfast Establishment	•	•	•(1)			(1) Maximum of 5 guests rooms per dwelling
(6) Children's or Senior's Activity Centre	•	•				(2) No outdoor play area shall be provided
(7) Commercial School	•	•				
(8) Community Club	•	•				
(9) Custom Workshop	•	•				
(10) Day Nursery	•	•		•		
(11) Dining Room Restaurant	•	•(3)				(3) No Minimum Number of Seats is required
(12) Dry Cleaning and Laundry Distribution Station	•					
(13) Grocery or Convenience Store	•					
(14) Health or Fitness Centre	•					
(15) Hotel	•	•				
(16) Laundromat	•					
(17) Medical Office	•	•				
(18) Office, not including medical office	•	•				
(19) Places of Commercial Recreation	•					
(20) Personal Service Shop	•	•(4)				(4) Maximum Gross Floor Area is 400 square metres
(21) Printing or Copying Establishment	•					
(22) Religious Institution	•	•		•		
(23) Retail Establishment	•	•(5)				(5) Maximum Gross Floor Area is 400 square metres

4.3.1	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
(24) Service Shop	•	•(4)				(4) Maximum Gross Floor Area is 400 square metres
(25) Supermarket	•					
(26) Take Out Restaurant	•					
(27) Theatre	•					
(28) Public Park	•	•	•	•	•	
(29) Alternate School Use and Adult Learning Centres	•(6)	•(6)				(6) Maximum Gross Floor Area is 200 square metres
B) Residential Uses						
(1) Apartment Dwelling	•(7)	•				(7) No part of a dwelling is permitted within that portion of the first storey that is within 6.0 metres of the exterior wall facing a streetline
(2) Multiple Residential Dwelling		•				
(3) Duplex Dwelling		•				
(4) Street Townhouse	•(8)	•(8)				(8) Only within the Medium Density Transition Character Sub-Areas (see Section 3.4)
(5) Townhouse	•(8)	•(8)				(8) Only within the Medium Density Transition Character Sub-Areas (see Section 3.4)
(6) Single Detached Dwelling		•(9)	•			(9) Only single detached dwellings which existed on the effective date of this Section are permitted
C) Other Uses						
(1) Purposes accessory to other permitted uses	•	•	•	•	•	
(2) Vehicular Access to Parking Areas on Adjacent Lands	•	•		•	•	
VARIANCES:						
<i>Permitted: Yes</i>						
<i>Criteria:</i>						
1. See Section 5.5.4						

4.3.2. Prohibited Uses

Uses that are prohibited in the DPS Districts as shown on Schedule '2' to this by-law, as either a principal or accessory use are denoted by the symbol '•' in the column applicable to that zone and corresponding with the row for a specific prohibited use as set out below:

4.3.2	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
(1) Adult Entertainment Parlours	•	•	•	•	•	
(2) Amusement Arcades	•	•	•	•	•	
(3) Body Art and Tattoo Parlours	•	•	•	•	•	
(4) Grocery or Convenience Stores		• (1)	•	•	•	(1) A grocery store or convenience store may be permitted where the CMU3-DPS district is also within a Medium Density Transition Character Sub-area as set out on Schedule 1.
(5) Drive Through Service Facilities Associated with Any Use	•	•	•	•	•	
(6) Garden Centre Sales Establishments	•	•	•	•	•	
(7) Massage or Body Rub Parlours	•	•	•	•	•	
(8) Taverns	•	•	•	•	•	
VARIANCES: <i>Permitted: No</i> <i>Criteria: N/A</i>						

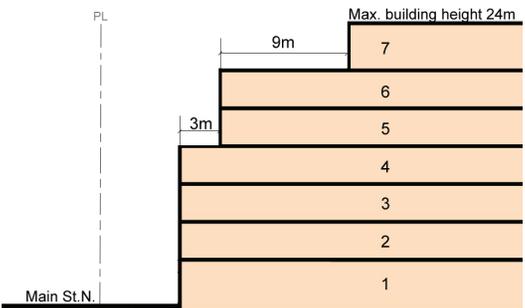
4.3.3. Site Development Standards

Any use of lands, buildings or structures, shall adhere to the following Site Development Standards:

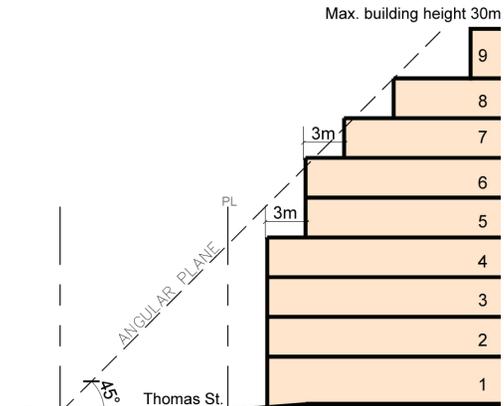
4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
A) Minimum Setback From Street Centreline						
1. Minimum setbacks are shown on Schedule 3	•	•	•	•	•	
2. The minimum setback on a vacant lot or for a new development where the existing structure on the lands will not be retained, shall be the average of the setbacks on abutting lots which front on the same side of the street	•	•(1)		•		(1) Except in the CMU3-DPS district for lands with a maximum permitted building height of 24 metres or 30 metres as set out on Schedule 5, the minimum setback to Main Street shall be as set out on Schedule 3
3. For that portion of any building that has a height of 15.5 metres or greater above grade, the minimum setback shall be increased by a minimum of 3.0 metres	•			•		
4. The minimum setback for an addition that joins two existing buildings shall be 6.0 metres greater than the minimum setback shown on Schedule 3		•				
VARIANCES:						
<i>Permitted: Yes</i>						
<i>Criteria:</i>						
1. See Section 5.5.4						
B) Maximum Setback From Street Centreline						
1. Maximum setbacks are shown on Schedule 3	•	•	•	•	•	

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
<p><i>VARIANCES:</i> Permitted: Yes Criteria: 1. See Section 5.5.4</p>						
<p>C) Minimum and Maximum Wall Length</p>						
1. Minimum building wall lengths are shown on Schedule 4	•	•	•	•	•	
2. For lands within the CMU3-DPS district and with a maximum permitted building height of 30 metres or 24 metres as shown on Schedule 5, the maximum building wall length along Main Street North for an individual building shall be 45 metres		•				
<p><i>VARIANCES:</i> Permitted: Yes Criteria: 1. The minimum building wall length may be reduced from 70% to no less than 50%, provided criteria under Section 5.5.4 are met.</p>						
<p>D) Minimum Building Heights</p>						
1. Minimum heights are shown on Schedule 5	•	•	•	•	•	
2. Minimum building heights only apply to that portion of building that is within 12.0 metres of any property line abutting a street		•	•	•		

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
3. Portions of the building that are not part of the primary building mass, such as entrance porticos, bays and stoops, are not required to meet the minimum height requirement	•	•	•	•		
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						
E) Maximum Building Heights						
1. Maximum building heights are shown on Schedule 5 and regulated by any applicable angular planes and setbacks set out on Schedule 6-1A, Schedule 6-1B and Schedule 6-2	•	•(1)	•	•	•	(1) For lands within the CMU3-DPS district and with a maximum permitted building height of 24 metres or 30 metres as shown on Schedule 5, the established grade shall be determined by the finished surface elevation at the outside of any wall facing Main Street North. The grade shall be determined by taking the arithmetic mean of the levels of the finished ground surface at the midpoint of each of those outside walls facing Main Street North. This provision shall only apply where a property has frontage on both Main Street and Thomas Street, otherwise the “established grade” definition under Chapter 1: Development Permit General Provisions, Section 10 shall apply
VARIANCES: Permitted: Yes						
Criteria: 1. Variances are not permitted in the CMU3-DPS district, except where the lands are also in the Medium Density Transition Character Sub-area as shown on Schedule 1. In this area a variance may be permitted, but shall not exceed 1.5 metres. 2. In the CMU2-DPS and R1B-DPS districts, a variance may be permitted but shall not exceed 1.5 metres. 3. An appropriate transition to adjacent lower-rise built form including existing low-rise residential shall be provided. This shall include use of massing, appropriate pitched roofs, façade articulation, building materials to provide for compatibility between neighbouring buildings. 4. See also Section 5.5.4.						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
F) Minimum Interior Side and Rear Yards, Angular Plane and Building Step-backs						
1. Minimum interior side and rear yard depths, Angular Planes and Building Step-backs are shown on Schedule 6, Schedule 6-1A, Schedule 6-1B and Schedule 6-2	•(1)	• (1)	• (1)	• (1)	• (1)	(1) Where the property is a through lot, the setbacks from the street centerline as set out in Section 4.3.3 A) and shown on Schedule 3 shall apply.
2. Any portion of a building above 15.5 metres above grade having windows for a dwelling unit must be located a minimum of 6.0 metres from any interior side or rear lot line	•					
3. Any building or structure on lands within the CMU3-DPS district and with a maximum permitted building height of 24 metres as shown on Schedule 5 shall: (a) for any portion of the building wall at the fifth and sixth floor along the Main Street North property line, have an additional minimum setback of 3.0 metres to the Main Street North property line than that portion of the building closest to the Main Street North property line below the fifth floor; (b) for any portion of the building wall above the sixth floor along the Main Street North property line, have an additional minimum setback of 9.0 metres to the Main Street North property line than that portion of the building closest to the Main Street North property line at the fifth or sixth floor.	•	•				

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
<p>4. Any building or structure on lands within the CMU3-DPS district and with a permitted maximum building height of 30 metres as shown on Schedule 5 shall:</p> <p>(a) for any portion of the building wall at the seventh floor and eight floor along the Main Street North property line, have an additional minimum setback of 3.0 metres to the Main Street North property line than that portion of the building closest to the Main Street North property line below the seventh floor</p> <p>(b) for any portion of the building wall above the eight floor along the Main Street North property line, have an additional minimum setback of 4.0 metres to the Main Street North property line than that portion of the building closest to the Main Street North property line at the seventh and eighth floor</p>		•				
<p>5. Any building or structure on lands within the CMU3-DPS district and with a permitted maximum building height of 24 metres as shown on Schedule 5 shall:</p> <p>(a) for any portion of the building wall at the fifth and sixth floor along the Thomas Street property line, have an additional minimum setback of 3.0 metres to the Thomas Street property line than that portion of the building closest to the Thomas Street property line below the fifth floor</p> <p>(b) for any portion of the building wall above the sixth floor along the Thomas Street property line, have an additional minimum setback of 3.0 metres to the Thomas Street property line than that portion of the building closest to the Thomas Street property line at the fifth or sixth floor</p>		•				

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
<p>6. Any building or structure on lands within the CMU3-DPS district and with a permitted maximum building height of 30 metres as shown on Schedule 5 shall:</p> <p>(a) for any portion of the building wall at the fifth and sixth floor along the Thomas Street property line, have an additional minimum setback of 3.0 metres to the Thomas Street property line than that portion of the building closest to the Thomas Street property line below the fifth floor</p> <p>(b) for any portion of the building wall above the sixth floor along the Thomas Street property line, have an additional minimum setback of 3.0 metres to the Thomas Street property line than that portion of the building closest to the Thomas Street property line at the fifth and sixth floor</p>		•				
<p>VARIANCES:</p> <p><i>Permitted: Yes</i></p> <p><i>Criteria:</i></p> <ol style="list-style-type: none"> 1. See Section 5.5.4 						

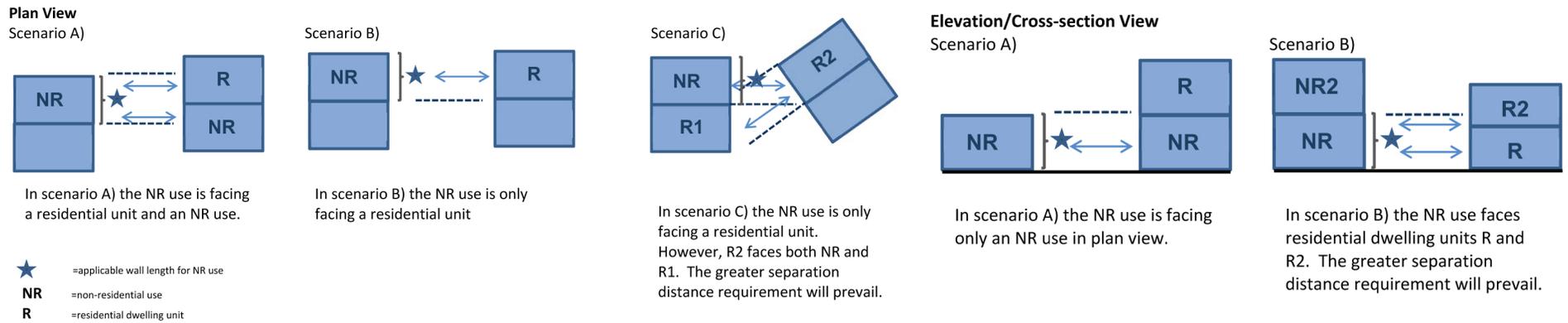
4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
G) Tower Massing Control						
1. Any portion of a building containing residential dwelling units above 26.0 metres in height shall have a maximum floor area of 800 square metres	•					
2. For lands within the CMU3-DPS district with a maximum permitted building height of 24 metres as shown on Schedule 5, the maximum total floor area shall be as follows: Floors 1-3: No Restriction Floor 4: 1,690 square metres Floors 5-6: 1,300 square metres for each floor Floor 7 and above: 775 square metres for each floor		•(1)(2)(3) (4)				(1) Subject to meeting all other applicable regulations such as required setbacks and angular planes (2) For the purposes of this section, the entire lands having a CMU3-DPS district and a maximum permitted building height of 24 metres as shown on Schedule 5, shall be considered as one lot (3) For the purposes of this section, the floor area for any above-grade parking structure shall be subject to the floor area restriction (4) For the purposes of this section, total floor area shall include the entire floor area within the building envelope, including but not limited to, hallways, stairwells, lobbies, indoor amenity spaces, elevators, utility rooms

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
<p>3. For lands within the CMU3-DPS district with a maximum permitted building height of 30 metres as shown on Schedule 5, the maximum total floor area shall be as follows:</p> <p>Floors 1-4: No Restriction</p> <p>Floors 5-6: 1,550 square metres for each floor</p> <p>Floor 7:1,390 square metres</p> <p>Floor 8:1,290 square metres</p> <p>Floor 9 and above: 560 square metres for each floor</p>		<ul style="list-style-type: none"> •(1)(2)(3) (4) 				<p>(1) Subject to meeting all other applicable regulations such as required setbacks and angular planes</p> <p>(2) For the purposes of this section, the entire lands having a CMU3-DPS district and a maximum permitted building height of 30 metres as shown on Schedule 5, shall be considered as one lot</p> <p>(3) For the purposes of this section, the floor area for any above-grade parking structure shall be subject to the floor area restriction</p> <p>(4) For the purposes of this section, total floor area shall include the entire floor area within the building envelope, including but not limited to, hallways, stairwells, lobbies, indoor amenity spaces, elevators, utility rooms</p>
<p>VARIANCES:</p> <p><i>Permitted: Yes</i></p> <p><i>Criteria:</i></p> <p>1. See Section 5.5.4</p>						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
H) Minimum Building and Tower Separation Distance						
<p>1. For lands within the CMU3-DPS district and with a maximum permitted building height of 24 metres or 30 metres as shown on Schedule 5, the following building separation distances shall be required</p> <p>a) Where a non-residential use faces another non-residential use: 8 metres</p> <p>b) Where a non-residential use or a residential dwelling unit with clear glazing less than or equal to 30% of the wall surface of the unit faces a residential dwelling unit with clear glazing greater than 30% of the wall surface of the unit: 12 metres</p> <p>c) Where a residential dwelling unit with clear glazing greater than 30% of the wall surface of the unit faces a residential dwelling unit with clear glazing greater than 30% of the wall surface of the unit: 20 metres</p>		<p>•(1)(2)(3)</p>				<p>(1) For the purposes of this section, a facing use or unit shall be determined as follows:</p> <p>i) For a non-residential use, it shall be a use or unit on an opposite building intersected by lines drawn perpendicularly in plan and elevation from each extent of the building wall related to the subject non-residential use</p> <p>ii) For a residential dwelling unit, it shall be a use or unit on an opposite building intersected by lines drawn perpendicularly in plan and elevation from each extent of the building wall related to the subject residential dwelling unit</p> <p>(2) If a non-residential use or a residential unit faces more than one other use or residential dwelling unit (with either glazing condition) the greater separation distance shall prevail</p> <p>(3) For the purposes of this Section, non-residential uses shall include all uses within the building with the exception of residential uses</p> <p>*Illustrative Notes on page 4-14</p>

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
2. Any individual buildings or a building with separated building forms above a shared ground level building and which contain residential dwelling units shall maintain a minimum separation distance of 25.0 metres between the individual buildings or the separated building forms above the shared ground level building.	•					
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						

* Illustrative Notes for 4.3.3 H) 1



4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
I) Windows and Doors at Grade						
1. On any wall adjacent to the Main Street, Vodden Street or Church Street streetline, no less than 75% of the gross area of the portion of the wall less than 4.6 metres above grade shall have clear glass windows and/or doors	•					
2. On any other streetline, no less than 25% of the gross area of the portion of the wall less than 4.6 metres above grade shall have clear glass windows and/or doors	•					
3. On any wall adjacent to Main Street where a building height of 24 or 30 metres is permitted, the gross wall area below 4.6 metres above grade shall have a minimum proportion of clear glass windows and/or doors as follows: i) for a residential use: 40% ii) for a non-residential use: 75%		•				
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						
J) Commercial Uses at Grade						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
1. The ground floor area of that portion of the building within 6.0 metres of the main wall facing a street shall only be used for the commercial uses permitted in Section 4.3.1 (A). Notwithstanding the above, ground floor area may be used for vehicular and pedestrian access (including an office, hotel or apartment dwelling lobby) provided that no more than 30% of the wall facing the street shall be used for such other purposes	•					
2. No ground floor commercial uses are permitted adjacent to Isabella Street between Vodden Street and Lorne Avenue	•	•				
3. No ground floor commercial uses are permitted at grade along Thomas Street between Market Street and two lots south of David Street.		•				
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						
K) Setback for an Underground Parking Garage						
1. The minimum setback for underground parking garage shall be 0.0 metres	•	• (1)				(1) Only where lands are also within the Medium Density Transition Character Sub Area as shown on Schedule 1
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
L) Open Porches						
1. Open Porches may be permitted on the wall facing the streetline, provided the porch is designed in a manner that complements the architectural design and heritage of the existing building and complements the character of the existing building in accordance with the Guidelines set out in Part 6.0		•	•	•		
2. A maximum encroachment into a required front or exterior side yard of 2.4 metres is permitted, provided a minimum 1.5 metre wide landscaped strip between the streetline and the porch is maintained		•	•	•		
VARIANCES: <i>Permitted: Yes</i> Criteria: <ol style="list-style-type: none"> See Section 5.5.4 The encroachment may be increased provided the porch does not affect the establishment and/or maintenance of the appropriate level of landscaping in the yard facing the street (as set out in Part 6.0 - Design Guidelines). The minimum setback of the property line of 1.5 metres is maintained. 						
M) Outdoor Display and Sales						
1. The outdoor display and sale of goods as an accessory use is not permitted	•	•	•	•	•	
VARIANCES: <i>Permitted: Yes</i> Criteria: <ol style="list-style-type: none"> See Section 5.5.4 Variations are permitted only in the CMU2 - DPS and CMU3 - DPS districts Variations are only permitted in a yard facing a public street, provided that the display area is accessible to the public The area shall enhance and/or complement the character of the existing building An appropriate landscaping/non-landscaping ratio shall be maintained Pedestrian movements shall not be impeded Approval shall only be for a temporary period of time The maximum size per commercial establishment shall be 5.6 m² 						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
N) Outside Storage						
1. Outside Storage is not permitted	•	•	•	•	•	
VARIANCES: <i>Permitted: No</i> <i>Criteria: N/A</i>						
O) On-site Motor Vehicle Parking						
On-site parking shall be provided in accordance with the following:						
1. A minimum of 50% of the non-residential parking requirement set out in Section 8.3.1 of Chapter 1 (General Provisions Applying to All DPS Areas) of this by-law shall be provided	•					
2. One parking space per residential dwelling unit is required	•	•				
3. No more than 1 parking space per dwelling unit is permitted	•					
4. No more than 70% of the minimum parking requirements for all other uses set out in Part 8.3.1 of the General Provisions Applying to All DPS Areas Section are permitted	•					
5. All motor vehicle parking shall be located within a parking garage, except that an appropriate percentage may be located in a surface parking lot for temporary motor vehicle parking only	•					
6. For non-residential uses, no minimum on-site parking is required		• (1)				(1) Within Historic Mixed-use Character Sub-area as set out on Schedule 1only. Otherwise 4.3.3 O)1 shall apply.

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
7. Notwithstanding the above, for dining room restaurants, hotels, bed and breakfast establishments, religious institutions, medical offices, day nursery, alternate schools and adults learning centres, a minimum of 50% of the parking requirement set out in Section 8.3.1 of Chapter 1 (General Provisions Applying to All DPS Areas) shall be provided		•				
8. All motor vehicle parking shall be located within a rear and/or interior side yard		•				
9. All such parking shall be set back a minimum 1.5 metres from an interior or rear lot line, except where driveway access and/or parking is shared		•				
10. Vehicle parking in accordance with Section 7.8 of Chapter 1 (General Provisions Applying to All DPS Areas) shall provided			•			
VARIANCES: <i>Permitted: Yes</i> <i>Criteria:</i> 1. See Section 5.5.4						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
P) Loading Spaces and Waste Disposal						
1. No loading spaces are required		•(1)(2)				(1) A loading space shall be required for any development within the CMU3-DPS district and where a building height of 24 or 30 metres is permitted (2) Notwithstanding 8.6 (b) of Chapter 1 (General Provisions Applying to All DPS Areas), a loading, unloading and waste disposal facility may face Market Street if the facility or related access door is located a minimum of 10 metres from the property line and is screened by way of a solid opaque gate or fence, or combination thereof, located between the street and the facility
2. Loading spaces shall be provided in accordance with Chapter 1 (General Provisions Applying to All DPS Areas)	•					
3. Waste disposal facilities shall be provided in accordance with Chapter 1 (General Provisions Applying to All DPS Areas)	•	• (1)(2)				(1) Within the CMU3-DPS district and where a building height of 24 or 30 metres is permitted, all garbage, refuse and waste containers for any use shall be located within a climate controlled area within the same building containing the use (2) Notwithstanding 8.6 (b) of Chapter 1 (General Provisions Applying to All DPS Areas), a loading, unloading and waste disposal facility may face Market Street if the facility or related access door is located a minimum of 10 metres from the property line and is screened by way of a solid opaque gate or fence, or combination thereof, located between the street and the facility
VARIANCES: Permitted: Yes Criteria: 1. See Section 5.5.4						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
Q) Driveway Aisles						
1. Driveway aisle width requirements shall be in accordance with Chapter 1 (General Provisions Applying to All DPS Areas)	•					
2. For parking spaces with a parking angle of 70 degrees up to and including 90 degrees: 6.0 metres		•				
3. The minimum width of a driveway leading to a parking area shall be 2.8 metres		•				
4. Notwithstanding 2) and 3) above, this requirement may be reduced, if a mutual driveway access along the mutual property line with the abutting lot is provided. The minimum total width of the mutual access driveway shall be 2.8 metres		•				
VARIANCES: <i>Permitted: Yes</i> <i>Criteria:</i> 1. See Section 5.5.4						
R) Minimum Lot Width						
1. The minimum lot width shall be 15.0 metres		•	•	•		
2. The minimum lot width shall be 30.0 metres	•	•(1)				(1) For lands within the CMU3-DPS district and with a maximum permitted building height of 24 or 30 metres as shown on Schedule 5
VARIANCES: <i>Permitted: Yes</i> <i>Criteria:</i> 1. See Section 5.5.4						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
S) Maximum Floor Area						
1. For lands within the CMU3-DPS district, with a maximum permitted height of 24 metres as shown on Schedule 5, the maximum permitted total floor area shall be 10,250 square metres		•(1)(2)(3) (4)(5)				(1) Subject to meeting all other applicable regulations such as required setbacks and angular planes (2) For the purposes of this section, the entire lands having a CMU3-DPS district and a maximum permitted building height of 24 metres as shown on Schedule 5, shall be considered as one lot
2. For lands within the CMU3-DPS district, with a maximum permitted height of 30 metres as shown on Schedule 5, the maximum permitted total floor area shall be 13,600 square metres		•(1)(2)(3) (4)(5)				(3) For the purposes of this section, the entire lands having a CMU3-DPS district and a maximum permitted building height of 30 metres as shown on Schedule 5, shall be considered as one lot (4) For the purposes of this section, the floor area for any above-grade parking structure shall be subject to the floor area restriction. The floor area for an underground parking garage shall not be included in the calculation of total floor area (5) For the purposes of this section, total floor area shall include the entire floor area within the building envelope, including hallways, stairwells, lobbies, indoor amenity spaces, elevators, utility rooms, with the exception of the floor area for an underground parking garage as noted in (4) above and hallways, stairwells, lobbies, elevators, storage and utility rooms located underground
VARIANCES: Permitted: Yes Criteria: See Section 5.5.4 b						

4.3.3	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS / ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
T) Mechanical Penthouses						
1. For lands within the CMU3-DPS district and with a maximum permitted building height of 24 metres as shown on Schedule 5, the maximum additional permitted height for a mechanical penthouse shall be 5.0 metres		•				
2. For lands within the CMU3-DPS district and with a maximum permitted building height of 30 metres as shown on Schedule 5, the maximum additional permitted height for a mechanical penthouse shall be 1.5 metres		•				
3. For lands within the CMU3-DPS district and with a maximum permitted building height of 24 metres as shown on Schedule 5, the mechanical penthouse shall be set back an additional minimum of 18 metres from the Main Street property line than that portion of the building closest to the Main Street North property line at the seventh floor		•				
4. The mechanical penthouses shall be subject to the angular plane and setback requirements as set out on Schedules 6-1A, Schedule 6-1B and 6-2		•				
VARIANCES: Permitted: Yes Criteria: See Section 5.5.4 b						

4.3.4. Landscaping and Streetscape Standards

Fulfilment of the following Landscaping and Streetscape standards shall be required:

4.3.4	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
A) Minimum Landscaped Open Space						
1) 30% of the lot area shall be landscaped open space	•					
2) The entire yard areas shall be landscaped open space other than for a driveway, parking area, an encroachment, or accessory building permitted by this by-law		•	•	•	•	
<p>VARIANCES: <i>Permitted: Yes</i> Criteria: 1. See Section 5.5.4</p>						
B) Outdoor Play Area						
(1) An outdoor children’s play area having a minimum size of 100 square metres shall be provided in conjunction with development containing more than 20 residential dwelling units	•					
<p>VARIANCES: <i>Permitted: Yes</i> Criteria: 1. See Section 5.5.4</p>						

4.3.4	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
C) Streetscape Standards						
(1) That portion of the yard adjacent to Main Street or on a corner lot along Main Street shall incorporate a landscape treatment at the edge of the property abutting the street in accordance with the Part 6.0 (Design Guidelines)	• (1)	• (1)		• (1)	•	(1) Dependent on Application Type. (refer to Part 5: Application Processing)
(2) To reinstate the tree canopy, provision of street trees within the front yard shall be provided in accordance with the Part 6.0 (Design Guidelines)	• (1)	• (1)	• (1)	• (1)	•	(1) Dependent on Application Type. (refer to Part 5: Application Processing)
VARIANCES: <i>Permitted: N/A</i> <i>Criteria:</i> 1. See Section 5.5.4. b						
D) Signage						
(1) The size, location and placement, styles, design, associated lighting for any permitted signage shall be in accordance with Part 6.0 (Design Guidelines) and City's Sign By-law	•	•	•	•	•	
VARIANCES: <i>Permitted: N/A</i> <i>Criteria:</i> 1. See Section 5.5.4. b						

4.3.5. Built Form Design Standards

Fulfilment of the following Built Form Design standards shall be required:

4.3.5	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
A) Building Design, Massing, Materials and Colours						
(1) Any additions or alterations to a building or new construction works requiring approval of a development permit shall be undertaken in accordance with Part 6.0 (Design Guidelines) and any other provisions set out in the Development Permit System By-law related to building design, massing materials and colours	•	•	•	•	•	
(2) Additions shall match or be reflective of the style of the main building in accordance with Part 6.0 (Design Guidelines)	•	•	•	•	•	
(3) Notwithstanding any minimum building setback to a streetline requirement, a greater building setback may be required to achieve building façade articulation and massing objectives as set out in Part 6.0 (Design Guidelines) of this By-law	•	•	•	•	•	
VARIANCES: Permitted: N/A Criteria: 1. See Section 5.5.4. b						

4.3.6. Sustainable Development Requirements

Fulfillment of the following Sustainable Development Criteria shall be a required:

4.3.6	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
A) Parking Areas and Driveways						
(1) Surface parking areas are to be designed in accordance with Part 6.0 (Design Guidelines), Section 6.8	• (1)	•	• (1)	• (1)	• (1)	(1) The use of permeable surface parking surfaces is encouraged
VARIANCES: <i>Permitted: N/A</i> <i>Criteria:</i> 1. See Section 5.4.4						
B) Tree Preservation						
(1) All existing and healthy mature trees shall be protected wherever possible. Design of new development, additions, driveway and parking areas, shall consider the retention of mature trees to maintain the character of the area and provide appropriate buffers between land uses	•	•	•	•	•	
VARIANCES: <i>Permitted: N/A</i> <i>Criteria:</i> 1. See Section 5.5.4. b 2. All reasonable alternatives for development, building expansion, parking layout, driveways are to be exhausted. 3. Mature tree canopy is retained on property. 4. Replacement tree(s) to be provided on site and other conditions set out in Part 6.0 (Design Guidelines) are met.						

4.3.6	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
C) Active Transportation						
(1) Two of the required parking spaces shall be utilized for parking for bicycles and two-wheeled motorized vehicles. A minimum of one of these spaces must be exclusively for bicycles	•					
VARIANCES: <i>Permitted: N/A</i> Criteria: 1. See Section 5.5.4. b						
D) Stormwater Management						
1) Permeable on-site controls for paved areas shall be required	•	•	•	•	•	
(2) Stormwater management controls shall be provided in conformity with City requirements and Part 6.0 (Design Guidelines) of this By-law	•	•	•	•	•	
VARIANCES: <i>Permitted: N/A</i> Criteria: 1. See Section 5.5.4. b						

4.3.7. Access Management

Fulfilment of the following Access Management standards shall be required:

4.3.7	CMU2-DPS	CMU3-DPS	R1B-DPS	I1-DPS	OS-DPS	SPECIAL PROVISIONS/ILLUSTRATIONS <i>These special provisions correspond to numbers found under the district columns in the matrix:</i>
(1) In order to improve the pedestrian realm and general streetscape, reduction in number of access points will be sought. Reduction of access points onto Main Street North through such measures as elimination of multiple accesses from one lot, sharing of accesses, provision of access from side streets, in accordance with the Access Management Plan shall be sought in conjunction with the review of a Development Permit	<ul style="list-style-type: none"> • (1) 	<ul style="list-style-type: none"> • (1) 		<ul style="list-style-type: none"> • (1) 	<ul style="list-style-type: none"> • (1) 	(1) Dependent on Application Type (see Part 5.0: Application Processing)
<p><i>VARIANCES:</i></p> <p><i>Permitted: N/A</i></p> <p><i>Criteria:</i></p> <ol style="list-style-type: none"> 1. See Section 5.5.4. b 						

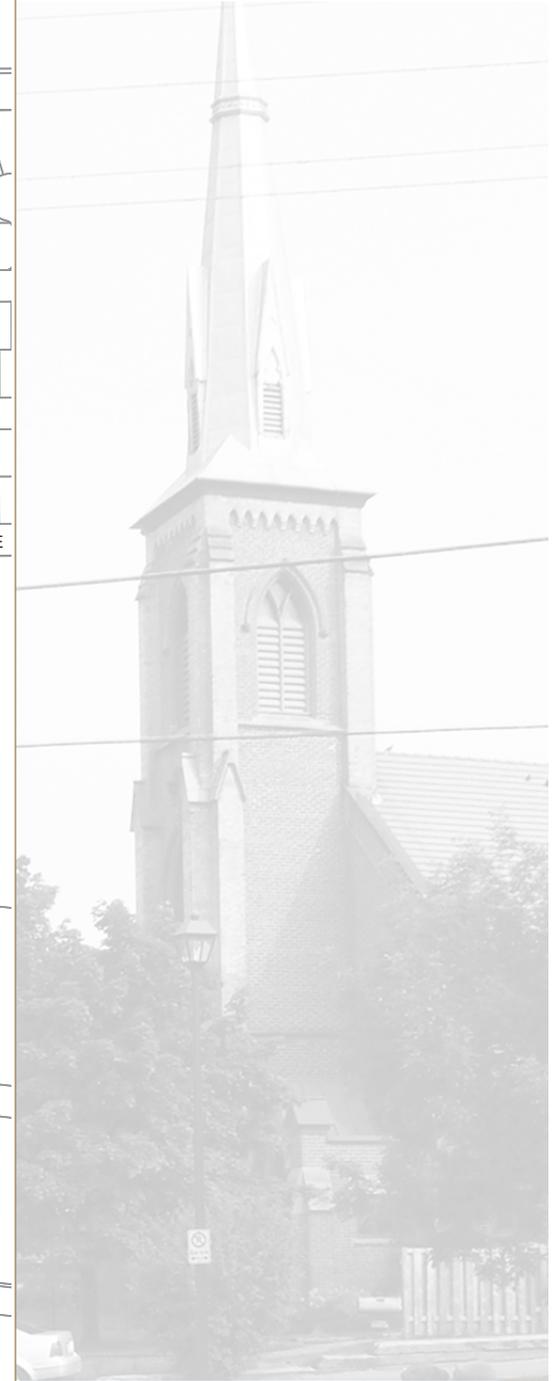


Schedule 2: DPS Districts

LEGEND

— ZONE BOUNDARY


 DRAWN BY: CJK
 DATE: JUNE 17, 2011
 FILE: MAINSTREETNZBLA



SCHEDULE BOUNDARY
LEGEND: MINIMUM SETBACKS

- 20.0m Setback from Road Centreline
- 16.0m Setback from Road Centreline
- 13.0m Setback from Road Centreline
- 9.50m Setback from Road Centreline
- Existing building setback from road centreline plus 1.0m or the average of the existing Building Setback from the Road Centreline of the abutting properties on the same Street Frontage if the Lot is Vacant or the Building is to be Removed

- LEGEND: MAXIMUM SETBACKS**
- 3.0 Metres Greater than the Minimum Setback is the Maximum Setback

DRAWN BY: CJK DATE: July 6, 2015
FILE: DPS MSN - SETBACKS



Schedule 3: Minimum and Maximum Building Setbacks to Street

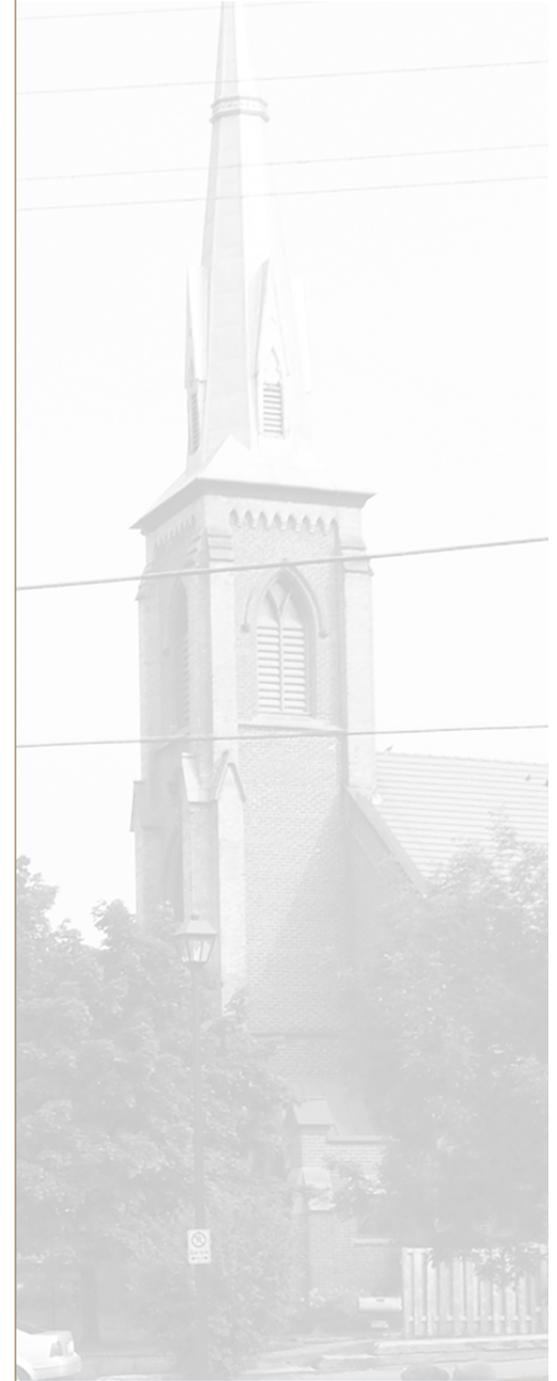
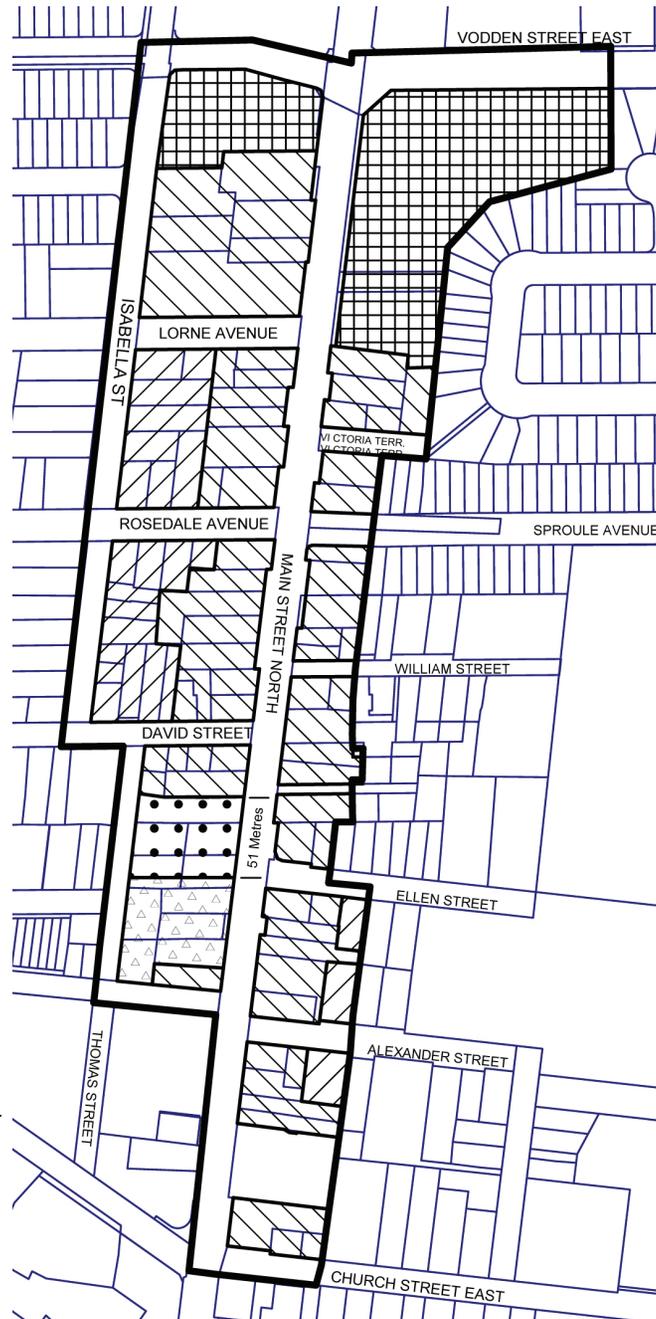


-  A building wall shall have a length of no less than 70% of the street line it faces
-  A minimum of 40% and a maximum of 60% of any building wall below 13.0 metres above grade and facing the street shall be set back 1.5 metres from the remaining portion of the wall closest to the street line
-  SCHEDULE BOUNDARY



DRAWN BY: CJK DATE: APRIL 2014
FILE: DPS MSN - WALLS LENGTH

Schedule 4: Building Wall Lengths



Minimum Building Height (Metres)	Maximum Building Height (Metres)	Minimum Building Height (Metres)	Maximum Building Height (Metres)
	7.60m / 11.0m		7.60m / 24.0m
	7.60m / 15.5m		7.60m / 30.0m
	15.50m / 41.0m		
	EXISTING		

DRAWN BY: CJK DATE: SEPTEMBER 6, 2011
FILE: DPS MSN - BUILDING HEIGHTS

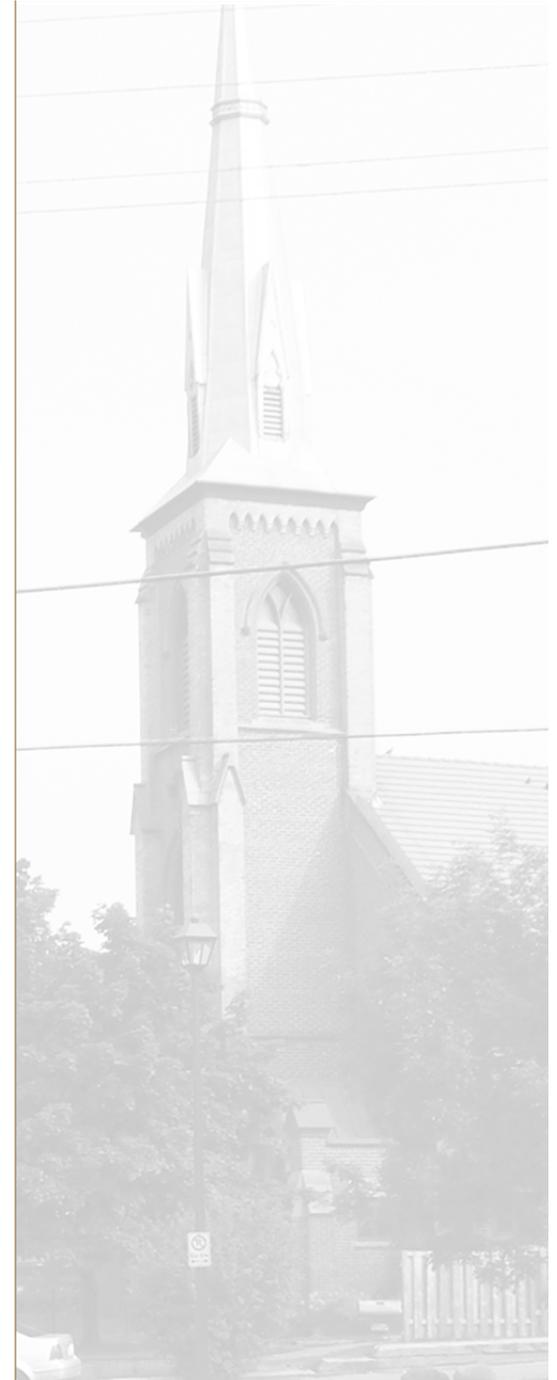
Schedule 5: Minimum and Maximum Building Heights



Schedule 6: Side Yard and Rear Yard Setbacks

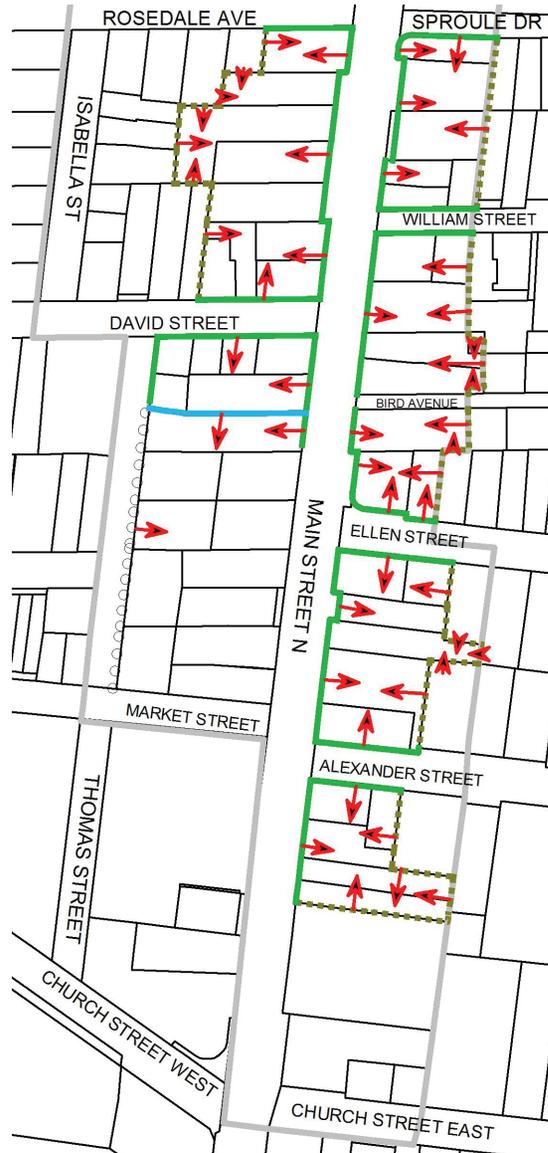
A. SIDE YARD AND REAR YARD SETBACKS		
	MINIMUM INTERIOR SIDE YARD	MINIMUM REAR YARD
	3.0 metres	1. 9.0 metres 2. Where the rear yard abuts a street the requirements of Schedule 3 shall prevail.
	1. 1.5 metres on one side of a lot, and 3.0 metres on the other. 2. The 3.0 metre setback may be reduced to 1.5 metres for the purpose of a shared driveway aisle, provided a minimum of 1.5 metres is provided on the adjacent property for the purposes of a driveway.	1. 7.5 metres 2. Where the rear yard abuts a street, the requirement of Schedule 3 shall prevail.
	Existing Setbacks	Existing Setbacks

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B. ANGULAR PLANES	
ANGULAR PLANE	REQUIREMENTS
The angular plane shall apply in the direction indicated by the arrows. Unless otherwise noted, the beginning of the plane is from property line on which the angular plan designation is located as shown on the Schedule.	
	<ol style="list-style-type: none"> All portions of the building must be located within the height limits set by a line that extends upwards at 45 degrees from a point 1.8 metres above the applicable property line Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback
	<ol style="list-style-type: none"> All portions of the building must be located within the height limits set by a line that extends upward at 45 degrees from a point 6.0 metres above the applicable property line Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback
	<ol style="list-style-type: none"> Any portion of the building above 11.5 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from the base of the main building wall closest to the street
	<ol style="list-style-type: none"> Any portion of the building above 11.5 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from the applicable property line No portion of the building shall be located closer to the applicable property line than the minimum setback
	<ol style="list-style-type: none"> Any portion of the building above 20.0 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from a point 20.0 metres above the applicable property line
	<ol style="list-style-type: none"> All portions of the buildings must be located within the height limits set by a line that extends upwards at 45 degrees from the westerly limit of the Thomas Street right-of-way Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback



B. ANGULAR PLANES	
ANGULAR PLANE	REQUIREMENTS
The angular plane shall apply in the direction indicated by the arrows. Unless otherwise noted, the beginning of the plane is from property line on which the angular plan designation is located as shown on the Schedule.	
	<ol style="list-style-type: none"> All portions of the building must be located within the height limits set by a line that extends upwards at 45 degrees from a point 1.8 metres above the applicable property line Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback
A	<ol style="list-style-type: none"> All portions of the building must be located within the height limits set by a line that extends upward at 45 degrees from a point 6.0 metres above the applicable property line Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback
	<ol style="list-style-type: none"> Any portion of the building above 11.5 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from the base of the main building wall closest to the street
	<ol style="list-style-type: none"> Any portion of the building above 11.5 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from the applicable property line No portion of the building shall be located closer to the applicable property line than the minimum setback
5	<ol style="list-style-type: none"> Any portion of the building above 20.0 metres in height shall be within the height limit set by a line that extends upwards at 45 degrees from a point 20.0 metres above the applicable property line
A	<ol style="list-style-type: none"> All portions of the buildings must be located within the height limits set by a line that extends upwards at 45 degrees from the westerly limit of the Thomas Street right-of-way Notwithstanding the above, no portion of the building shall be located closer to the applicable property line than the minimum setback

Schedule 6-1B: Angular Planes



Schedule 6-2: Building Stepback

C. BUILDING STEPBACK	REQUIREMENTS
The building stepback applies to the property line parallel to the setback line in the direction indicated by the arrow	
	1. Notwithstanding the permitted building height, the first portion of the building wall facing the street shall have a maximum height of 15.5 metres. Any portion of the building above 15.5 metres in height shall be setback a minimum of 3.0 metres from the portion below 15.5 metres above grade.