

MC-1 and MC-2

Districts Schedule

1 INTENT AND OVERVIEW

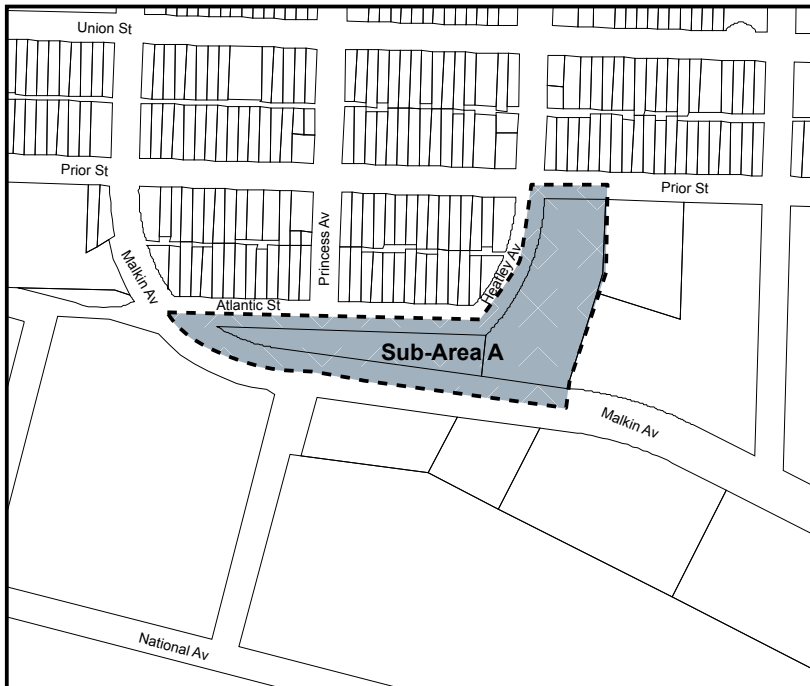
1.1 Intent

The intent of this schedule is to reinforce the mixed-use nature of this area, with dwelling, commercial and light industrial uses permitted. Emphasis is placed on building design that furthers compatibility among uses, and contributes to area character and pedestrian interest. The MC-2 district differs from the MC-1 district in limiting dwelling uses in areas adjacent to a heavy impact industrial district. Acoustic regulations in [Section 10](#) of this by-law apply to dwelling units close to arterial streets.

Within the False Creek Flats, a portion of the MC-1 district north of Malkin Avenue is identified as “sub-area A” in [Map 1: MC-1 District Sub-Area A](#), for the purpose of establishing permitted uses, building height, setbacks and floor area. In sub-area A, additional discretionary building height and density may also be considered to achieve new secured market rental housing to provide a transition between the residential area north of Atlantic and Prior Streets and the employment-focused area of the False Creek Flats to the south.

Without limitation, applicable Council policies and guidelines for consideration include the [MC-1 and MC-2 Guidelines for Cedar Cottage, Hudson Street, East Hastings \(Clark to Semlin\) and False Creek Flats \(Malkin-Atlantic-Prior\) Areas](#).

Map 1: MC-1 District Sub-Area A



LEGEND

- Sub-Area A
- MC-1 Boundary

1.2 Overview

The table below provides an overview of outright and conditional approval uses in the MC-1 and MC-2 districts, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in section 3 of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
--	All uses in section 2.1 of this schedule	3.1

2 USE REGULATIONS

2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including section 2.2.

The uses identified in the table below as outright approval uses are permitted in these districts and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in these districts by the Director of Planning or Development Permit Board, with or without conditions, if the Director of Planning or Development Permit Board considers:

- (a) the intent of this schedule and all applicable Council policies and guidelines; and
- (b) the submission of any advisory group, property owner or tenant.

Uses are listed under their general land use category. Applicable use-specific regulations in section 2.2 of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

Use	Approval	Use-Specific Regulations
Agricultural Uses		
Urban Farm – Class B	Conditional	2.2.1
Cultural and Recreational Uses		
Artist Studio – Class A, provided that the use must not be combined with a Residential Unit	Outright	2.2.2 , 2.2.3
Artist Studio – Class A, not permitted as an outright approval use and only in the MC-1 district	Conditional	2.2.1
Artist Studio – Class B	Conditional	2.2.1
Arts and Culture Indoor Event	Outright	2.2.2 , 2.2.3
Billiard Hall	Conditional	2.2.1
Bowling Alley	Conditional	2.2.1
Club	Conditional	2.2.1
Community Centre or Neighbourhood House	Conditional	2.2.1
Fitness Centre	Conditional	2.2.1
Hall	Conditional	2.2.1
Library	Outright	2.2.2 , 2.2.3
Museum or Archives	Outright	2.2.2 , 2.2.3
Park or Playground	Conditional	2.2.1
Rink	Conditional	2.2.1
Swimming Pool	Conditional	2.2.1
Theatre	Conditional	2.2.1
Zoo or Botanical Garden	Conditional	2.2.1
Dwelling Uses		
Dwelling Unit, only in the MC-2 district	Conditional	2.2.1 , 2.2.4

Use	Approval	Use-Specific Regulations
Mixed-Use Residential Building, only in the MC-1 district	Conditional	2.2.1 , 2.2.5 , 2.2.6
Multiple Conversion Dwelling, resulting from the conversion of a building existing prior to June 18, 1956, only in the MC-1 district	Conditional	2.2.1 , 2.2.7
Multiple Dwelling, only in the MC-1 district but not in sub-area A	Conditional	2.2.1
Residential Unit associated with and forming an integral part of an Artist Studio, only in the MC-1 district	Conditional	2.2.1
Residential Unit associated with and forming an integral part of an Artist Studio, limited to Artist Studio – Class B and only in the MC-2 district	Conditional	2.2.1 , 2.2.8
Seniors Supportive or Assisted Housing, only in the MC-1 district	Conditional	2.2.1
Institutional Uses		
Ambulance Station	Conditional	2.2.1
Child Day Care Facility	Conditional	2.2.1
Church	Conditional	2.2.1
Community Care Facility – Class A	Conditional	2.2.1
Community Care Facility – Class B	Conditional	2.2.1
Detoxification Centre	Conditional	2.2.1
Group Residence	Conditional	2.2.1
Public Authority Use	Conditional	2.2.1
School – Elementary or Secondary	Conditional	2.2.1
School – University or College	Conditional	2.2.1
Social Service Centre	Conditional	2.2.1
Manufacturing Uses		
Bakery Products Manufacturing	Outright	2.2.2 , 2.2.3
Chemicals or Chemical Products Manufacturing – Class B	Outright	2.2.2 , 2.2.3
Clothing Manufacturing	Outright	2.2.2 , 2.2.3
Dairy Products Manufacturing	Outright	2.2.2 , 2.2.3
Electrical Products or Appliances Manufacturing	Outright	2.2.2 , 2.2.3
Food or Beverage Products Manufacturing – Class A	Conditional	2.2.1
Food or Beverage Products Manufacturing – Class B	Outright	2.2.2 , 2.2.3
Furniture or Fixtures Manufacturing	Outright	2.2.2 , 2.2.3
Ice Manufacturing	Outright	2.2.2 , 2.2.3
Information Communication Technology Manufacturing	Outright	2.2.2 , 2.2.3
Jewellery Manufacturing	Outright	2.2.2 , 2.2.3

Use	Approval	Use-Specific Regulations
Leather Products Manufacturing	Outright	2.2.2, 2.2.3
Metal Products Manufacturing – Class B	Conditional	2.2.1
Miscellaneous Products Manufacturing – Class B	Outright	2.2.2, 2.2.3
Non-Metallic Mineral Products Manufacturing – Class B	Outright	2.2.2, 2.2.3
Paper Products Manufacturing	Outright	2.2.2, 2.2.3
Plastic Products Manufacturing	Outright	2.2.2, 2.2.3
Printing or Publishing	Outright	2.2.2, 2.2.3
Shoes or Boots Manufacturing	Outright	2.2.2, 2.2.3
Textiles or Knit Goods Manufacturing	Conditional	2.2.1
Tobacco Products Manufacturing	Outright	2.2.2, 2.2.3
Wood Products Manufacturing – Class B	Conditional	2.2.1
Office Uses		
Financial Institution	Outright	2.2.2, 2.2.3
General Office	Outright	2.2.2, 2.2.3
Health Care Office	Outright	2.2.2, 2.2.3
Health Enhancement Centre	Conditional	2.2.1
Parking Uses		
Parking Area	Conditional	2.2.1
Retail Uses		
Farmers' Market	Conditional	2.2.1, 2.2.9
Furniture and Appliance Store	Conditional	2.2.1
Gasoline Station – Full Serve	Conditional	2.2.1
Gasoline Station – Split Island	Conditional	2.2.1
Grocery or Drug Store, except for Small-Scale Pharmacy	Outright	2.2.2, 2.2.3
Grocery Store with Liquor Store	Conditional	2.2.1
Liquor Store	Conditional	2.2.1
Pawnshop	Conditional	2.2.1
Public Bike Share	Conditional	2.2.1
Retail Store	Outright	2.2.2
Secondhand Store	Conditional	2.2.1
Small-Scale Pharmacy	Conditional	2.2.1
Vehicle Dealer	Conditional	2.2.1
Service Uses		
Animal Clinic	Outright	2.2.2

Use	Approval	Use-Specific Regulations
Auction Hall	Conditional	2.2.1
Barber Shop or Beauty Salon	Outright	2.2.2, 2.2.3
Beauty and Wellness Centre	Outright	2.2.2, 2.2.3
Bed and Breakfast Accommodation	Outright	2.2.2, 2.2.3
Catering Establishment	Outright	2.2.2, 2.2.3
Funeral Home	Conditional	2.2.1
Laboratory	Outright	2.2.2
Laundromat or Dry Cleaning Establishment	Outright	2.2.2, 2.2.3
Laundry or Cleaning Plant	Outright	2.2.2, 2.2.3
Motor Vehicle Repair Shop	Outright	2.2.2, 2.2.3
Motor Vehicle Wash	Outright	2.2.2, 2.2.3
Neighbourhood Public House	Conditional	2.2.1
Photofinishing or Photography Laboratory	Outright	2.2.2, 2.2.3
Photofinishing or Photography Studio	Outright	2.2.2, 2.2.3
Print Shop	Outright	2.2.2, 2.2.3
Production or Rehearsal Studio	Outright	2.2.2, 2.2.3
Repair Shop – Class A	Outright	2.2.2, 2.2.3
Repair Shop – Class B	Outright	2.2.2, 2.2.3
Restaurant – Class 1	Outright	2.2.2, 2.2.3
School – Arts or Self-Improvement	Outright	2.2.2, 2.2.3
School – Business	Outright	2.2.2, 2.2.3
School – Vocational or Trade	Outright	2.2.2, 2.2.3
Sign Painting Shop	Outright	2.2.2, 2.2.3
Work Shop	Outright	2.2.2, 2.2.3
Transportation and Storage Uses		
Cold Storage Plant	Conditional	2.2.1
Mini-Storage Warehouse	Conditional	2.2.1
Storage Warehouse	Conditional	2.2.1
Taxicab or Limousine Station	Conditional	2.2.1
Works Yard	Conditional	2.2.1
Utility and Communication Uses		
Public Utility	Conditional	2.2.1
Radiocommunication Station	Conditional	2.2.1
Recycling Depot	Conditional	2.2.1

Use	Approval	Use-Specific Regulations
Wholesale Uses		
Lumber and Building Materials Establishment	Conditional	2.2.1
Wholesaling – Class A	Conditional	2.2.1
Wholesaling – Class B	Conditional	2.2.1
uncategorized		
Accessory Buildings, customarily ancillary to any use listed in this section 2.1	Outright	2.2.2 , 2.2.3 , 2.2.10
Accessory Uses, customarily ancillary to any outright approval use listed in this section 2.1	Outright	2.2.2 , 2.2.3 , 2.2.11
Accessory Uses, customarily ancillary to any conditional approval use listed in this section 2.1	Conditional	2.2.1 , 2.2.12
Any other use that is not specifically listed and defined as a use in Section 2 of this by-law	Conditional	2.2.1 , 2.2.13
Deposition or extraction of material, which alters the configuration of the land	Conditional	2.2.1

2.2 Use-Specific Regulations

2.2.1 Conditional approval uses listed in section [2.1](#) of this schedule:

- (a) must not involve the bulk storage of: acids; ammunition, explosives, fireworks, flares or matches; animal oil or fat, fish, fish oil or meal, or vegetable oil or fat; compressed gas, petroleum, coal tar products or derivatives, except for gasoline station – full serve or gasoline station – split island; cotton waste; fertilizer; fungicides, herbicides or pesticides; grain, hops or sugar; industrial chemicals; junk; lime; paints or varnishes; radioactive materials; rags; scrap or waste materials; or wax;
- (b) may involve the storage of the following only if they are wholly within a completely enclosed building: animal oil or fat, fish, fish oil or meal, or vegetable oil or fat; fungicides, herbicides or pesticides; grain, hops or sugar; paints, oil shellac, turpentine or varnishes; scrap or waste materials; or toxic or corrosive chemicals or acids;
- (c) must be carried on wholly within a completely enclosed building, except for the following:
 - (i) display of flowers, plants, fruits and vegetables,
 - (ii) farmers’ market,
 - (iii) gasoline station – full serve,
 - (iv) gasoline station – split island,
 - (v) lumber and building materials establishment,

- (vi) neighbourhood public house,
- (vii) parking and loading facilities,
- (viii) public bike share,
- (ix) transportation and storage uses,
- (x) urban farm – class B, and
- (xi) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines;

- (d) must not involve the storage or placement of goods, materials, machinery, or garbage or recycling containers outside a building, unless they are:
 - (i) enclosed by a suitable fence or wall restricting public access, and
 - (ii) adequately screened from view from any adjacent R district, or any R district across an adjacent street or lane, by evergreen planting, wall, or fence or related landscaping that is acceptable to the Director of Planning; and
- (e) must not be carried on outside a building, despite sections [2.2.1\(c\)](#) and [2.2.1\(d\)](#) above, unless appropriate measures are taken to the satisfaction of the Director of Planning to minimize any noxious or otherwise objectionable impacts that could adversely affect the surrounding area.

2.2.2 Outright approval uses listed in section [2.1](#) of this schedule:

- (a) must not involve the bulk storage of: acids; ammunition, explosives, fireworks, flares or matches; animal oil or fat, fish, fish oil or meal, or vegetable oil or fat; compressed gas, petroleum, coal tar products or derivatives, except for gasoline station – full serve or gasoline station – split island; cotton waste; fertilizer; fungicides, herbicides or pesticides; grain, hops or sugar; industrial chemicals; junk; lime; paints or varnishes; radioactive materials; rags; scrap or waste materials; or wax;
- (b) may involve the storage of the following only if they are wholly within a completely enclosed building: animal oil or fat, fish, fish oil or meal, or vegetable oil or fat; fungicides, herbicides or pesticides; grain, hops or sugar; paints, oil shellac, turpentine or varnishes; scrap or waste material; or toxic or corrosive chemicals or acids;
- (c) must be carried on wholly within a completely enclosed building, except for the following:
 - (i) display of flowers, plants, fruits and vegetables,
 - (ii) gasoline station – full serve,
 - (iii) gasoline station – split island,

- (iv) lumber and building materials establishment,
- (v) neighbourhood public house,
- (vi) parking and loading facilities,
- (vii) restaurant,
- (viii) transportation and storage uses, and
- (ix) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines;

- (d) must not involve the storage or placement of goods, materials, machinery, or garbage or recycling containers outside a building, unless they are enclosed by a minimum 1.8 m high fence, wall or evergreen planting, to restrict public access and screen from public view.

2.2.3 Outright approval uses listed in section 2.1 of this schedule, other than dwelling uses, must not involve the keeping of live animals, except for animal clinic, laboratory or retail store.

2.2.4 Dwelling unit may be permitted in combination with any use listed in section 2.1 of this schedule if:

- (a) it is for a caretaker or other person similarly employed; and
- (b) such dwelling unit is considered to be essential to the operation of the business or establishment.

2.2.5 Any of the non-dwelling uses listed in section 2.1 of this schedule are permitted in a mixed-use residential building.

2.2.6 Mixed-use residential building may be permitted if:

- (a) dwelling uses are not permitted on the first storey of a building within a depth of 10.7 m from the front wall of the building and extending across its full width, other than entrances to the portion containing dwelling uses; and
- (b) the Director of Planning considers the design and liveability of the dwelling units.

2.2.7 Multiple conversion dwelling, resulting from the conversion of a building existing prior to June 18, 1956, may be permitted if:

- (a) the Director of Planning considers the quality and liveability of the resulting dwelling units, the suitability of the building for conversion in terms of age and size, and the impact of the conversion on adjacent properties; and
- (b) it contains no housekeeping or sleeping units.

- 2.2.8 In the MC-2 district, residential unit associated with and forming an integral part of an artist studio, limited to artist studio – class B, may be permitted if:
- (a) the change of use applies to floor area existing as of February 26, 2013; and
 - (b) additions are limited to a maximum of 10% of the existing floor area.
- 2.2.9 Farmers' market may be permitted if the Director of Planning considers the appropriateness of the use with respect to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility and pedestrian amenity.
- 2.2.10 Accessory buildings customarily ancillary to any use listed in section 2.1 of this schedule are permitted as an outright approval use if:
- (a) no accessory building exceeds 3.7 m in height, measured to:
 - (i) the highest point of a flat roof,
 - (ii) the deck line of a mansard roof, or
 - (iii) the mean height between the eaves and the ridge of a gable, hip or gambrel roof,
 provided that no portion of an accessory building exceeds 4.6 m in building height;
 - (b) all accessory buildings are located:
 - (i) in the rear yard, and
 - (ii) at least 3.1 m from the ultimate centre line of any rear or flanking lane; and
 - (c) the total floor area of all accessory buildings, measured to the extreme outer limits of the building, does not exceed 15% of the total site area,
- except that the Director of Planning may vary the maximum height, floor area and location regulations, provided that the varied height does not exceed 12.2 m and the varied floor area does not exceed 33.3% of the gross floor area of the principal and accessory uses combined.
- 2.2.11 Accessory uses customarily ancillary to any outright approval listed in section 2.1 of this schedule are permitted if the total floor area of all accessory uses is not greater than 25% of the gross floor area of the principal and accessory uses combined, except that the Director of Planning may vary the floor area regulations provided that the varied floor area does not exceed 33.3% of the gross floor area of the principal and accessory uses combined.
- 2.2.12 Accessory uses customarily ancillary to any conditional approval use listed in section 2.1 of this schedule must comply with the provisions in section 2.2.11 above.
- 2.2.13 Any other use that is not listed and defined as a use in Section 2 of this by-law may be permitted as a conditional approval use if the Director of Planning considers the use to be comparable in nature to the uses listed in section 2.1 of this schedule, having regard for the intent of this schedule.

3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

3.1 All Uses

All uses in these districts are subject subject to the following regulations.

3.1.1 Density and Floor Area

3.1.1.1 The maximum floor space ratio is 0.75.

3.1.1.2 Despite section [3.1.1.1](#) above, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory group, neighbourhood property owner or tenant, the Director of Planning may increase the permitted floor space ratio in sub-area A to a maximum of 2.50, if the maximum floor space ratio is 1.50 for:

- (a) cultural and recreational uses,
- (b) institutional uses,
- (c) manufacturing uses, transportation and storage uses, utility and communication uses, and wholesale uses, combined,
- (d) office uses,
- (e) parking uses,
- (f) service uses, and
- (g) any other use approved in accordance with section [2.2.13](#) of this schedule.

3.1.1.3 Despite section [3.1.1.1](#) above, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submissions of any advisory group, neighbourhood property owner or tenant, the Director of Planning may increase the permitted floor space ratio in sub-area A for dwelling uses provided that either:

- (a) all of the residential floor area is developed as social housing, or
- (b) all of the dwelling units are developed as secured market rental housing,

to a maximum additional floor space ratio of 1.80 provided that a minimum 0.70 floor space ratio of any cultural and recreational uses, manufacturing uses, transportation and storage uses, utility and communication uses, and wholesale uses is provided.

3.1.1.4 Despite section [3.1.1.1](#) above, if the Director Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, neighbourhood property owner or tenant, the Director of Planning may increase the permitted floor space ratio in the

MC-1 district, excluding sub-area A, and the MC-2 district to a maximum of 2.50, subject to the following allocations:

- (a) the maximum floor space ratio is 1.50 for:
 - (i) cultural and recreational uses,
 - (ii) institutional uses,
 - (iii) manufacturing uses, transportation and storage uses, utility and communication uses, and wholesale uses, combined,
 - (iv) office uses,
 - (v) parking uses,
 - (vi) service uses, and
 - (vii) any other use approved in accordance with section 2.2.13 of this schedule;
- (b) in the MC-1 district, excluding sub-area A, the maximum floor space ratio is 1.50 for dwelling uses, except that the Director of Planning may increase the maximum floor space ratio for dwelling uses to a maximum of 1.80 and, for the purposes of this section 3.1.1.4(b), where there is a residential unit associated with and forming an integral part of an artist studio, the artist studio is also considered a dwelling use;
- (c) in the MC-2 district, the maximum floor space ratio is 1.00 for dwelling uses, and residential unit associated with and forming an integral part of an Artist Studio; and
- (d) the maximum floor area for retail uses is 1,300 m².

3.1.2 Building Form and Placement

Regulations	MC-1 and MC-2
3.1.2.1 Maximum building height	12.2 m
3.1.2.2 Front yard and front setback	not permitted
3.1.2.3 Side yard	not required
3.1.2.4 Minimum rear yard depth	3.1 m
3.1.2.5 Minimum rear setback for portions of buildings:	
(a) containing dwelling uses	7.6 m from the rear property line across the full width of the building

Regulations	MC-1 and MC-2
(b) at the second storey, other than open roof gardens at the second storey floor level	7.6 m from the rear property line across the full width of the building
(c) at the third storey	
(d) at the fourth storey and above	9.1 m from the rear property line across the full width of the site

Building Height

3.1.2.6 The Director of Planning or the Development Permit Board may increase the maximum building height to a height not exceeding 13.8 m, if the Director of Planning or the Development Permit Board considers:

- (a) the intent of this schedule and all applicable Council policies and guidelines; and
- (b) the submission of any advisory group, property owner or tenant.

Front Yard and Front Setback

3.1.2.7 Despite section 3.1.2.2 above, a setback of 1.2 m from the front property line is required for any parking area.

3.1.2.8 Despite section 3.1.2.2 above, the Director of Planning may:

- (a) permit a front yard or front setback where a pedestrian or shopping courtyard or other features benefitting pedestrian character are provided;
- (b) permit a front setback to improve the liveability of dwelling uses or community care facilities or group residences located above grade; and
- (c) require a front setback from Heatley Avenue or Atlantic Street for sites in the MC-1 district, to provide a transition to dwelling units fronting on either of those streets,

if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.

Side Yard and Side Setback

3.1.2.9 For any parking area on a corner site, a setback of 1.2 m from the side property line abutting the flanking street is required.

3.1.2.10 Despite section 3.1.2.3 above, where a side yard is provided, although not required, the minimum side yard width is 0.9 m.

Rear Yard and Rear Setback

- 3.1.2.11 Despite the minimum rear yard depth in section [3.1.2.4](#) above, where the rear of a site abuts a lane, the required minimum rear yard depth will be decreased by the distance between the rear property line and the ultimate centre line of the lane.
- 3.1.2.12 Despite the minimum rear setback in section [3.1.2.5](#) above, where the rear of a site abuts a lane, the required minimum setback will be decreased by the distance between the rear property line and the ultimate centre line of the lane.

4 GENERAL REGULATIONS

All uses in these districts are subject to the following regulations.

4.1 Computation of Floor Area

4.1.1 Computation of floor area must include all floors of all buildings including accessory buildings, both above and below ground level, measured to the extreme outer limits of the building.

4.1.2 Computation of floor area must exclude:

- (a) balconies and decks, and any other appurtenances that the Director of Planning considers similar to the foregoing, provided that the total area of these exclusions does not exceed 12% of the permitted floor area;
- (b) patios and roof decks, if the Director of Planning considers the impact on privacy and overlook;
- (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 that the Director of Planning considers similar to the foregoing, those floors or portions thereof, which are located:
 - (i) at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length, or
 - (ii) above base surface and where developed as off-street parking are contained in an accessory building located in the rear yard, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length;
- (d) amenity areas, including child day care facilities, recreation facilities and meeting rooms, accessory to a dwelling use, to a maximum area of 10% of the total permitted floor area, provided that for child day care facilities the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood; 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 per dwelling unit, there will be no exclusion for any residential storage area above base surface for that unit.

4.1.3 The Director of Planning may permit enclosed residential balconies to be excluded from the computation of floor space ratio, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and approves the design of any balcony enclosure, subject to the following:

- (a) the total area of all open and enclosed balcony or deck exclusions does not exceed 8% of the permitted residential floor; and
- (b) no more than 50% of the excluded balcony floor area may be enclosed.

4.2 Horizontal Angle of Daylight

4.2.1 Each habitable room must have at least 1 window on an exterior wall of a building.

- 4.2.2 For the purposes of section [4.2.1](#) above, habitable room means any room except a bathroom or a kitchen.
- 4.2.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.
- 4.2.4 The plane or planes referred to in section [4.2.3](#) above must be measured horizontally from the centre of the bottom of each window.
- 4.2.5 An obstruction referred to in section [4.2.3](#) above means:
- (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 4.2.6 The Director of Planning may vary the horizontal angle of daylight requirement if:
- (a) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines; and
 - (b) the minimum distance of unobstructed view is at least 3.7 m.