

## SECTION 39D | MIXED USE DISTRICT (MUD-1)

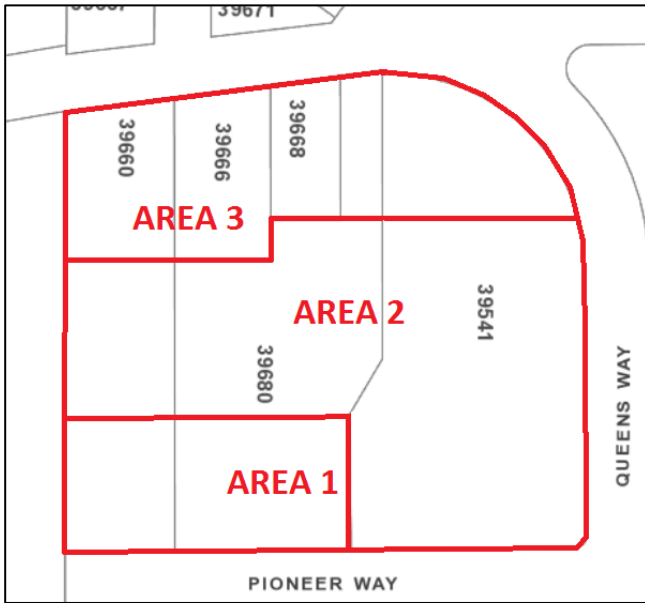
(Bylaw 2523, 2017)

The intent of this zone is to accommodate a mixture of light industrial (production, distribution and repair), office, limited commercial and multi-unit residential development.

### 39D.1 PERMITTED USES

The following principal and accessory uses and no others are permitted subject to Section 39D.6:

Use Category	Area 1	Area 2	Area 3
alcoholic beverage manufacturing	Y	Y	Y
apartment dwelling subject to 39D.6	N	L3 B	L3 B
business service establishment	L2	L2	L2
building supply outlet	Y	Y	N
neighbourhood commercial	N	N	Y
artisan	Y	Y	Y
business and professional office, major	N	N	L2
business and professional office, minor	L2	L2	L2
cabinet making, carpentry, woodworking & millworking	Y	Y	N
high technology	Y	Y	N
indoor food production	Y	Y	Y
indoor recreation	L2	Y	Y
small scale manufacturing	Y	Y	N
light industrial subject to 39D.12	Y	N	N
live-work unit subject to 39D.6	L2 B, L3	L2 B, L3 B	L2 B, L3 B
personal service establishment	N	L2	L2
research and development	Y	Y	Y
wholesale	Y	Y	N
accessory uses	Y	Y	Y
accessory retail sales	Y	Y	N
Y=Permitted; N=Not permitted; L2=Permitted on second storey only; L3=Permitted on third storey or above; B=Density bonus available. Commercial L2 uses include mezzanine floor.			



### 39D.2 MINIMUM LOT SIZE

Min Lot Area	Min Lot Width	Min Lot Depth
929 sq. m	18.36 m	30 m

### 39D.3 MAXIMUM HEIGHT

Principal Building	Accessory Building
16.0 m	4.58 m
Bonus Height	
Where the ground floor ceiling height exceeds 4.0 m, the maximum height of principal building will not exceed 17.0 m.	

### 39D.4 MAXIMUM LOT COVERAGE

Lot coverage shall not exceed 75% of the area of the lot.

### 39D.5(A) MINIMUM SETBACKS FOR PRINCIPAL BUILDINGS

Front Setback	Rear Setback	Interior Side Setback	Exterior Side Setback
4.0 m	4.0 m Where a lot abuts another lot developed with mixed use building(s) at property line, the setback shall be 0.0 m of the property line that is shared by the lot and the adjacent lot.	3.0 m 15.0 m from a rail right of way for habitable buildings. Where a lot abuts another lot developed with mixed use building(s) at property line, the setback shall be 0.0 m of the property line that is shared by the lot and the adjacent lot.	4.0 m 15.0 m from a rail right of way for habitable buildings.

### 39D.5(B) BUFFER SETBACKS

- (i) On property legally described as Lot 37, Section 3, Group 1, Plan VAP18954 Except in Plan LMP37432 & Part in Plan BCP32369 (PID 007-249-322) there will be an interior side setback of 20 m where the adjacent land is used for single detached residential purposes; natural vegetation buffer will be retained in the setback.
- (ii) Section 39D.5(b)(i) does not apply if an easement is registered on the titles of two properties sharing a common property line establishing a lesser or greater buffer setback between the two properties.

### 39D.6 RESIDENTIAL DENSITY

#### AREA 1:

One attached Live-work unit will be permitted per one Commercial use unit in Area 1. Unless permitted in Density Bonus subsection, the maximum Gross Floor Area of Live-work unit use in Area 1 shall not exceed 50% of Commercial Gross Floor Area. Live-work unit use in Area 1 is permitted on the third storey and above. The use is permitted on the second storey subject to Density Bonus subsection.

#### *Density Bonus*

1.25 attached Live-work unit will be permitted per one Commercial use unit in Area 1, the maximum Gross Floor Area for Live-work use in Area 1 shall not exceed 75% of the Commercial Gross Floor Area and the use shall be permitted on 60% of the second storey provided that a Housing Agreement under Section 483 of the Local Government Act is registered on the land securing a minimum of 30% of all Live-work units as purpose-built rental units indefinitely and that 40% of the second storey is built and dedicated for Commercial use subject to Section 39D.1.

## **AREA 2:**

Unless permitted in Density Bonus subsection, the maximum Gross Floor Area for Apartment or Live-work unit use in Area 2 shall not exceed 75% of Commercial Gross Floor Area. Live-work unit or Apartment use in Area 2 is permitted on the third storey and above, additional density is permitted subject to Density Bonus subsection.

### ***Density Bonus***

The maximum Gross Floor Area for Live-work or Apartment use in Area 2 shall not exceed 150% of the Commercial Gross Floor Area and the uses shall be permitted on 60% of the second storey provided that a Housing Agreement under Section 483 of the Local Government Act is registered on the land securing a minimum of 30% of all Live-work and Apartment units as purpose-built rental units indefinitely and that 40% of the second storey is built and dedicated for Commercial use subject to Section 39D.1.

## **AREA 3:**

Unless permitted in Density Bonus subsection, the maximum Gross Floor Area for Live-work unit or Apartment use in Area 3 shall not exceed 75% of the Gross Floor Area used for Commercial use. Live-work unit or Apartment use in Area 3 is permitted on the third storey and above.

### ***Density Bonus***

The maximum Gross Floor Area for Live-work or Apartment use in Area 3 shall not exceed 175% of the Commercial Gross Floor Area and the uses shall be permitted on 60% of the second storey provided that a Housing Agreement under Section 483 of the Local Government Act is registered on the land securing a minimum of 30% of all Live-work and Apartment units as purpose-built rental units indefinitely and that 40% of the second storey is built and dedicated for Commercial use subject to Section 39D.1.

## **39D.7 FENCING**

Fencing shall be provided in accordance with Section 4.6 of this Bylaw, except for no fencing or fill will be permitted within 15 m of a rail right of way.

## **39D.8 OFF-STREET PARKING, STORAGE AND DISPLAY**

All uses must comply with Section 41. All storage, display or parking areas shall be hard-surfaced.

All display areas and signage, and associated lighting, shall incorporate screening from residential use either by structure or landscaping. All lighting related to non-residential uses shall be directed away from residential uses.

## **39D.9 OFF-STREET LOADING**

Off-street loading spaces for buildings and uses shall be provided in accordance with Section 42 of this Bylaw.

### **39D.10 ACCESSORY BUILDINGS**

All accessory buildings shall comply with the requirements of Section 4.4 of this Bylaw.

### **39D.11 SCREENING**

Screening and landscaping shall be provided in accordance with Section 4.7 of this Bylaw.

### **39D.12 LIGHT INDUSTRIAL USE CONDITIONS**

Despite any provision of this Bylaw, Light Industrial use in MUD-1 does not include medical, recreational or commercial marihuana production facilities.

### **39D.13 USEABLE OPEN SPACE**

Despite any provision of this Bylaw, where a dwelling unit is proposed on a MUD-1 zoned property, the Common Open Space requirements shall be reduced to a minimum of 15% of the lot area provided that the space is developed to encourage outdoor active or passive recreational and social uses and shall include at least three such elements as decks, exercise equipment or improvements, outdoor seating, play structures, decorative paved areas and walkways which do not serve as entrance walkways.

The amount of Common Open Space can be transferred between parcels within MUD-1 zone.

### **39D.14 NOISE MITIGATION**

The following measures apply to all residential use features located within 40 metres of the centreline of a railroad track:

- (a) All ventilation ducts will contain a hood cover and acoustic lining;
- (b) All windows shall be rated a minimum of 38 according to the Sound Transfer Classification.

Residential or live-work use shall only be permitted if a noise advisory covenant is registered on the title of the property/unit advising of the rail yard and industrial noise presence in this area and requiring that the owner of the property/unit present each occupant of the unit with the said covenant.

### **39D.15 VISITOR PARKING**

Despite any provision of this Bylaw visitor parking requirements for residential uses shall be reduced to 0 provided visitor parking is shared with commercial use parking and provided an equivalent amount of commercial spaces are clearly marked as “commercial or visitor parking”.