

SECTION 5 GENERAL REGULATIONS

Unless specifically regulated elsewhere in this By-law, the following regulations shall apply to all lands covered by this By-law.

5.1 ACCESS REGULATIONS

No driveway access to a commercial or private parking area shall be located closer than 9.0 metres from the intersection of two streets measured from a point where the two street lines intersect.

5.1a ACCESSORY APARTMENT

Added by
B/L 91-2003

In addition to all other provisions of this By-law, an accessory apartment shall be permitted in a single detached dwelling, in accordance with the following regulations:

- a) the lot shall be fully serviced with municipal piped water and sanitary sewer;
- b) the lot shall have a minimum lot frontage of 18 metres, a minimum lot depth of 30 metres and a minimum lot area of 540 square metres;
- c) a minimum of three (3) off-street parking spaces shall be provided and maintained;
- d) the maximum driveway width shall be 6.0 metres;
- e) any extensions or additions to a single detached dwelling shall comply with the applicable regulations of the Zoning By-law (i.e. height, lot coverage, yards, etc.);
- f) no single detached dwelling shall contain more than one (1) accessory apartment;
- g) a common party wall shall not be permitted to divide the accessory apartment from the balance of the single detached dwelling;
- h) tandem parking is permitted;
- i) an accessory apartment shall have a maximum gross floor area which does not exceed 40% of the gross floor area of the single detached dwelling, including any extensions or additions to the said single detached dwelling;
- j) for the purposes of determining the maximum area of an accessory apartment, "gross floor area" of the single detached dwelling shall be defined to mean "the aggregate of all storeys, plus the basement, measured from the exterior faces of the exterior walls";
- k) a minimum of 50% of the required front yard shall be provided and maintained as landscaped open space;
- l) no legal non-conforming single detached dwelling shall be permitted to contain an accessory apartment.

5.2 ACCESSORY USES

5.2.1 Uses Permitted:

Amended by
B/L 2-1986

- a) Where this By-law permits the use of land, buildings, or structures, for a specific use or uses, such use shall include any buildings, structures or uses accessory to the permitted use.

Added by
B/L 2-1986

b) Where an accessory building or structure is separated from its main use as a result of a Committee of Adjustment decision granted under Section 52 of the Planning Act, then such accessory building or structure may exist until a main use is established on the lot, provided that no business, occupation or service is conducted therein for profit or conducted for the benefit of any individuals who do not own the lot.

5.2.2 Lot Coverage

Amended by
B/L 2-1986
B/L 65-1989

In the case of buildings and structures accessory to a dwelling the following provisions shall apply:

B/L 281-1989
B/L 204-1992

a) the total lot coverage shall not exceed fifteen percent (15%) of the area of the lot, and

Amended by
B/L 57-2004

b) the total gross floor area shall not exceed:

- (i) 200.0 square metres in the "RU" - Rural Area Zone;
- (ii) 180.0 square metres in the "RE" - Residential Estate Zone;
- (iii) 150.0 square metres in the "RS" - Residential Suburban Zone; and
- (iv) 100.0 square metres in any other zone.

5.2.3 Height

Amended by
B/L 281-1989
B/L 204-1992
B/L 57-2004

a) Subject to Section 5.6 of this By-law, no building or structure accessory to a dwelling shall exceed a height of either one (1) storey; or

- (i) 6.1 metres in the "RU" - Rural Area Zone and the "RE" - Residential Estate Zone;
- (ii) 5.2 metres in the "RS" - Residential Suburban Zone; and
- (iii) 4.6 metres in any other zone.

b) buildings or structures accessory to uses other than a dwelling shall not exceed the height specified in the zone in which it is located.

Added by
B/L 294-2003

c) buildings or structures located on a deck shall not exceed a height of 3.7 metres measured vertically from the finished floor of the deck to the highest point of the building or structure, and the area from the finished grade to the top of the finished floor of the deck shall not be considered a storey.

5.2.4 Location:

Amended by
B/L 156-1987

a) No buildings or structures accessory to uses other than a dwelling shall be located in a required yard,

Amended by
B/L 2-1986
B/L 156-1987

b) No buildings or structures accessory to a dwelling shall be located in a required front yard, or in a required exterior side yard;

Amended by
B/L 156-1987
B/L 204-1992

c) No buildings or structures accessory to a dwelling shall be located in a required interior side yard, or in a required rear yard in the "RU" - Rural Area Zone and the "RE" - Residential Estate Zone.

- d) No buildings or structures accessory to a dwelling shall be located in a required interior side yard in any other zone, provided however, that:
- (i) in the "RS" - Residential Suburban Zone, such buildings or structures may be located in a required interior side yard provided a setback of 20.0 metres is maintained between such buildings or structures and the front lot line and a minimum setback of 1.2 metres is maintained between such buildings or structures and the interior side lot line;
 - (ii) in any other zone, such buildings or structures may be located in a required interior side yard provided a minimum setback of 20.0 metres is maintained between such buildings or structures and the front lot line and a minimum setback of 0.6 metres is maintained between such buildings or structures and the interior side lot line;
 - (iii) in the case of a lot having a depth of less than 30.5 metres and having a public utility easement across the full width of the required rear yard abutting the rear lot line, the minimum setback between the front lot line and an accessory building or structure may be reduced to 19.5 metres; and
 - (iv) in any zone where a minimum 3.0 metre interior side yard is required when there is no attached garage or carport, accessory buildings or structures may be located in that portion of a required interior side yard which is less than 20.0 metres from the front lot line, provided a minimum setback of 1.5 metres is maintained between such buildings or structures and the interior side lot line.
- e) Buildings and structures accessory to a dwelling may be located in a required rear yard in any other zone, subject to the following:
- (i) in the "RS" - Residential Suburban Zone, a minimum setback of 1.2 metres shall be maintained between such buildings or structures and the rear lot line or an interior side lot line, provided however that, where the rear lot line of a corner lot or a through lot is contiguous to the front 20.0 metres of the interior side lot line of another lot on which a dwelling is a permitted use, a minimum setback of 3.0 metres shall be maintained between such buildings or structures and that portion of the rear lot line which is contiguous with the front 20.0 metres of the interior side lot line of the other lot; and
 - (ii) in any other zone, a minimum setback of 0.6 metres shall be maintained between such buildings or structures and the rear lot line, or an interior side lot line provided however that, where the rear lot line of a corner lot or a through lot is contiguous to the front 20.0 metres of the interior side lot line of another lot on which a dwelling is a permitted use, a minimum setback of 1.5 metres shall be maintained between such buildings or structures and that portion of the rear lot line which is contiguous with the front 20.0 metres of the interior side lot line of the other lot.
- f) in the "RS" - Residential Suburban Zone, the eaves of an accessory building or structure located in a required interior side yard or a required rear yard may project a maximum of 0.6 metres into the minimum setback required from the interior side or rear lot line.

g) in all other zones, the eaves of an accessory building or structure located in a required interior side yard or required rear yard may project a maximum of 0.3 metres into the minimum setback required from the interior side or rear lot line.

Added by
B/L 156-1987
B/L 204-1992
Amended by
B/L 185-2002
B/L 294-2003

h) a minimum separation distance of 2.0 metres shall be maintained between an accessory building and a main building or a garden suite located on the same lot therewith.

5.2.5

Non-conforming Uses:

Amended by
B/L 188-1986

Where in any zone a cottage dwelling, a duplex dwelling, a semi-detached dwelling or a single detached dwelling exists as a legal non-conforming use, nothing in this By-law shall prevent the construction of a detached building or structure accessory to the said dwelling, provided that all of the other requirements of Section 5.2 are complied with.

5.3

CONSTRUCTION USES

Amended by
B/L 2-1986

Any part of a lot, may be used for temporary buildings or structures associated with construction work provided that the buildings or structures are there only for as long as the work continues or as long as the building permit for construction is valid, whichever comes first. No temporary building or structure may be used for human habitation.

5.4

DWELLING UNITS

Amended by
B/L 2-1986

A dwelling unit is prohibited in the following places:

- attic
- basement of a non-residential building
- any type of vehicle
- accessory building or structure unless such dwelling unit is for an essential workman or caretaker specifically permitted in this By-law.

5.4a

GARDEN SUITE

Added by
B/L 185-2002

In addition to all other provisions of this By-law, where a garden suite is a permitted use, the following regulations shall apply:

- a) a garden suite shall be used solely for the temporary accommodation of persons who, because of age, infirmity or illness require and receive care and supervision from the occupants of the single detached dwelling located on the same lot therewith;
- b) only one (1) garden suite shall be permitted on a lot;
- c) a garden suite shall have a minimum gross floor area of 46.4 square metres and a maximum gross floor area of 93 square metres;
- d) a garden suite shall be one (1) storey, having a height not to exceed 4.6 metres;
- e) a garden suite shall not be so constructed or arranged as to constitute a travel trailer;
- f) a minimum separation distance of 6.0 metres and a maximum separation distance of 15.0 metres shall be maintained between the garden suite and the single detached dwelling located on the same lot therewith;

- g) one (1) parking space shall be provided for the garden suite, in addition to the parking spaces required for the single detached dwelling, in accordance with the following regulations:
 - (i) such parking space shall have minimum rectangular dimensions of 2.4 metres by 6.0 metres;
 - (ii) such parking space shall be located on the same lot as the single detached dwelling and garden suite;
 - (iii) such parking space may be located in tandem with the parking spaces required for the dwelling unit;
- h) no garden suite shall be located in a front yard or in any required yard;
- i) no garden suite shall be located on a lot that does not meet the minimum lot area requirements of the applicable zone.

5.5 HAZARD LANDS

No building or structure used for human habitation shall be located closer than 10.0 metres to the boundary of any Hazard Land Zone (HL).

5.6 HEIGHT REGULATIONS

5.6.1 Height Exemptions

Amended by
B/L 2-1986
B/L 209-1990

The height regulations in this By-law do not apply to the following:

- church spires, flag poles, television or radio antennae, television earth stations, communication towers operated as a public utility, ventilators, silos, sky lights, chimneys, clock towers, generation and electrical supply facilities, or a roof structure which is used only as an ornament, or an enclosure to house mechanical equipment or a parapet wall having a maximum height of 0.6 metres

5.6.2 Height Regulations

Amended by
B/L 188-1986

- a) Notwithstanding the first sentence contained in Section 5, General Regulations, the following regulations shall be considered to supersede the maximum height regulations contained in the individual zone categories for those areas specified in Section 5.6.2b), 5.6.2c) and 5.6.2d).
- b) The lands identified as "AREA 1" on EXHIBIT ONE to and forming part of this By-law shall conform to the following regulations:
 - (i) no permitted uses shall be constructed in such a way that any portion of it exceeds 216.0 metres above mean sea level, geodetic datum;
 - (ii) Section 5.6.1 HEIGHT EXEMPTIONS, shall not apply.

Amended by
B/L 188-1986

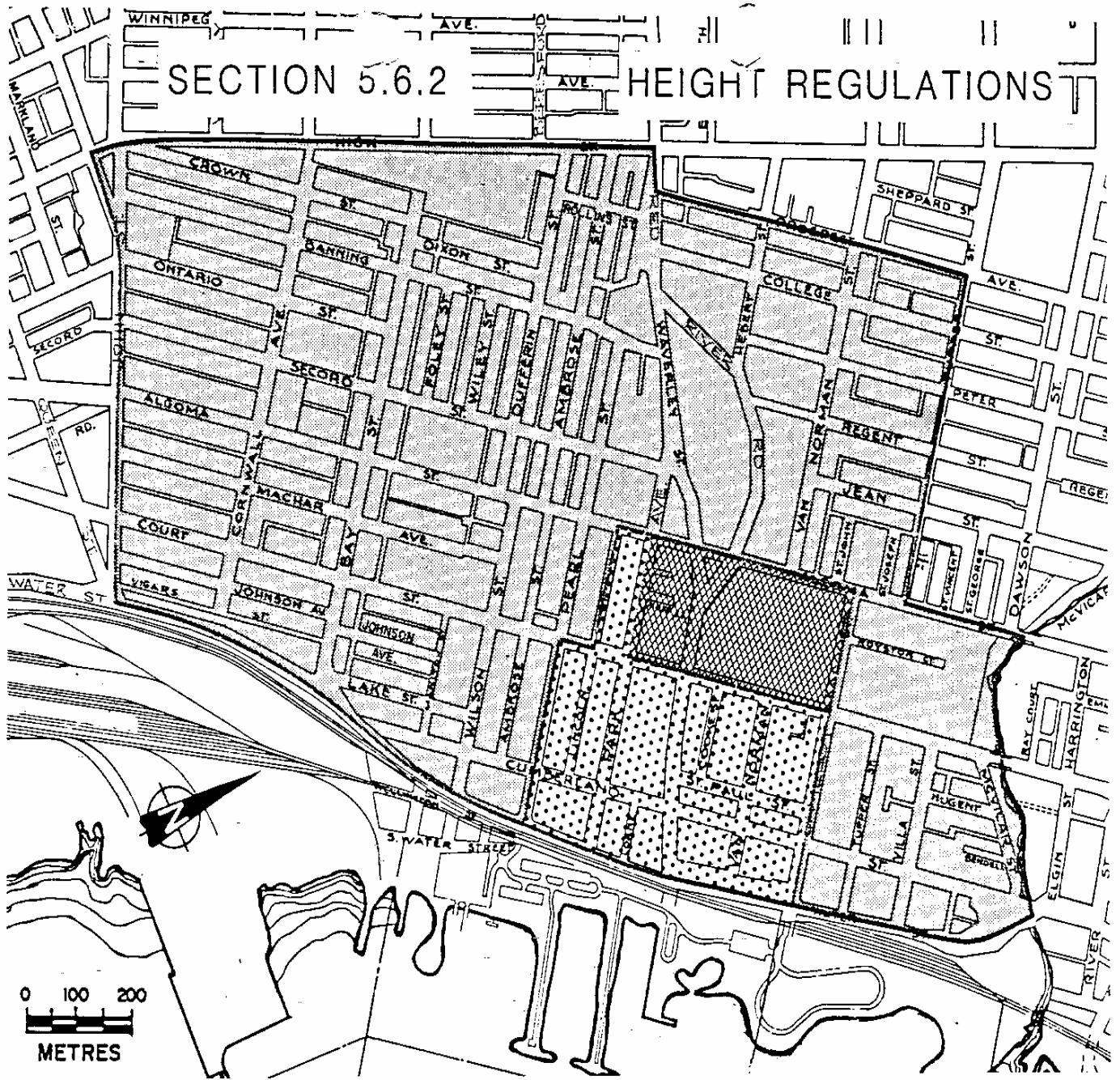
- c) The lands identified as "AREA 2" on EXHIBIT ONE to and forming part of this By-law shall conform with the following regulations:

Amended by
B/L 281-1989

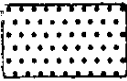
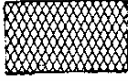

- (i) no permitted uses shall be constructed in such a way that any portion of it exceeds 222.0 metres above mean sea level, geodetic datum;
- (ii) Section 5.6.1 HEIGHT EXEMPTIONS, shall not apply.

Amended by
B/L 188-1986

- d) The lands identified as "AREA 3" on EXHIBIT ONE to and forming part of this By-law shall conform to the following regulations:
 - (i) the maximum height allowed for any permitted use shall be 10.0 metres.



LEGEND

	AREA 1		AREA 2		AREA 3
---	--------	---	--------	---	--------

THIS IS EXHIBIT ONE TO BYLAW NUMBER 177-1983
 AS ADDED BY BYLAW NUMBER 188-1986

J. B. Masters

 MAYOR

W. Ross

 DEPUTY CITY CLERK

5.6.3

Height, Required Buffering

Added by
B/L 7-2005

In addition to all other provisions of this By-law, where buffering is required, the following regulations

- a) Where buffering is required in this By-law, the height of such required buffering shall be measured from the average of the finished grade at the property line.
- b) When buffering is located within the required front yard of a lot, the required exterior yard of a lot, or the required rear yard of a through lot, the height of such buffering shall be a minimum height of 0.75 metres and a maximum height of 1.0 metre.
- c) In the case where the rear lot line of an abutting residential lot or a "RU" – Rural Area Zone lot is contiguous to the interior side lot line of an abutting non-residential lot or contiguous to the interior side lot line of a non-residential lot which abuts a lane, then the minimum height requirements as set out in the non-residential zone shall continue to apply.
- d) In the case where the rear lot line of an abutting residential lot or a "RU" – Rural Area Zone lot is contiguous to the rear lot line of an abutting non-residential lot or contiguous to the rear lot line of non-residential lot which abuts a lane, then the minimum height requirements as set out in the non-residential zone shall continue to apply.

5.7

HOME OCCUPATION

Amended by
B/L 111-2003

A home occupation shall be permitted in all zones which permit a dwelling unit, including buildings accessory to the dwelling unit, in accordance with the following regulations:

- a) the occupation shall be lawfully conducted entirely within a dwelling and/or entirely within a building or structure accessory to a dwelling;
- b) it must be clearly incidental and secondary to the dwelling;
- c) it must not change the character or in any way alter the exterior appearance of the dwelling, except by the placement of a sign;
- d) the sale of goods on the premises shall be permitted as part of a home occupation, provided that the sale of goods is incidental and subordinate to the service provided by the home occupation;
- e) a craftsperson may sell the product of such craft, by appointment only, with a maximum of two (2) clients per day;
- f) the home occupation shall be carried on by the inhabitants of the dwelling, except in the case of a home occupation carried on in a single detached dwelling;
- g) in the case of a home occupation carried on in a single detached dwelling, a maximum of one (1) person not residing in the dwelling may assist or be employed provided a minimum of three (3) off-street parking spaces is provided and a minimum of 50% of the required front yard is provided and maintained as landscaped open space;

- h) there shall be no external storage of materials, containers, or finished products, or storage of commercial vehicles unless such vehicle is enclosed in a building or structure that is normally considered incidental to a residential use;
- i) there shall be no external advertising, except that a maximum of one (1) non-illuminated sign shall be permitted in association with a home occupation provided that the sign face area is not greater than 0.3 square metres, and provided that the sign is intended solely to identify a lawful home occupation, or home occupations, located on the premises where the sign is situated and provided that the sign is mounted on the front wall of the dwelling unit or in a front window of the dwelling unit;
- j) no noise, dust, or odour arising from such occupation shall escape to adjoining premises;
- k) the area devoted to such occupation, whether located in the dwelling and/or in an accessory building or structure, shall not exceed a total gross floor area equal to twenty-five percent (25%) of the gross floor area of the dwelling;
- l) without limiting the generality of the foregoing, may include an office, including a doctor's or dentist's office, a single chair barber shop, a single chair hairdresser, a commercial school with a maximum of two pupils at any one given time, an electrical contractor, a master electrician, a transient trader, a plumbing contractor, a master plumber, an auctioneer, a transient photographer, provided that the requirements of subsections (a) to (k) of this Section are complied with, but shall not include any type of automotive service or repairs.

5.8 Repealed by By-law 2-1986.

5.9 Repealed by By-law 2-1986.

5.10 NON-COMPLYING USE

5.10.1 Rebuilding or Repair:

Amended by
B/L 2-1986
B/L 188-1986

Nothing in this By-law shall prevent the rebuilding or repair of a non-complying use, if such use is destroyed by accidental fire or natural disaster after the effective date of this By-law provided that the building or structure is built to its prior gross floor area or to a gross floor area which would not further contravene any of the regulations of this By-law, at its prior location on the lot or at a location on the lot that would not further contravene any of the regulations of this By-law and provided further that if the use is altered in any way that the use would not further contravene any of the regulations of this By-law.

5.10.2 Extensions Permitted:

Nothing in this By-law shall prevent an extension or addition or strengthening to a safe condition of any non-complying use provided such extension, addition or strengthening does not further contravene any of the regulations of this By-law and provided further that:

5.10.2
Amended by
B/L 2-1986

- (i) a minimum separation distance of 0.6 metres is maintained from any lot line to such extension or addition.
- (ii) Repealed by By-law 2-1986.
- (iii) Repealed by By-law 2-1986.

5.10.3 Alterations to a Lot

Added by B/L 2-1986 A Non-Complying Use shall not lose its status as such, if the boundaries of the lot are changed, provided such change conforms to all other regulations of the By-law and provided that such change does not cause a further contravention of the By-law.

5.10.4 Change of Use:

Added by B/L 188-1986 Nothing in this By-law shall prevent a non-complying use from changing to another use permitted in the zone in which such use is situated provided that the change in use does not further contravene any of the regulations of this By-law. Where a change in use occurs, in accordance with this paragraph, the new use shall be deemed to be a non-complying use for the purpose of Section 5.10 unless such use complies with all of the regulations of this By-law.

5.11 NON-CONFORMING USE

5.11.1 Rebuilding or Repair:

- a) where in any zone, an existing occupied dwelling exists as a legal non-conforming use and the dwelling is damaged or destroyed by accidental fire or a natural disaster, this By-law does not prevent the reconstruction of the dwelling to its prior dimensions or to smaller dimensions and at its prior location or at a location that would be more in conformity with the By-law;
- b) where in any zone, an existing building, structure, or use exists as a legal non-conforming use other than a dwelling, and which has been damaged by accidental fire or natural disaster to the extent of more than sixty percent (60%) of its value, it shall not be restored except in conformity with the permitted uses and regulations of this By-law for the zone in which it is located, unless a decision of the Committee of Adjustment rules otherwise;

For the purpose of this Subsection, 60% of the value is exclusive of walls below grade and shall be determined at the date of damage by fair building standards and two estimates by certified appraisers shall be obtained with the average estimated percentage deemed to be the percent of the building damaged.

5.11.2 Restoration:

Subject to the regulations of Subsection 5.11.1 of this Section, nothing in this By-law shall prevent the strengthening or restoration to a safe condition of all or part of any building, structure, or use provided that such repair or restoration does not increase the height, size, or volume or change in any way the use of such building, structure, or lot.

5.11.3 Alteration to the Size of a Lot

Added by B/L 2-1986 Except by an amendment to this By-law there shall be no change in the size of a lot which is occupied by a non-conforming use.

5.12 OFF-STREET LOADING SPACE REQUIREMENTS

Where a loading space is required by this By-law, no person shall erect or use any building, structure, or land in any zone unless such loading spaces are provided and maintained in accordance with the following requirements and restrictions:

5.12.1

Size of Loading Spaces:

- a) a loading space shall be a rectangular area measuring not less than 3.66 metres in width and 9.0 metres in length;
- b) each loading space shall have a minimum vertical clearance of 4.3 metres.

5.12.2

Location:

- a) no loading space shall be provided within the required front yard or within the required exterior side yard of the lot;
- b) no loading space shall be upon or partly upon any street allowance or lane;
- c) no loading space shall occupy any required parking space.

Amended by
B/L 2-1986

5.12.3

Access:

- a) each loading space shall have an unobstructed ingress and egress of not less than 6.0 metres in width to and from a street or lane;
- b) each loading space shall be accessible from a street or lane by means of driveways, aisle maneuvering, or similar areas, no part of which shall be used for the parking or temporary storage of motor vehicles.

5.12.4

Number of Loading Spaces Required:

Use	Minimum Number of Loading Spaces
a) <u>Residential Use</u>	
an apartment dwelling containing more than eight units	one space
b) <u>Non-residential Use</u>	
The number of loading spaces required on a lot shall be based on the total gross floor area of all the non-residential uses on the said lot for which loading spaces are required, in accordance with the following:	
less than 500 square metres of gross floor area	zero spaces
500 square metres of gross floor area up to and including 2,500 square metres of gross floor area	one space
over 2,500 square metres of gross floor area up to and including 10,000 square metres of gross floor area	two spaces
over 10,000 square metres of gross floor area	two spaces plus one additional space for every 10,000 square metres of gross floor area or part thereof in excess of 10,000 square metres

5.12.5 Exemption for Central Business District Zone:

Notwithstanding any other regulations hereof to the contrary, no loading spaces shall be required for any building or structure or use located within the Central Business District Zone. (CBD)

5.13 OFF-STREET PARKING REQUIREMENTS

Permanently maintained off-street parking spaces shall be provided in accordance with the following regulations:

5.13.1 Access to Parking Areas and Spaces:

- 5.13.1
Amended by
B/L 2-1986
- Amended by
B/L 2-1986
- Amended by
B/L 2-1986
- a) Every lot shall have one or more unobstructed driveways not exceeding 9.0 metres in width, provided that no lot shall have more than two (2) driveways for the first 30.0 metres of street line thereof plus one (1) driveway for each additional 30.0 metres of street line.
 - b) The width of a driveway leading to any parking area shall be a minimum width of not less than 3.0 metres for one-way traffic, and a minimum width of 6.0 metres for two-way traffic except in the case of a driveway for a double duplex dwelling, in which case the minimum width of a driveway leading to any parking area shall be a minimum width of not less than 3.0 metres for one-way or two-way traffic;
 - c) Except for a cottage dwelling, a duplex dwelling, a mobile home double wide or single wide, a residential care unit Type I or Type II dwelling, a semi-detached dwelling, a single detached dwelling, and a street townhouse, where a parking area is required to contain three or more parking spaces, such parking areas shall have unobstructed access to an aisle leading to a driveway;
 - d) aisles leading to parking spaces and providing unobstructed access from each parking space to a driveway or street shall be established on the following basis:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
(i) up to and including 45 degrees	4.6 metres
(ii) over 45 degrees up to and including 70 degrees	5.2 metres
(iii) over 70 degrees up to and including 80 degrees	6.1 metres
(iv) over 80 degrees up to and including 90 degrees	6.7 metres

- e) any lights used for the illumination of the parking facilities shall be so arranged as to divert light away from the adjacent lots.

5.13.2 Addition to Existing Use:

Amended by
B/L 2-1986
B/L 65-1989

Where a building or structure or use has insufficient parking spaces, and insufficient lot area to provide sufficient parking spaces on the effective date of this By-law, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use, provided however, that any additional parking spaces required by this By-law for such addition or change of use are provided in accordance with all regulations hereof respecting parking spaces and parking areas.

5.13.3

Calculation of Spaces:

- a) if the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number;
- b) where a building or structure or lot accommodates more than one use, the total parking space requirement for such building, structure or lot shall be the sum of the requirements for each separate use except that in the case of a shopping centre or an industrial centre, the parking space requirement for a shopping centre or industrial centre shall apply regardless of the uses within the centre;
- c) parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used for the storage or parking of vehicles for hire or gain, display, or sale;
- d) where seating is provided in the form of fixed benches or pews, then 0.6 metres of each such bench or pew shall be considered as equalling one seat.

5.13.4

Dimensions of Parking Spaces:

A parking space required hereby shall have minimum rectangular dimensions of 2.8 metres by 6.0 metres, except that:

- a) notwithstanding any other regulation hereof to the contrary, the minimum width of a parking space accessory to a single or semi-detached dwelling shall be 2.4 metres;
- b) where the principal access to a parking space is provided on the longest dimension of such parking space, the minimum dimensions of the said parking space shall be 2.4 metres by 6.7 metres;
- c) where the side of a parking space abuts a wall, a column, a pillar, a fence, a pole, or other obstruction or part thereof, the minimum width of the said parking space shall be 3.0 metres;
- d) where the length of a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1.0 metres in width, the minimum width of the said parking space shall be 2.4 metres.

5.13.5

Exemption for Central Business District Zone:

Amended by
By-law 83-1997

Despite any other provision of this By-law, no parking spaces shall be required for any building, structure or use located within the Central Business District Zone except for a building containing one or more dwelling units, other than a senior citizen dwelling, in which case a minimum of 1.0 parking spaces per dwelling unit shall be provided.

5.13.6

Location of Parking Areas:

All required parking spaces shall be provided on the same lot or on an additional lot within 40.0 metres of the closest boundary of the said lot, provided however, except for parking standards the additional lot used for parking shall not be used to determine any of the minimum requirements for the main use.

5.13.7

Parking Shelter:

Amended by
B/L 2-1986

Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants in any part of a parking area, provided such shelter is not more than 4.5 metres in height and has a gross floor area of not more than 5.0 square metres.

5.13.8

Underground Parking Area:

Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that:

- a) no part of any underground parking area shall be situated above finished grade in any required yard;
- b) no part of any underground parking area shall be located within the limits of a street allowance or a lane.

Amended by
B/L 2-1986

5.13.9

Parking Spaces Required:

Except as otherwise provided herein, the following parking regulations shall apply to the use of any land, building, or structure:

Use	Minimum Number of Parking Spaces
a) <u>Residential Uses</u>	
Converted Dwelling	one space per unit
Lodging House	1.5 spaces per dwelling unit plus one space for every five rooms or portion thereof provided in the dwelling for accommodation
Residential Care Unit Type I and/or Type II	2.0 spaces
Rooming House	one space for every five rooms or portion thereof provided in the dwelling for accommodation
Senior Citizen Dwelling	0.5 spaces per unit
All Other Dwellings	1.5 spaces per unit
b) <u>Non-Residential Uses</u>	
Adult Day Care Facility	one space for every staff member plus one space for every four clients.
Animal Shelter	one space for every 23.0 square metres of gross floor area
Automotive Gas Bar	in addition to the fueling spaces provided at the fuel pump island, one space for every two fueling spaces shall be provided
Automotive Sales Establishment	one space for every 37.0 square metres of gross floor area devoted to storage, offices and display area plus three spaces for every service bay devoted to repair facilities
Automotive Service Station	in addition to the fueling spaces provided at the fuel pump island, one space for every two fueling spaces shall be provided plus three spaces for every service bay devoted to repair facilities

Amended by
B/L 2-1986

Added by
B/L 132-2002

Added by
By-law 33-2000

Amended by
B/L 2-1986

Amended by
B/L 2-1986

Added by
B/L 2-1986

Bakery	one space for every 31.0 square metres of gross floor area devoted to a retail use plus one space for every 372.0 square metres of gross floor area devoted to the non-retail aspect of the bakery
Bank	one space for every 11.0 square metres of gross floor area
Beer Store	one space for every 26.0 square metres of gross floor area
Body Repair Shop	three spaces for every service bay devoted to repair facilities
Building Supply Outlet	one space for every 55 square metres of gross retail floor area for an outlet with 930.0 square metres or more of gross floor area five spaces or one space for every 37.0 square metres of gross retail floor area, whichever is the greater, for an outlet with less than 930.0 square metres of gross floor area
Bus Depot	a minimum of 20 spaces
Cabins	one space for every cabin
Car Rental Agency	one space for every 23.0 square metres of gross floor area

Deleted by
B/L 244-1987

Cemetery	twenty spaces which may be arranged in a stacking lane
Commercial School	one space for every staff member plus one space for every four pupils

Added by
B/L 2-1986

Community Bake Shop	five spaces or one space for every 23.0 square metres of gross floor area devoted to a retail use, whichever is the greater, plus one space for every 92.0 square metres of gross floor area devoted to the non-retail aspect of the bake shop
Community Centre	one space for every six fixed seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats
Community Clinic	one space for every 23.0 square metres of gross floor area
Crisis Residence	one space for every 23.0 square metres of gross floor area

	Day Nursery	one space for every staff member plus one space for every four pupils
	Drug Store	five spaces, or one space for every 37.0 square metres of gross retail floor area, whichever is the greater
	Dry Cleaning Depot	five spaces, or one space for every 37.0 square metres of gross retail floor area, whichever is the greater
Amended by B/L 2-1986	Educational Institution	1.25 spaces for every class room plus an additional three spaces for every classroom in a secondary school, college or university
	Fairgrounds	one space for every 9.0 square metres of lot area
	Food Store	one space for every 20.0 square metres of gross retail floor area
	Fraternal Organization	one space for every six seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats
	Funeral Home	one space for every six fixed seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats
Added by B/L 2-1986	Furniture Showroom	one space for every 55.0 square metres of gross retail floor area plus one space for every 372.0 square metres devoted to storage
	Golf Course	fifty spaces for every nine holes
	Government Building	one space for every 23.0 square metres of gross floor area
	Greenhouse	one space for every 37.0 square metres of gross floor area
	Group Residence	one space for every 23.0 square metres of gross floor area
	Hospital	one space for every 1.5 hospital beds
	Hotel	one space for every bed-room plus one space for every five persons that can be accommodated at any one time in the dining or banquet facilities, lounges and meeting rooms
	Institution of Culture	one space for every six fixed seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats

	Kennel	four spaces
Added by B/L 13-2005	Laboratory	one space for every 23.0 square metres of gross floor area
	Laundromat	one space for every three washing machines
	Library	one space for every 23.0 square metres of gross floor area
	Liquor Store	one space for every 20.0 square metres of gross floor area
Added by B/L 239-2002	Long Term Care Facility	one space for every two beds
	Motel	one space for every bedroom plus one space for every five persons that can be accommodated at any one time in the dining or banquet facilities, lounges and meeting rooms
Added by B/L 2-1986	Movie Theatre	one space for every six fixed seats
	Neighbourhood Bake Shop	three spaces or one space for every 23.0 square metres of gross floor area devoted to a retail use, whichever is the greater, plus one space for every 92.0 square metres of gross floor area devoted to the non-retail aspect of the bake shop
	Neighbourhood Clinic	one space for every 23.0 square metres of gross floor area
Amended by B/L 239-2002	Nursery	one space for every 37.0 square metres of gross floor area
	-	-
	Office	one space for every 23.0 square metres of gross floor area
Added by B/L 281-1989	Paint, Glass and Wallpaper Store	one space for every 55 square metres of gross retail floor area for a store with 930.0 square metres or more of gross floor area
		five spaces or one space for every 37.0 square metres of gross retail floor area, whichever is the greater, for a store with less than 930.0 square metres of gross floor area

Park	no minimum
passive leisure activity or a playlot with activity equipment for children	
organized activities including a bowling green, outdoor skating rink, tennis or badminton courts, sportsfield, conservation area and the like	
0 to 10.0 hectares of lot area	one space for every 700.0 square metres of lot area
10.01 to 100.0 hectares of lot area	one space for every 5,000.0 square metres of lot area
100.01 or more hectares of lot area	one space for every 10,000.0 square metres of lot area
Personal Service Shop	one space for every 19.0 square metres of gross floor area
Place of Amusement	
arena, auditorium, dance hall, public hall, or music hall or similar use	one space for every six fixed seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats
billiard or poolroom, ice rink, roller rink, swimming pool, video arcade	one space for every four persons that can be accommodated at capacity
bowling alley	four spaces for every bowling lane
curling rink	eight spaces for every sheet of ice
driving range	one space for every driving pad
miniature golf course	eighteen spaces
Private Club	one space for every six fixed seats and one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats
Public Recreation	refer to requirements for park and place of amusement
Public Sauna	1.5 spaces for each sauna unit
Religious Institution	one space for every six fixed seats plus one space for every 6.0 square metres of floor area used for assembly where there are no fixed seats

Added by B/L 13-2005	Research and Development Centre	one space for every 23.0 square metres of gross floor area
	Restaurant	one space for every 6.25 square metres of gross floor area
Amended by B/L 2-1986	Retail Store with a gross floor area of less than 930.0 square metres	five spaces or one space for every 37.0 square metres of gross retail floor area whichever is the greater
	with a gross floor area of 930.0 square metres or more	one space for every 55.0 square metres of gross retail floor area
	Retail Warehouse	one space for every 31.0 square metres of gross floor area devoted to a retail use plus one space for every 372.0 square metres of gross floor area devoted to warehousing
Added by B/L 239-2002	Retirement Residence	one space for every two private bedrooms or living units
	Second Hand Shop	five spaces or one space for every 37.0 square metres of gross retail floor area whichever is the greater
	Service Shop	one space for every 37.0 square metres of gross floor area
	Shopping Centre with a gross floor area of less than 930.0 square metres	one space for every 17.0 square metres of gross retail floor area
Amended by B/L 194-1990	Shopping Centre with a gross floor area of 930.0 square metres to 9,300.0 square metres	one space for every 21.0 metres of gross retail floor area plus, in cases where storage areas devoted to an individual establishment within the shopping centre are located in the basements, mezzanines or upper floors and exceed 35% of the gross retail floor area of such establishment, one space for every 35.0 square metres of gross floor area of such storage areas.
Amended by B/L 194-1990	Shopping Centre with a gross floor area of more than 9,300.0 square metres	one space for every 17.5 square metres of gross retail floor area plus in cases where storage areas devoted to an individual establishment within the shopping centre are located in basements, mezzanines or upper floors, and exceed 35% of the gross retail floor area of such establishment, one space for every 35.0 square metres of gross floor area of such storage areas.
	Tavern	one space for every five persons that can be legally accommodated at full capacity
	Taxi Stand	one space for every taxi

Train Station	a minimum of 20 spaces
Variety Store	one space for every 23.0 square metres of gross floor area
Veterinary Clinic	one space for every 23.0 square metres of gross floor area
Warehouse	one space for every 372.0 square metres of gross floor area
any use permitted in a commercial or institutional zone that is not specifically listed in this subsection	one space for every 23.0 square metres of gross floor area

5.13a OUTDOOR FURNACE:

Added by B/L 60-2002 Notwithstanding any other provision of this By-law, an outdoor furnace is permitted only on lots having a minimum lot frontage of 60.0 metres and a minimum lot area of 2.0 hectares, in accordance with the following regulations:

- a) An outdoor furnace shall be located only in a rear yard.
- b) An outdoor furnace shall be located a minimum of 12.0 metres from any rear lot line or side lot line.
- c) A minimum separation distance of 15.0 metres shall be provided:
 - (i) between any outdoor furnace and the main building or dwelling located on the same lot as the furnace; and
 - (ii) from an existing main building or an existing dwelling that is not located on the same lot as the furnace.
- d) A minimum separation distance of 3.0 metres shall be provided between the furnace and any accessory building.

5.14 PERMITTED YARD ENCROACHMENTS

5.14.1 Architectural Features:

(a) Required Yard

Amended by B/L 2-1986 In any required yard, the projection of windows or window sills, chimneys, cornices, eaves, and similar architectural features shall be permitted provided that they do not project more than 0.6 metres into any required yard, and that a minimum distance of 0.3 metres shall be maintained between the projection and any lot line.

(b) Separation Distance

Added by B/L 2-1986 Where a separation distance is required in this By-law, the projection of windows or window sills, chimneys, eaves, and similar architectural features shall be permitted provided that they do not project more than 0.6 metres into the required separation distance.

5.14.2 Fire Escapes:

(a) Required Yard

Amended by B/L 2-1986 Fire escapes may be constructed in a side and/or rear yard provided that such fire escape does not project more than 1.2 metres into the required side and/or required rear yard.

- (b) Separation Distance
- Added by B/L 2-1986 Where a separation distance is required in this By-law, the projection of a fire escape shall be permitted provided that it does not project more than 1.2 metres into the required separation distance.
- 5.14.3 Deck:
- Amended by B/L 244-1987 (a) Required Yard
- A deck may project into a required front yard or required rear yard a maximum distance of 1.5 metres, provided however, no enclosure of such deck exceeds a height of 1.2 metres above its floor and provided that a minimum distance of 1.5 metres shall be required between the lot line and the nearest part of any deck and provided further that the floor of the deck is not more than 1.5 metres above finished grade.
- Amended by B/L 294-2003 (b) Separation Distance
- Where a separation distance is required in this By-law, a deck may project into the required separation distance
- 5.14.4 Landings, Stairs and Wheel Chair Ramps
- Amended by B/L 244-1987 (a) Required Yard:
- Landings, stairs and wheelchair ramps may project into any required yard.
- (b) Separation Distance:
- Where a separation distance is required in this By-law, landings, stairs and wheelchair ramps may project.
- 5.14.5 Balconies:
- Amended by B/L 244-1987 (a) Required Yard
- A balcony may project into any required front yard or required rear yard a maximum distance of 1.5 metres, provided however, no enclosure of such balcony exceeds a height of 1.2 metres above its floor and provided that a minimum distance of 1.5 metres shall be required between the lot line and the nearest part of any balcony.
- (b) Separation Distance
- Where a separation distance is required in this By-law, a balcony shall not project into the required separation distance.
- 5.14.6 Patio:
- Added by B/L 294-2003 (a) Required Yard
- A patio may project into any required side yard, provided however, the floor is at the finished ground level of the side yard.
- (b) Separation Distance
- Where a separation distance is required in this By-law, a patio may project.

- 5.14a PRIVATE HOME DAY CARE
- Added by B/L 132-2002 A private home day care is permitted in all zones that permit a dwelling unit.
- 5.15 PROHIBITED USES
- All uses are prohibited unless specifically permitted in this By-law.
- 5.16 PUBLIC UTILITY
- Amended by B/L 2-1986 Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance, and operation of any public utility in any zone, provided that, except for a Electric Power Distribution Station no building or structure associated with such utility exceeds a maximum gross floor area of 140.0 square metres. However, if a public utility is specifically permitted in a zone, then all the regulations of the zone shall apply.
- 5.17 REDUCTION IN REGULATIONS AS A RESULT OF PUBLIC ACTIONS
- 5.17.1 Reduced Lot Area and/or Lot Frontage and/or Lot Depth of a Vacant Lot:
- If the lot area and/or lot frontage and/or lot depth is reduced on a vacant lot as a result of the action of the Corporation or of the Provincial or Federal Government or Crown Agency, then a permitted use may be located on the vacant lot provided all other regulations of the By-law are complied with.
- 5.17.2 Reduced Regulations of a Lot with an Existing Permitted Use:
- Where, as a result of the action of the Corporation or of the Provincial or Federal Government or Crown Agency, a lot with an existing permitted building, structure, or use becomes non-complying with one or more regulations of this By-law, then the existing building, structure or use may be repaired, renovated, altered, or enlarged, provided that the repair, renovation, alteration, or enlargement does not cause a further contravention to the regulations of this By-law.
- 5.18 Repealed by By-law 2-1986
- 5.19 SIGNS
- Amended by B/L 2-1986 Unless specifically prohibited elsewhere in this By-law, a sign shall be permitted in all zones in accordance with the City of Thunder Bay Sign By-law and the regulations contained therein.
- 5.20 SPLIT ZONING
- Where a lot has more than one zone applying to it, then the regulations of the zone where 50% or more of the use, building or structure is or is intended to be located shall apply.
- In addition, regardless of the number of zones applying to a lot the total lot may be used to satisfy the minimum requirements of this By-law.
- 5.20a STREET FRONTAGE
- Added by B/L 2-1986 Notwithstanding any other provision of this By-law, no building or structure or open storage shall be permitted on a lot which has a street frontage of less than 6.0 metres.
- 5.20b STREETS
- Added by B/L 188-1986 Highways, roads, streets, lanes and public sidewalks shall be permitted in all zones.

5.21 SWIMMING POOLS

Swimming pools accessory to a residential use are permitted in any zone provided the following regulations are complied with:

5.21.1 Below Finished Grade Unenclosed

Amended by
B/L 2-1986

Swimming pools with the walls of the pool completely below finished grade and not located within a building or structure may be allowed in an interior side yard or a rear yard provided that the walls of the pool are a minimum of 1.5 metres from the interior side or rear lot line and that any filters, pumps, or similar operating machines, whether open or enclosed or in an accessory structure, are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 metres from any main building on the lot.

5.21.2 Enclosed and/or Above Finished Grade

Amended by
B/L 2-1986
B/L 204-1992

- a) Swimming pools located within a building or enclosed structure detached from the main building shall conform to the General Regulations of this By-law relating to "Accessory Uses"; and
- b) Swimming pools located within a building or structure attached to the main building shall be considered part of the main building and shall conform to all regulations of the zone in which it is located.

5.21.3 Above Finished Grade

Swimming pools with any portion of the walls of the pool above finished grade may be located in an interior side yard or a rear yard, provided the walls of the pool are a minimum of 1.5 metres from the interior side or rear lot line and that any filters, pumps, or similar operating machines, whether open or enclosed or in an accessory structure, are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 metres from any main building on the lot.

5.22 TEMPORARY RADIO OR TELEVISION BROADCASTING

Added by
B/L 2-1986

Notwithstanding anything contained in this By-law, a "radio or television station studio" will be permitted to be temporarily located in any zone if such studio is created for the purpose of broadcasting a single happening or event.

5.23 UNDERSIZED LOTS

Added by
B/L 2-1986

5.23.1 Permitted Use

A permitted use may be located on an undersized lot in the following circumstances on the following lands:

- a) Where a lot of record has insufficient lot area and/or lot frontage and/or lot depth; or
- b) Where a parcel of land has insufficient lot area and/or lot frontage and/or lot depth and was subject to a Committee of Adjustment decision permitting a severance between January 1, 1980 and the effective date of this By-law, and which was subsequently conveyed; or

- c) Where a parcel of land has insufficient lot area and/or lot frontage and/or lot depth after January 1, 1984 and was a lot on a plan of subdivision which received draft approval between January 1, 1972 and the effective date of this By-law and which was subsequently conveyed,

provided that the following conditions are met by the lands referred to in Section 5.23.1(a), (b) and (c):

- (i) in a residential zone where a single detached dwelling is a permitted use, then only one dwelling unit shall be permitted on the undersized lot; and
- (ii) in a residential zone where an apartment dwelling is a permitted use and a single detached dwelling is not permitted, then a maximum of three dwelling units shall be permitted on the undersized lot; and
- (iii) the lot has a minimum of 6.0 metres of lot frontage; and
- (iv) provided that all other regulations of this By-law are complied with except that;

Amended by
B/L 188-1986

- 1) the interior side yard requirements for each interior side yard may be reduced to 10% of the lot frontage of the lot;
- 2) the rear yard requirement may be reduced to 20% of the lot depth;

Added by
B/L 57-2004

- 3) the maximum lot coverage may be increased to 40%.

5.23.2 Increasing the Size of an Undersized Lot

An undersized lot entitled to relief provided for in Section 5.23.1 shall not become disentitled thereto whereby because the size of the holding has increased, and the additional lands added to the original holding shall be deemed to constitute part of the undersized lot as at the relevant date for the purpose of Section 5.23.1

5.23.3 Strengthening to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of all or part of any building, structure or use on an undersized lot, provided that such repair or restoration does not increase the height, size or volume or change in any way the use of such building, structure or lot.

5.24 Lands Susceptible to Flooding

Added by
B/L 2-1986

- 5.24.1 No building used for human habitation shall be constructed, erected or otherwise located on lands with a zone symbol with the suffix (F) on the Zoning map referred to in Section 3.1(a) to which this Section applies, unless such building is flood-proofed. However, this shall not restrict or prevent the construction of any alteration or extension to a building lawfully existing on the effective date of this By-law, or any works necessary thereto for strengthening, repair, or otherwise maintaining such building in a proper structural state.

5.24.2 The requirements of this Section are in addition to any applicable requirements of the Lakehead Region Conservation Authority (which may also require features and works to secure structural integrity under storm conditions, among other matters) or any other body having similar jurisdiction over such lands.

5.24.3 No person shall be entitled to any municipal permit, certificate or licence unless the requirements of the Lakehead Region Conservation Authority or such body have been complied with.

5.25 LONG STANDING USES:

Added by
B/L 244-1987

For the purpose of this By-law:

- a) Where any land, building or structure was used as at January 1, 1970, for a purpose permitted in the zone in which it was then located, such use is deemed to have been a legally conforming use as at that date, notwithstanding any violation or lack of conformity or compliance of any other provision of the applicable Zoning By-law; and
- b) Where any land, building or structure was used as at January 1, 1970, for a purpose not permitted in the zone in which it was then located, such use is deemed to have been a legally non-conforming use as at that date, notwithstanding any other violation or lack of conformity or compliance of the applicable By-law.

5.26 BED AND BREAKFAST

Added by
B/L 55-1994

A bed and breakfast is permitted in any zone which permits a single detached dwelling, a semi-detached dwelling or a duplex dwelling as a main use, in accordance with the following regulations:

- a) the operation of a bed and breakfast shall be incidental and secondary to the main use as a dwelling unit;
- b) the operation of a bed and breakfast shall not change the character or in any way alter the exterior appearance of the dwelling;
- c) the bed and breakfast shall be operated only by a person or persons whose principal residence is the dwelling unit containing the bed and breakfast;
- d) the maximum length of stay for a guest in a bed and breakfast shall not exceed ten (10) consecutive days;
- e) one (1) parking space shall be provided for every two (2) bedrooms used to provide accommodation to the travelling or vacationing public, in addition to the parking spaces required for the dwelling unit, in accordance with the following regulations:
 - (i) such parking space(s) shall have minimum rectangular dimensions of 2.4 metres by 6.0 metres;
 - (ii) such parking space(s) shall be located on the same lot as the bed and breakfast; and
 - (iii) such parking space(s) may be located in tandem with the parking spaces required for the dwelling unit;
- f) the operation of a bed and breakfast is not permitted in conjunction with the rental of accommodations to roomers or boarders; and

- g) one (1) non-illuminated identification sign with a maximum size of 0.185 square metres mounted on the wall of the dwelling is permitted.

5.27

NEIGHBOURHOOD POLICE STATION

Added by
B/L 252-1996

A neighbourhood police station is a permitted use in all zones, except the "HL" - Hazard Land Zone. This use is not subject to any of the regulations of this By-law, except Section 5.5.