

20.18 Commercial Mixed Use (ZMU18) – The Gardens (Shellmont) *[Bylaw 8532, Jul 25/11]*

20.18.1 Purpose

The **zone** provides for medium **density** mixed **commercial**/residential development with **density bonuses** for **affordable housing**, **child care**, and **community amenity space**.

20.18.2 Permitted Uses

- amusement centre
- animal grooming
- child care
- community amenity space
- congregate housing
- education
- education, commercial
- education, university
- government service
- greenhouse & plant nursery
- health service, major
- health service, minor
- hotel
- housing, apartment
- housing, town
- live/work dwelling
- manufacturing, custom indoor
- office
- private club
- recreation, indoor
- religious assembly
- restaurant
- retail, convenience
- retail, general
- retail, second hand
- service, business support
- service, financial
- service, household repair
- service, personal
- studio
- veterinary service

20.18.3 Secondary Uses

- boarding and lodging
- community care facility, minor
- home business

20.18.4 Permitted Density

1. The maximum **floor area ratio** is 1.0.
2. Notwithstanding Section 20.18.4.1, the reference to “1.0” is increased to a higher **density** of “1.3” if the **owner**:

- a) provides on the **site** not less than four **affordable housing units** having the combined **habitable space** of at least 5% of the total **floor area ratio** used for residential **use** but specifically excludes PID 028-631-561, Lot C Section 31 Block 4 North Range 5 West New Westminster District Plan EPP12978 (“Lot C”) from this requirement provided that the owner has entered into a **Market Rental Housing Agreement** for 144 secured market rental **dwelling units** with the City and registered the **Market Rental Housing Agreement** against the title to Lot C and filed a notice of the same in the Land Title Office; and ^[Bylaw 9112, Jul 28/14]
 - b) has entered into a **housing agreement** for the **affordable housing units** with the **City** and registered the **housing agreement** against title to the **lot** where the **affordable housing units** are located, and filed a notice in the Land Title Office.
3. Notwithstanding Section 20.18.4.2, the reference to “1.3” is increased to a higher **density** of “1.43” if the **owner** provides:
 - a) a minimum of 372.0 m² of **child care** or **community amenity space**.
 4. The total **floor area** used for: ^[Bylaw 8891, Oct 9/12]
 - a) **Commercial use** within the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve** shall not exceed 9,000.0 m²; ^[Bylaw 8891, Oct 9/12]
 - b) Residential **use** within the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve** shall not exceed 53,511.0 m². ^[Bylaw 8891, Oct 9/12]
 5. For the purpose of Section 20.18.4, **floor area ratio** shall be calculated based on the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve**, regardless of **subdivision**. ^[Bylaw 8891, Oct 9/12]
 6. For the purposes of this **zone** only, the following **uses** are excluded from **floor area ratio** calculations:
 - a) **amenity space** to a maximum combined total **floor area** of 800.0 m² within the area bounded by Highway 99, Steveston Highway, No. 5 Road, and the **Agricultural Land Reserve**;
 - b) **child care**; and
 - c) **community amenity space**.

20.18.5 Permitted Lot Coverage

1. **Lot coverage** shall be calculated based on the area bounded by Highway 99, Steveston Highway, No. 5 Road, and the **Agricultural Land Reserve**, regardless of **subdivision**.
2. **Lot coverage**:
 - a) For **buildings, structures, and non-porous surfaces**, including landscaped roofs over **parking spaces** situated below the lowest habitable floor of the **building**: 90% maximum;
 - b) For **buildings**, excluding landscaped roofs over **parking spaces** situated below the lowest habitable floor of the **building**: 50% maximum; and
 - c) Restricted to **landscaping** with live plant material: 15% minimum.

20.18.6 Yards & Setbacks

1. Minimum Public **Road Setback**: 3.0 m, except that:
 - a) For Highway 99: 15.0 m
 - b) For Steveston Highway and No. 5 Road: 6.0 m, except that the minimum **setback** is reduced as follows:
 - i) Portions of a **building** that have a **building height** less than 9.0 m may project into the public **road setback**, but shall be no closer to a **property line** than:
 - For residential **uses**: 4.5 m; and
 - For all other **uses**: 3.0 m;
 - ii) **Parking spaces** and related **uses** situated below the lowest habitable floor of a **building** may project into the public **road setback**, but shall be no closer to a **property line** than 1.5 m, provided that the:
 - **Height** of the portion of the **building** containing parking does not exceed 1.5 m above the highest elevation of the crown of the sidewalk **abutting the lot**; and
 - Roof and exterior walls of the portion of the **building** containing the **parking spaces** and related **uses** are screened by **landscaping** and/or decorative architectural treatments as specified by a Development Permit approved by the **City**.
2. Minimum **Side Yard & Rear Yard Setbacks**:
 - a) For **side yards** and **rear yards abutting the Agricultural Land Reserve**: 6.0 m, except that:
 - i) **Parking spaces** and related **uses** situated below the lowest habitable floor of a **building** may project into the **side yard** and **rear yard**, but shall be no closer to a **property line** than 3.0 m, provided that the:
 - **Height** of the portion of the **building** containing parking does not exceed 2.5 m above the **finished site grade** of the abutting **Agricultural Land Reserve lot**; and
 - Roof and exterior walls of the portion of the **building** containing the **parking spaces** and related **uses** are screened by **landscaping** and/or decorative architectural treatments, as specified by a Development Permit approved by the **City**.
 - b) For all other **side yards** and **rear yards**: 3.0 m, except that:
 - i) No **setbacks** shall be required for **parking spaces** and related **uses** situated below the lowest habitable floor of a **building**, provided that such encroachments are screened by **landscaping** and/or decorative architectural treatments, as specified by a Development Permit approved by the **City**;
 - ii) **Cantilevered roofs**, unenclosed fireplaces, chimneys, **bay windows**, and unenclosed **balconies** forming part of the **building** may project into the minimum **setback** for a distance of not more than 0.9 m; and
 - iii) No **setbacks** shall be required for decorative landscape **structures**, as specified by a Development Permit approved by the **City**.

20.18.7 Permitted Heights

1. The maximum **height** is: *[Bylaw 8891, Oct 9/12]*
 - a) For **buildings**: 20.0 m, but containing not more than 5 **storeys** over a parking **structure**, except that: *[Bylaw 8891, Oct 9/12]*
 - i) For **buildings** located more than 90.0 m from No. 5 Road: 25.0 m, but not containing more than 6 **storeys** over a parking **structure**. *[Bylaw 8891, Oct 9/12]*
 - b) For **accessory buildings** and **accessory structures**: 9.0 m

20.18.8 Subdivision Provisions/Minimum Lot Size

1. There are no minimum **lot width** or **lot depth** requirements.
2. The minimum **lot area** is 3,000.0 m².

20.18.9 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided according to the provisions of Section 6.0.

20.18.10 On-Site Parking & Loading

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0, except that:
 - a) On-site parking and loading requirements shall be calculated based on the area bounded by Highway 99, Steveston Highway, No. 5 Road, and the **Agricultural Land Reserve**, regardless of **subdivision**.
 - b) On-site parking shall be provided at a rate of 1.9 **parking spaces** per **live/work dwelling unit**.

20.18.11 Other Regulations

1. Signage shall be in accordance with Richmond *Sign Bylaw No. 9700*, as may be amended or replaced, except that: *[Bylaw 9723, Jul 17/17]*
 - a) For projecting signs and canopy signs, maximum **height** shall not exceed the first habitable **storey** of the **building**;
 - b) For facia signs situated above the first habitable **storey** of the **building**, the maximum total combined sign face area on a **building** shall be 20.0 m²;
 - c) For freestanding signs in the area bounded by Highway 99, Steveston Highway, No. 5 Road, and the **Agricultural Land Reserve**, regardless of **subdivision**, the following provisions shall apply: *[Bylaw 9723, Jul 17/17]*
 - i) Maximum number of signs: 2;
 - ii) Maximum total combined area of the signs, including all sides **used** for signs: 50.0 m²;
 - iii) Maximum **height**, measured to the **finished site grade** of the **lot** upon which the sign is situated: 9.0 m;

- iv) Maximum width, measured horizontally to the outer limits of the sign, including any associated structure, at its widest point: 3.0 m; and
 - v) Maximum public **road setback** from Steveston Highway: 70.0 m.
2. Residential **uses** shall not be located in whole or in part on the **first storey** of a **building** (excluding **building** entrance lobbies) that is located within 65.0 m of a **property line abutting** Steveston Highway and 90.0 m of a **property line abutting** No. 5 Road.
 3. The following **sites** shall be limited to residential **uses** only: *[Bylaw 8939, Oct 15/12]*
 - 10780 No. 5 Road
(PID 028-631-579)
Lot D Section 31 Block 4 North Range West 5 New Westminster District Plan EPP12978
 - 12733 Steveston Highway
(PID 028-631-587)
Lot E Section 31 Block 4 North Range 5 West New Westminster District Plan EPP12978
 4. The following **uses** shall be permitted provided they are located in whole or in part on the **first storey** of a **building**, and each individual **business** is a maximum of two **storeys** in **height** and has a maximum **gross leasable floor area** not exceeding 929.0 m²:
 - a) **amusement centre**;
 - b) **animal grooming**;
 - c) **child care**;
 - d) **greenhouse & plant nursery**;
 - e) **restaurant**;
 - f) **retail, convenience**;
 - g) **retail, general**;
 - h) **retail, second hand**;
 - i) **service, business support**;
 - j) **service, financial**;
 - k) **service, household repair**;
 - l) **service, personal**; and
 - m) **veterinary service**.
 5. The following **uses** shall be permitted provided they are located in whole or in part on the **first storey** of a **building** and the **use** is located within 70.0 m of a **property line abutting** Steveston Highway:
 - a) **grocery store**, limited to one store with a maximum **gross leaseable floor area** not exceeding 3,252.0 m²; and
 - b) drug store, limited to one store with a maximum **gross leaseable floor area** not exceeding 1,858.0 m².
 6. A **hotel** shall not be located within 200.0 m of a **property line abutting** No. 5 Road.

7. For the purposes of this **zone** only, **health service, major** shall be limited to nursing homes with health care for dependant residents and adult day care.
8. The following items shall only be excluded from the calculation of maximum **floor area ratio** provided that the space is registered in the name of the City of Richmond:
 - a) **child care**; and
 - b) **community amenity space**.
9. In addition to the regulations listed above, the General Regulations in Section 4.0 and Specific Use Regulations in Section 5.0 apply.
10. For the purpose of this **zone** only, **Market Rental Housing Agreement** means an agreement in a form satisfactory to the **City** that restricts the occupancy of the **dwelling unit** to rental tenure. [Bylaw 9112, Jul 28/14]
11. For the purpose of this **zone** only, **Market Rent** means the amount of rent that a willing tenant would pay to a willing landlord for the rental of a comparable unit with comparable amenities in a comparable location for a comparable period of time. [Bylaw 9112, Jul 28/14]