

Chapter 1 Administration

1.5 General

1.5.1 Title

(1) Title

This By-law is known as the 'Zoning By-law for the City of Toronto'.

(2) Internal Reference

Any references to "this By-law" means the Zoning By-law for the City of Toronto.

1.5.2 Purpose and Intent of this By-law

(1) Purpose and Intent

This By-law regulates the use of land, the bulk, height, location, erection and use of **buildings** and **structures**, the provision of **parking spaces**, **loading spaces** and other associated matters in the City of Toronto.

1.5.3 Licences, Permits and Other By-laws

(1) Licences, Permits and Other By-laws

This By-law does not relieve any person from complying with the requirements of any other by-law of the City of Toronto, as amended, or from the obligation to obtain a permit, licence or approval required under any by-law of the City of Toronto.

1.5.4 Defined Terms

(1) Defined Terms

If words, terms, or phrases are highlighted in bold type in this By-law, they have the meaning provided in Chapter 800 Definitions.

1.5.5 Zoning By-law Map

(1) Zoning By-law Map

The Zoning By-law Map is found in Section 990.10 Zoning By-law Map.

1.5.6 Former General Zoning By-laws

Former General Zoning By-laws are not Repealed

(1)

Nothing in this By-law repeals the provisions of the **Former General Zoning By-laws** .

(2) Former General Zoning By-laws are Superseded by this By-law

This By-law supersedes the **Former General Zoning By-laws** where it applies.

1.5.7 Lands Subject to this By-law

(1) Lands Subject to this By-law

This By-law applies to all the lands in the City of Toronto, except for those lands identified on the Zoning By-law Map in Section 990.10 as 'Not Part of This By-law'.

1.5.8 Items that are part of this By-law

(1) Items that are Part of this By-law

The following are part of this By-law:

- (A) Table of Contents;
- (B) Maps and Tables; and
- (C) A drawing or other visual representation that is labelled as a "Diagram".

1.5.9 Items that are not part of this By-law

(1) Items that are not Part of this By-law

The following are not part of this By-law:

- (A) Headings and titles in the body of this By-law are included for convenience only and reference purposes;
- (B) References within square brackets are included for convenience only and reference purposes;
- (C) A drawing or other visual representation that is labelled as an "Illustration" is included for convenience only and reference purposes; and
- (D) Margin notes giving information, clarifying intention, providing examples or information, or referring to legislation or other by-laws or to other parts of this By-law are included for convenience only and reference purposes.

1.5.10 Severability of this By-law

(1) Validity

Should any regulation of this By-law be declared by a court of competent jurisdiction to be invalid, the invalidity of that regulation does not affect the validity of this By-law as a whole.

1.20 Interpretation

1.20.1 By-law Structure

(1) By-law Structure and Numbering

This By-law is divided into parts using a numeric decimal system as follows:

- 20. Chapter
- 20.10 Section
- 20.10.30 Article
- 20.10.30.15 Clause

(2) Numbering of Regulations

Articles or Clauses may be divided further into bracketed divisions known as Regulations having the following structure:

- (25) [bracketed numeral]
- (A) [bracketed upper-case letter]
 - (i) [bracketed lower-case Roman numeral]
 - (a) [bracketed lower-case letter]

(4) Numerical Sequence of Chapters, Sections, Articles and Clauses

The Chapters, Sections, Articles and Clauses in this By-law intentionally do not follow in consecutive numerical sequence in order to reserve space for the placement of future regulations. Reference should be made to the Table of Contents to determine the intended numerical sequence of the provisions of this By-law.

1.20.2 How to Read this By-law -Text

(1) Reference to a Chapter, Section, Article, Clause or Regulation

Reference to a Chapter, Section, Article, Clause or Regulation, is a reference to a Chapter, Section, Article, Clause or Regulation in this By-law.

(2) Reference to a Sub-section of a Regulation

If reference is made to a sub-section of a regulation, the sub-section itself may be referred to for the sake of brevity. For example, "20.10.30.15" would be Clause 15 of Article 30 of Section 10 of Chapter 20, but may be referred to as "Clause 20.10.30.15"; so too "20.10.30.15 (1)" may be referred to as "Regulation 20.10.30.15 (1)".

(3) Numeric Reference to a Regulation

A numeric reference may be made to a regulation in this By-law.

(4) References in Square Brackets

Information in square brackets [] following a regulation is a reference to the origin of that regulation or to a tribunal decision that approved the regulation.

(A) References to city codes in square brackets, as follows:

- (i) EY - for the former City of East York;
- (ii) ET - for the former City of Etobicoke;
- (iii) NY - for the former City of North York;
- (iv) SC - for the former City of Scarborough;
- (v) YK - for the former City of York;
- (vi) TO - for the former City of Toronto; and
- (vii) TOR - for the amalgamated City of Toronto; and

(B) By-laws are represented in square brackets by city code and by-law number;

(C) Sections of by-laws are represented in square brackets by city code, by-law number and section.; and

(D) Ontario Municipal Board decisions are represented in square brackets by 'OMB' and the file number.

(5) Reference to Planning Act

A reference to the Planning Act in this By-law, refers to the Planning Act, R.S.O. 1990, c. P.13, as amended.

(6) Word Usage

In this By-law, unless the contrary intention is stated:

- (A) words used in the singular include the plural;
- (B) words used in the plural include the singular;
- (C) 'used' includes "intended to be used"; and
- (D) a grammatical variation of a word or expression defined or used has the same meaning.

(7) Conjunctions and Disjunctions

Unless the context indicates otherwise:

- (A) "and" indicates that all connected items or regulations apply; and
- (B) "or" indicates that the connected items or regulations may apply singularly, alternatively or in combination.

(8) Examples

If "such as" appears in this By-law, followed by examples intended for clarification, the application of "such as" to a definition or regulation is not limited to those examples.

(9) Zone Categories and Zones

Chapter 10 to 100 comprise different zone categories that include one or more zones with the same primary land use permissions.

(10) General Rules for Each Zone

General rules that apply to all zones within a zone category may be superseded by more specific regulations in the zone sections.

(11) Reference to a Zone Category

A reference made to a zone category, includes all zones within that zone category.

(12) Reference to a Zone

A zone may be referred to by its zone name or its zone symbol.

(13) Interpretation of Permitted Uses

A use is permitted use in a zone if it is:

- (A) included on the list of permitted uses for that zone; or
- (B) included on the list permitted uses with conditions.

(14) When Uses Are Not listed

If a use is not listed as permitted, it is not allowed.

(15) Interpretation of Uses

A listed or defined permitted use may not be interpreted as including any other use.

1.20.3 How to Read this By-law - Zoning By-law Map

(1) Zone Symbols and Boundaries

All lands regulated by this By-law are delineated by a zone boundary line on the Zoning By-law Map and identified by a zone symbol as one of the zones listed in Section 1.40.

(2) Zone Label

The zone symbol on the Zoning By-law Map may be followed by components representing regulatory standards outlined in the 'Interpretation' Section of each Chapter. The zone symbol and components are collectively referred to as the zone label.

(3) Site Specific Exceptions

If a zone label on the Zoning By-law Map has round brackets () containing a lowercase 'x' followed by a number, the number in the round brackets refers to specific regulations for the **lot** or area in that zone, found in Chapter 900 Site Specific Exceptions.

(4) Holding Symbol (H)

If an 'H' appears in round brackets () in front of a zone symbol on the Zoning By-law Map, the use or intensity of the development permitted by the zone symbol and zone label for that area is restricted to those permitted in the exception in the zone label.

(5) Determination of Zone Boundaries

When a zone boundary is located in a public right of way, it extends to the centre line of the public right of way.

(6) Lots in More than One Zone

If a **lot** is in more than one zone, the regulations for each zone apply to the portion of the **lot** within the respective zone.

1.20.4 How to Read this By-law - Overlay Maps

(1) Purpose of an Overlay Map

An Overlay Map may alter, add or remove some of the regulations affecting the use of land with an area depicted on the Overlay Map.

(2) Overlay Maps

The following are the overlay maps in this By-law:

- (A) Policy Areas Overlay Map, found in Section 995.10;
- (B) Height Overlay Map, found in Section 995.20;
- (C) Lot Coverage Overlay Map, found in Section 995.30; and
- (D) Rooming House Overlay Map, found in Section 995.40.

1.40 Zones and Zone Categories

1.40.10 Residential Zone Category

(1) Residential Zones

The zones in the Residential Zone category are:

ZONE NAME	ZONE SYMBOL
Residential R	
Residential Detached	RD
Residential Semi-Detached	RS
Residential Townhouse	RT
Residential Multiple	RM

(2) Purpose of the Residential Zone Category

The Residential Zone category permits uses associated with the Neighbourhoods designation in the Official Plan. This Zone category may include a full range of low rise **residential building** types contained within different zones. The zones within this category also contain permissions for **parks** and some local institutions.

(3) Purpose of the Zones in the Residential Zone Category

The purpose of each zone in the Residential Zone category is as follows:

(A) Residential (R)

The purpose of the R Zone is to provide areas for a variety of **residential building** types, including **detached houses, semi-detached houses, townhouses, duplexes, triplexes, fourplexes** and **apartment buildings**.

(B) Residential Detached (RD)

The purpose of the RD Zone is to provide areas for **detached houses**.

(C) Residential Semi-Detached (RS)

The purpose of the RS Zone is to provide areas for **detached houses** and **semi-detached houses**.

(D) Residential Townhouse (RT)

The purpose of the RT Zone is to provide areas for **detached houses, semi-detached houses** and **townhouses**.

(E) Residential Multiple (RM)

The purpose of the RM Zone is to provide areas for **detached houses, semi-detached houses, duplexes, triplexes, fourplexes**, and low-rise **apartment buildings**.

1.40.15 Residential Apartment Zone Category

(1) Residential Apartment Zones

The zones in the Residential Apartment Zone category are:

ZONE NAME	ZONE SYMBOL
Residential Apartment	RA

(2) Purpose of the Residential Apartment Zone Category

The Residential Apartment Zone category permits uses associated with the Apartment Neighbourhoods designation in the Official Plan. This zone category may contain **apartment buildings, parks**, local institutions and some small scale retail uses.

(3) Purpose of the Zones in the Residential Apartment Zone Category

The purpose of each zone in the Residential Apartment Zone category is as follows:

(A) Residential Apartment (RA)

The purpose of the RA Zone is to provide areas for **apartment buildings**.

1.40.30 Commercial Zone Category

(1) Commercial Zones

The zones in the Commercial Zone category are:

ZONE NAME	ZONE SYMBOL
Commercial Local	CL

(2) Purpose of the Commercial Zone Category

The Commercial Zone category permits **parks**, recreational uses, commercial uses and institutional uses associated with the Neighbourhoods and Apartment Neighbourhoods designations in the Official Plan.

(3) Purpose of the Zones in the Commercial Zone Category

The purpose of each zone in the Commercial Zone category is as follows:

(A) Commercial Local (CL)

The purpose of the CL Zone is to provide areas for small-scale commercial uses to serve the needs of the local residential area.

1.40.40 Commercial Residential Zone Category

(1) Commercial Residential Zones

The zones in the Commercial Residential Zone category are:

ZONE NAME	ZONE SYMBOL
Commercial Residential	CR

(2) Purpose of the Commercial Residential Zone Category

The Commercial Residential Zone category regulates uses associated with the Mixed Use designation in the Official Plan. This zone category may contain a range of commercial, residential and institutional uses, as well as **parks**.

(3) Purpose of the Zones in the Commercial Residential Zone Category

The purpose of each zone in the Commercial Residential Zone category is as follows:

(A) Commercial Residential (CR)

The purpose of the CR Zone is to provide areas for a broad range of uses including retail, service commercial, office and residential uses, often in **mixed use buildings**. The CR Zone is categorized into development standard sets which set out specific requirements, such as, maximum **building height**, **building setbacks**, and **angular planes**, based on the different physical contexts found in the downtown, main **streets**, and inner suburban areas.

1.40.50 Commercial Residential Employment Zone Category

(1) Commercial Residential Employment Zones

The zones in the Commercial Residential Employment Zone category are:

ZONE NAME	ZONE SYMBOL
Commercial Residential Employment	CRE

(2) Purpose of the Commercial Residential Employment Zone Category

The Commercial Residential Employment Zone category permits uses associated with the Regeneration Area designation in the Official Plan. This zone category may contain a mix of commercial, residential, light industrial and institutional uses, as well as **parks**.

(3) Purpose of the Zones in the Commercial Residential Employment Zone Category

The purpose of each zone in the Commercial Residential Employment Zone category is as follows:

(A) Commercial Residential Employment (CRE)

The purpose of the CRE Zone is to provide areas for a range of retail, service commercial, office, residential and limited industrial uses in single and multiple use **buildings**.

1.40.60 Employment Industrial Zone Category

(1) Employment Industrial Zones

The zones in the Employment Industrial Zone category are:

ZONE NAME	ZONE SYMBOL
Employment Light Industrial	EL

Employment Industrial	E
Employment Heavy Industrial	EH
Employment Industrial - Office	EO

(2) Purpose of the Employment Industrial Zone Category

The Employment Industrial Zone category permits uses associated with the Employment Areas designation in the Official Plan. This zone category may include a variety of manufacturing, warehousing, distribution and office uses contained within different zones. Some zones may contain permissions for **parks, hotels** and small scale retail and services serving area businesses.

(3) Purpose of the Zones in the Employment Industrial Zone Category

The purpose of each zone in the Employment Industrial Zone category is as follows:

(A) Employment Light Industrial (EL)

The purpose of the EL Zone is to provide areas for light manufacturing, industrial and other employment land uses that co-exist in relatively close proximity to sensitive land uses, such as residential and open space uses.

(B) Employment Industrial (E)

The purpose of the E Zone is to provide areas for general manufacturing, industrial and other employment land uses that co-exist in relative close proximity to other manufacturing and industrial land uses without major impacts on each other.

(C) Employment Heavy Industrial (EH)

The purpose of the EH Zone is to provide areas for heavy manufacturing, industrial and other employment land uses that may have impacts on adjacent lands.

(D) Employment Industrial Commercial (EO)

The purpose of the EO Zone is to provide areas for a mix of light manufacturing and office uses that co-exist with each other in a 'business park' setting.

1.40.80 Institutional Zone Category

(1) Institutional Zones

The zones in the Institutional Zone category are:

ZONE NAME	ZONE SYMBOL
Institutional	I
Institutional Hospital	IH
Institutional Education	IE
Institutional School	IS
Institutional Place of Worship	IPW

(2) Purpose of the Institutional Zone Category

The Institutional Zone category permits uses associated with the Institutional Areas designation in the Official Plan. This zone category may include major educational, health, government uses contained within different zones. Some zones may contain cultural and institutional uses and institutional residences

(3) The Purpose of the Zones in the Institutional Zone Category

The purpose of each zone in the Institutional Zone category is as follows:

(A) Institutional (I)

The purpose of the Institutional General 'I' Zone is to provide areas for a variety institutional uses.

(B) Institutional Hospital (IH)

The purpose of the IH Zone is to provide areas for **hospitals** and associated uses.

(C) Institutional Education (IE)

The purpose of this IE Zone is to provide areas for **post-secondary schools** in a campus setting and associated uses.

(D) Institutional School (IS)

The purpose of this IS Zone is to provide areas for **public schools** and **private schools** and associated uses.

(E) Institutional Place of Worship (IPW)

The purpose of this IPW Zone is to provide areas for **places of worship** and associated uses.

1.40.90 Open Space Zone Category

(1) Open Space Zones

The zones in the Open Space Zone category are:

ZONE NAME	ZONE SYMBOL
Open Space	O
Open Space Natural	ON
Open Space Recreation	OR
Open Space Golf Course	OG
Open Space Marina	OM
Open Space Cemetery	OC

(2) Purpose of the Open Space Zone Category

The Open Space Zone category permits uses associated with the **Parks** and Open Space Areas designation in the Official Plan. This zone category may include recreational, cultural, educational uses and the conservation of lands. Some zones include permissions for golf courses, marinas and **cemeteries**, together with limited retail and commercial service uses.

(3) The Purpose of the Zones in the Open Space Zone Category

The purpose of each zone in the Open Space Zone category is as follows:

(A) Open Space (O)

The purpose of the O Zone is to provide areas for **parks**, including gardens and small play areas, with no **buildings** permitted.

(B) Open Space Natural (ON)

The purpose of the ON Zone is to provide areas for the conservation of lands such as ravines and waterways that are part of the natural system.

(C) Open Space Recreation (OR)

The purpose of the OR Zone is to provide areas for **parks**, including **recreation uses** and facilities, such as sports fields, arenas and **community centres**.

(D) Open Space Golf Course (OG)

The purpose of the OG Zone is to provide areas for golf courses, including clubhouses and associated services, **recreation uses** and facilities.

(E) Open Space Marina (OM)

The purpose of the OM Zone is to provide areas for marinas, including clubhouses and associated services, **recreation uses** and facilities.

(D) Open Space Cemetery (OC)

The purpose of the OC Zone is to provide areas for **cemeteries**, including associated services and facilities.

1.40.100 Utility and Transportation Zone Category

(1) Utility and Transportation Zones

The zones in the Utility and Transportation Zone category are:

ZONE NAME	ZONE SYMBOL
Utility and Transportation	UT

(2) Purpose of the Utility and Transportation Zone Category

The Utilities and Transportation Zone category permits uses associated with the Utility Corridors designation in the Official Plan. This zone category may include **public utilities**, transportation and **recreation uses**.

(3) Purpose of the Zones in the Utilities and Transportation Zone Category

The purpose of each zone in the Utilities and Transportation Zone category is as follows:

(A) Utility and Transportation Zone (UT)

The purpose of the Utility and Transportation Zone is to provide areas for **public utilities**, **transportation uses**, horticultural and outdoor **recreation uses**.

Chapter 2 Compliance with this By-law

2.1 Matters to Comply

2.1.1 General

(1) Uses to Conform with this By-law

No person may use or permit the use, of any land, **building** or **structure** except in conformity with this By-law.

(2) Buildings and Structures to Comply with this By-law

No person may use, erect or alter a **building** or **structure** that does not comply with this By-law.

(3) Lands to Comply with this By-law

A **lot** may not be reduced in area either by severance, conveyance, transfer of ownership or otherwise, unless the remainder of the **lot** complies with this By-law.

(4) Reduction of Lot Area - Conveyance to a Public Authority

If a conveyance or dedication required by a federal, provincial or municipal government, or an expropriation by an expropriating authority:

(A) causes a **lot** to not comply with the **lot frontage**, **lot depth**, **lot area** or required **building setback** regulations of this By-law, the **lot** is deemed to comply with those regulations if the reduction:

(i) creates a **lot frontage**, **lot depth** and **lot area**, that is at least 85% of the minimum **lot frontage**, minimum **lot depth** or minimum **lot area** required by this By-law for the zone in which the **lot** is located; and

(ii) creates a **building setback** that is at least 75% of the minimum **building setback** required by this By-law for the zone in which the **lot** is located; and

(B) reduces the maximum number of **dwelling units** or the maximum **gross floor area** permitted on a **lot**, then the maximum number of **dwelling units** or the maximum **gross floor area** permitted on the **lot**, is the maximum number of **dwelling units** or the maximum **gross floor area** that was permitted on the **lot** on the day before the conveyance, dedication or expropriation; and

(C) causes existing required **parking spaces** on a **lot** to be removed, the required **parking spaces** that remain are deemed to satisfy the **parking space** requirements of this By-law for the **building** and uses that **lawfully** existed on the **lot** on the day before the conveyance, dedication or expropriation.

2.1.2 Variances

(1) Minor Variance After Expiration of Exemption Period

After the expiration of the exemption period set out in Clause 2.1.3.7, any minor variances finally approved under the **Former General Zoning By-laws** may be relied upon, if the regulatory standard respecting which the minor variance was given is the same or more permissive in this By-law than it was in the **Former General Zoning By-law**.

(2) Minor Variance - Application of Former General Zoning By-laws

The **Former General Zoning By-laws**, including the definitions, apply to assist in the interpretation of any minor variance referred to in regulation 2.1.2(1) in the context of this by-law.

2.1.3 Transition Clauses

2.1.3.1 Transition Clause General

(1) Transition Clause General

Except as provided in these transition Clauses 2.1.3.1 to 2.1.3.7 the regulations of this By-law otherwise apply.

2.1.3.2 Transition: Building Permit Applications

(1) Building Permit Applications

Nothing in this By-law will prevent the erection or use of a **building** or **structure** for which a complete application for a building permit was filed on or prior to the date of passage of this By-law, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable **Former General Zoning By-law** as it read on the date of passage of this By-law.

(2) Building Permit Applications

For the purposes of regulation 2.1.3.2(1), a "complete application for a building permit" means an application for a building permit that satisfies the requirements set out in Article I Building Permits of Chapter 363 Building Construction and Demolition of the City of Toronto Municipal Code.

2.1.3.3 Transition: Zoning Certificate Applications

(1) Zoning Certificate Applications

Nothing in this By-law will prevent the erection or use of a **building** or **structure**, in the circumstances set out in regulation 2.1.3.3(2), for a project for which a request for a zoning certificate was filed on or prior to the date of passage of this By-law.

(2) Zoning Certificate Applications

After a zoning certificate has been issued for a project that qualifies under regulation 2.1.3.3(1), a building permit for that project may be issued if:

- (A) the building permit plans for the project are substantially in compliance with the plans approved with the zoning certificate referred to in regulation 2.1.3.3(1) and issued pursuant to Section 363-10.1 of Chapter 363 of the City of Toronto Municipal Code; and
- (B) the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable **Former General Zoning By-law** as it read on [the date of passage of this By-law] and all minor variances finally approved.

(3) Zoning Certificate Applications

For the purposes of regulation 2.1.3.3(1), a "request for zoning certificate" means a request for a zoning certificate that satisfies the requirements set out in Article I Building Permits, of Chapter 363 Building Construction and Demolition of the City of Toronto Municipal Code.

2.1.3.4 Transition: Minor Variance Applications

(1) Minor Variance Applications

Nothing in this By-law will prevent the erection or use of a **building** or **structure**, in the circumstances set out in regulation 2.1.3.4(3)(A) and (B), for which:

- (A) a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passage of this By-law; or
- (B) a complete application for a minor variance under Section 45 of the Planning Act was filed after [the date of passage of this By-law] based on a building permit application or a zoning certificate referred to in regulation 2.1.3.2(1) or 2.1.3.3(1)

(2) Minor Variance Applications

For the purposes of regulation 2.1.3.4(1), a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.

(3) Minor Variance Applications

Where a project qualifies under regulation 2.1.3.4(1):

- (A) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of the applicable **Former General Zoning By-law** as it read on [the date of passage of this By-law]; and
- (B) a building permit for that project may be issued after final approval is received for the minor variance if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable **Former General Zoning By-law** as it read on the date of passage of this By-law and all minor variances finally approved.

2.1.3.5 Transition: Site Plan Approval Applications

(1) Site Plan Approval Applications

Nothing in this By-law will prevent the erection or use of a **building** or **structure** for a project for which a complete application for site plan approval was filed on or prior to the date of passage of this By-law, if the project in question complies with the provisions of the applicable **Former General Zoning By-law** as it read on the date of passage of this By-law.

(2) Site Plan Approval Applications

For the purposes of regulation 2.1.3.5(1), a "complete application for site plan approval" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.

(3) Site Plan Approval Applications

Where a project qualifies under regulation 2.1.3.5(1):

(A) the Notice of Approval Conditions and final site plan approval may be granted if the project complies with the provisions of the applicable **Former General Zoning By-law**, as it read on [the date of passage of this By-law], all requirements of the Planning Act, and Section 114 of the City of Toronto Act, 2006, S.O. 2006, c.11 Schedule. A.

(B) after a Notice of Approval Conditions or final site plan approval is received for a project that qualifies under regulation 2.1.3.5(1), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable **Former General Zoning By-law** as it read on the date of passage of this By-law, the site plan approval, and all minor variances finally approved.

2.1.3.6 Transition: Other Approvals and Agreements

(1) Other Approvals and Agreements

Nothing in this By-law will prevent the erection or use of a **building** or **structure** for which a complete application for:

(A) a consent to sever;

(B) an approval of draft plan of subdivision;

(C) a plan of condominium approval;

(D) a payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; or

(E) a part lot control exemption approval pursuant to Section 50 of the Planning Act was filed on or prior to the date of passage of this By-law in the circumstances set out in regulation 2.1.3.5(3).

(2) Other Approvals and Agreements

For the purposes of regulation 2.1.3.6(1)(A), (B) and (C), a "complete application" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5 #2.

(3) Other Approvals and Agreements

Where a project qualifies under regulation 2.1.3.6(1):

(A) the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part lot control exemption approval may be granted, and the payment in lieu of parking agreement may be entered into, if the project otherwise complies with the provisions of the applicable **Former General Zoning By-law** as it read on [the date of passage of this By-law] and all requirements of the Planning Act; and

(B) a building permit for that project may be issued, based on a complete application for a building permit filed after [the date of passage of this By-law], if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable **Former General Zoning By-law** as it read on [the date of passage of this By-law] and all minor variances finally approved.

2.1.3.7 Transition Clause Duration

(1) Transition Clause Application

Nothing in this By-law applies so as to continue the application of Clauses 2.1.3.1 to 2.1.3.6 beyond the issuance of the permit upon which the exemptions are founded.

(2) Transition Clause Duration

In no case do the exemptions mentioned in Clauses 2.1.3.1 to 2.1.3.6 continue beyond the repeal of this

transition section.

2.1.3.8 Transition Clause Repeal

(1) Repeal

Clauses 2.1.3.1 to 2.1.3.7 are repealed three years from the date of enactment of this By-law.

Chapter 5 Regulations applying to all Zones

5.10 General Regulations

5.10.1 General

5.10.1.10 Interpretation

(1) Application of Chapter

The regulations contained in Chapter 5, Regulations Applying to All Zones, apply to all lands, uses, **buildings** and **structures**.

(2) Multiple Uses On a Lot

If a **lot** is used for more than one permitted use, the regulations applicable to each permitted use on the **lot** are applied as if each permitted use exists and operates independently of the other.

(3) Specific Uses

If the zone regulation identifies a specific use as being a permitted use with conditions, and the condition requires compliance with the regulations in Chapter 150, then the specific use must comply with the regulations for the zone in which it is located and the applicable regulations contained in Chapter 150.

(4) Application of Regulations to Uses

If a regulation applies to a use, the regulation applies whether the use is a principal use or an **ancillary** use.

(5) Substantial Demolition

A **building** is substantially demolished if 50% or more of the exterior **main walls** at or above the level of the **first floor** have been removed.

5.10.1.30 Restrictions

(1) Use of Unzoned lands

Lands that are shown on the Zoning By-law Map in Section 990.10, as lands to which this By-law applies, but are not identified on the Zoning By-law Map as being in a zone may only be used for open space and may not contain a **building** or **structure**.

(2) Habitation in a Vehicle

A **vehicle** may not be used for living accommodation.

(3) Dwelling Unit Below Grade

A **dwelling unit** may not be located entirely below:

- (A) **established grade** in a Residential Zone category and Residential Apartment Zone category; and
- (B) **average grade** in any other zone that permits a **dwelling unit**.

5.10.20 Permitted Uses

5.10.20.1 General

(1) City Services

The following are permitted in any zone, if owned or operated by or for, or under the authority of, the City of Toronto or any agency of the City of Toronto:

- (A) facilities for public or emergency services;
- (B) municipally owned **public parking**; and
- (C) on-location filming.

(2) Firing Range Interpretation

A firing range or shooting range must not be interpreted to be included in any other term defined in this by-law.

(3) Firing Range Use

A firing range or shooting range for the discharge of a firearm is only permitted if it:

- (A) is permitted in the zone in which the **lot** is located;
- (B) is entirely located in an entirely enclosed **building**; and
- (C) is operated by the Canadian Armed Forces, or by a public police force or other body operating under the authorization of a Municipal, Provincial or Federal government.

5.10.30 Lot Requirements

5.10.30.1 General

(1) Availability of Services

No land may be used and no **building** or **structure** may be erected or used on the land unless:

- (A) the land abuts an existing **street**, or is connected to an existing **street** by a **street** or **streets**, constructed to a minimum base curb and base asphalt or concrete; and
- (B) all municipal water mains and municipal sewers, and their appurtenances, are installed to a **lot line** of the property and are operational.

(2) Fronting on a Street

Except for a Parcel of Tied Land, a **building** or **structure** may not be erected or used, on any **lot** that does not abut a **street**. For the purpose of this regulation, a "Parcel of Tied Land" has the meaning given to it in section 24 of Ontario Regulation 49/01 made under the Condominium Act, 1998, S.O. 1998,c.19, as amended.

This regulation does not apply to **lot** separated from a **street** by a 0.3 metre reserve and where access to the **lot** is available from a **lane**,

(3) Lot with Reserve Along Street - No Access

If a **lot** is separated from a **street** by a 0.3 metre reserve and the **lot** does not abut another **street**, the **lot line** abutting the 0.3 metre reserve is the **front lot line** for the purpose of establishing **lot** orientation.

This regulation does not deem the **lot** to abut a **street** from which it is separated by a 0.3 metre reserve.

(4) Addition, Enlargement or Alteration to Buildings or Structures on Non-Complying Lots

If on the date of the enactment of this By-law a **lawfully existing building** or **structure** is on a **lot** with a **lot area** or **lot frontage** that complied with the applicable former zoning by-law and which is less than the **lot area** or frontage required by this By-law, the existing **building** or **structure** may be added to, enlarged or altered if the addition, enlargement or alteration complies with all applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

5.10.30.20 Frontage

(1) Designated Front Lot Line for Corner Lots

The **lot line** or contiguous **lot lines** separating a **corner lot** from one **street** or one **street** segment may be selected as the **front lot line**, and despite the definition of **front lot line**, the **lot line** or contiguous lines separating the **corner lot** from another **street** or **street** segment is not a **front lot line**.

(2) Designated Front Lot Line for Through Lots

On a **through lot**, a **lot line** abutting a **street** may be selected as the **front lot line** if that **lot line** is not separated from the **street** by a 0.3 metre reserve.

5.10.30.40 Coverage

(1) Ramp or Elevating Device Providing Barrier Free Access

An access ramp or elevating device providing barrier-free access to a **building** or **structure** is not included in the calculation of **lot coverage**.

5.10.40 Principal Building Requirements

5.10.40.1 General

(1) Non-Complying Building or Structure Damaged by Acts Beyond Owner's Control

If a **lawfully existing building** or **structure** does not comply with the **building** regulations for the zone in which it is located and it has been damaged or destroyed as a result of matters beyond the control of the owner, it may be reconstructed or repaired if there is no increase in the non-compliance.

(2) Non-Complying Building or Structure - Restoration to a Safe Condition

If a **lawfully existing building** or **structure** does not comply with the **building** regulations for the zone in which it is located and it has been determined to be in an unsafe condition by the City of Toronto, the unsafe portion of the **building** or **structure** may be repaired or restored to a safe condition if the restoration or repair will not increase the height, size, or volume or change the use of the **building** or **structure**; and the restoration or repair will not alter the location of any part of the **building** or **structure** unless permitted by a Section 45 Planning Act minor variance.

(3) Location Restriction Below a Shoreline Hazard Limit or Stable Top-of-Bank

On lands under the jurisdiction of the Toronto and Region Conservation Authority pursuant to the Conservation Authorities Act, R.S.O 1990 c. C.27, as amended, other than in the Open Space Zone category, if the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a stable top-of-bank crosses a **lot**, no **building** or **structure** may be located on the portion of the **lot** below that shoreline hazard limit or stable top-of-bank, unless it is:

- (A) an **ancillary building** or **structure** on a **lot** in the Residential Zone category; or
- (B) for the purpose of conservation works, **public utilities**, or **transportation uses**.

(4) Lawfully Existing Buildings Not Complying With Location Restriction Below a Shoreline Hazard Limit or Stable Top-of-Bank

If a **lawfully existing building** or **structure** is located on a portion of a **lot** below a shoreline hazard limit or stable top-of-bank, that **lawfully existing building** or **structure** is permitted in that location, and regulation 5.10.40.1 (3) does not apply to prevent an alteration to that **lawfully existing building** or **structure**, or its replacement in the same location, if the **lawful** height, length or width is not increased.

5.10.40.10 Height

(1) Height of Buildings and Structures - Flight Path

If a **lot** is located under a flight path regulated by the Government of Canada, the maximum height of a **building** or **structure** is the lower of the maximum height permitted by:

- (A) this By-law; or
- (B) the Government of Canada.

(2) Height - Exemption for Certain Buildings or Structures

If a **lawfully existing building** has a **building** height greater than the height permitted by this By-law, the **building** may be used for a use permitted in the zone, if it complies with all other applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

5.10.40.40 Floor Area

(1) Floor Area Calculation Restriction Below a Shoreline Hazard Limit or Stable Top-of-Bank

On lands under the jurisdiction of the Toronto and Region Conservation Authority pursuant to the Conservation Authorities Act, R.S.O 1990 c. C.27, as amended, other than in the Open Space Zone category, if the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a

stable top-of-bank crosses a **lot**, the portion of the **lot** below that shoreline hazard limit or stable top-of-bank is not included in the calculation of the floor space index for that **lot**.

(2) Lawfully Existing Buildings Not Complying With Floor Area Calculation Restriction Below a Shoreline Hazard Limit or Stable Top-of-Bank

Regulation 5.10.40.40 (1) does not apply to prevent the alteration of a **lawfully existing building or structure**, or its replacement on the same **lot**, if the floor space index resulting from those **lawfully existing buildings or structures** on that **lot** is not increased.

5.10.40.70 Setbacks

(1) Compliance with Required Building Setback

No part of a **building or structure** may be located in a required **building setback**.

(2) Parts of a Building or Structure to which a Required Building Setback Applies

Required **building setback** regulations apply to all parts of a **building or structure** above and below grade, excluding footings.

(3) Application of Building Setbacks for a Building Located on More Than One Lot

If a **building** is located on more than one **lot**, the required **building setbacks** are measured from the **lot lines** forming the boundary of the combined **lots** to the exterior **main walls** of the **building**.

(4) Minimum Building Setbacks for a Use Not Located Within a Building or Structure

A use that is not located inside a **building or structure** must comply with the minimum required **building setbacks** for a **building** on the **lot**, unless:

- (A) it is **landscaping** or a horticultural use;
- (B) it is a **park** or an outdoor **recreation use**; or
- (C) a regulation of this By-law requires an alternative **building setback**.

(5) Rear Yard Building Setback for Triangular Shaped Lots

If a **lot** fronting on a **street** has no **rear lot line**, the **rear yard setback** is measured as a radius from the point where the **side lot lines** meet.

(7) Non-complying building setbacks

If a **lawfully existing building or structure** complied with the applicable former zoning by-law and is closer to a **lot line** or the **main wall** of a **building or structure** than permitted by this By-law, it may be added to, altered or enlarged if it complies with all other applicable regulations of this By-law, or is permitted by a Section 45 Planning Act minor variance.

(8) Setback from the Shoreline Hazard Limit or Stable Top-of-Bank

On lands under the jurisdiction of the Toronto and Region Conservation Authority pursuant to the Conservation Authorities Act, R.S.O 1990 c. C.27, as amended, other than in the Open Space Zone category, if the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a stable top-of-bank crosses a **lot**, a **building or structure** must be set back a minimum of 10 metres from that shoreline hazard limit or stable top-of-bank, unless it is:

- (A) an **ancillary building or structure** on a **lot** in the Residential Zone category; or
- (B) for the purpose of conservation works, **public utilities**, or **transportation uses**.

(9) Lawfully Existing Buildings Not Complying With Setback from a Shoreline Hazard Limit or Stable Top-of-Bank

If a **lawfully existing building or structure** is located closer to a shoreline hazard limit or stable top-of-bank than the setback required by this By-law, that **lawfully existing building or structure** is permitted in that location, and regulation 5.10.40.70 (8) does not apply to prevent an alteration to that **lawfully existing building or structure**, or its replacement on the same **lot**, if the alteration or replacement is no closer to the shoreline hazard limit or stable top-of-bank than the existing setback at every point along the relevant **main walls** of the **lawfully existing building or structure**.

5.10.40.80 Separation

(1) Separation Distance from the Shoreline Hazard Limit or Stable Top-of-Bank

On lands under the jurisdiction of the Toronto and Region Conservation Authority pursuant to the

Conservation Authorities Act, R.S.O 1990 c. C.27, as amended, other than in the Open Space Zone category, a **building** or **structure** must be no closer than 10 metres from a shoreline hazard limit or a stable top-of-bank, as determined by the Toronto and Region Conservation Authority, unless it is:

- (A) an **ancillary building** or **structure** on a **lot** in the Residential Zone category; or
- (B) for the purpose of conservation works, **public utilities**, or **transportation uses**.

(2) Lawfully Existing Buildings Not Complying With Separation Distance from a Shoreline Hazard Limit or Stable Top-of-Bank

If a **lawfully existing building** or **structure** is located closer to a shoreline hazard limit or stable top-of-bank than the separation distance required by this By-law, that **lawfully existing building** or **structure** is permitted in that location, and regulation 5.10.40.80 (1) does not apply to prevent an alteration to that **lawfully existing building** or **structure**, or its replacement on the same **lot**, if the alteration or replacement is no closer to the shoreline hazard limit or stable top-of-bank than the existing distance at every point along the relevant **main walls** of the **lawfully existing building** or **structure**.

5.10.50 Yards

5.10.50.10 Landscaping

(1) Ramp or Elevating Device Providing Barrier Free Access

The area covered by an exterior access ramp or exterior elevating device that provides barrier-free access from the ground to the **first floor** of the **building**, is considered to be **landscaping**.

5.10.60 Ancillary Buildings and Structures

5.10.60.1 General

(2) Satellite Dish Not Mounted on a Building

A satellite dish not mounted on a **building**, or a **structure** supporting or containing a satellite dish:

- (A) may not be located in a **front yard** or a **side yard** that abuts a **street**;
- (B) may not be located closer to a **side lot line** or **rear lot line** than a distance equal to the greater of:
 - (i) the diameter or largest width of the satellite dish; and
 - (ii) if it is located 3.0 metres or more from the **building**, half the height of the **structure**; or
 - (iii) if it is located less than 3.0 metres from the **building**, the applicable required **building setback** for the **building**; and
- (C) if located on a **lot** that is adjacent to a **lot** in a Residential Zone category, the maximum height of the satellite dish is 5.0 metres, measured from the ground at its base to the top of its uppermost element.

(3) Satellite Dish on the Roof of a Building

If a satellite dish is mounted on the roof of a **building**, it may not be located closer to any **main wall** than the distance equal to the largest radius of the satellite dish.

(4) Satellite Dish on a Building but not the Roof

If a satellite dish is located on a **building** other than the roof, it must comply with the **building setback** requirements for the **building**.

5.10.75 Energy Regulations

5.10.75.1 General

(1) Relation of By-law to Green Energy Act

Despite any of the provisions of this By-law, the regulations in this By-law do not apply to:

- (A) any **renewable energy** undertaking, as defined in the Planning Act, respecting which the Planning Act stipulates that a zoning by-law does not apply;
- (B) any **renewable energy** project, **renewable energy** source or **renewable energy** testing project, as defined in the Green Energy Act, 2009, S.O. 2009, Chapter 12 Schedule A, which is designated by

regulation made under the Green Energy Act and for which the Green Energy Act stipulates that restrictions established by a municipal by-law are inoperative; and

- (C) any goods, services and technologies designated by regulation made under the Green Energy Act, 2009, S.O. 2009, Chapter 12 Schedule A, and for which the Green Energy Act stipulates that restrictions established by a municipal by-law are inoperative.

(2) Distribution of Energy From Renewable Energy and Cogeneration Energy Sources

The **distribution** of energy derived from **renewable energy** sources and **cogeneration energy** sources, using wires or pipes is permitted in all zones of this By-law if:

- (A) the **distribution** of the **renewable energy** and **cogeneration energy** produced complies with all municipal, provincial and federal, by-laws, statutes and regulations; and
- (B) the **distribution** of **renewable energy** and **cogeneration energy** is carried out in compliance with all other applicable regulations of this By-law.

5.10.175 Fence

5.10.175.1 General

(1) Fences

A fence required by this By-law must comply with the regulations of Chapter 447, Fences, of the City of Toronto Municipal Code, as amended, and any other applicable Code or by-law provision pertaining to fences.

(2) Fences - Exemption from Building Setback Requirements

A fence is not required to comply with the minimum **building setback** requirements on the **lot**.

Chapter 10 Residential

10.5 Regulations Applying to the Residential Zone Category

10.5.1 General

10.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations in Section 10.5 apply to lands, uses, **buildings** and **structures** in the Residential (R), Residential Detached (RD), Residential Semi-Detached (RS), Residential **Townhouse** (RT) and Residential Multiple (RM) zones of the Residential Zone category.

(2) Interpretation of the Residential Zone Symbol

The zone symbol on the Zoning By-law Map for zones in the Residential Zone category consists of the letters R, RD, RS, RT or RM, indicating the primary land use permitted in the respective zone.

(3) Interpretation of the Residential Zone Label

In the Residential Zone category, the letters following the zone symbols have the following meaning:

- (A) the letter 'f' with an associated numerical value, indicating the minimum **lot frontage** required for a **lot**, in metres;
- (B) the letter 'a' with an associated numerical value, indicating the minimum **lot area** required for a **lot**, in square metres;
- (C) the letters 'au' with an associated numerical value, indicating the minimum **lot area** required for each **dwelling unit** on a **lot**, in square metres;
- (D) the letter 'u' with an associated numerical value, indicating the maximum number of **dwelling units** permitted on a **lot**;
- (E) the letter 'd', with an associated numerical value, indicating the maximum Floor Space Index permitted for a **lot**.

10.5.20 Permitted Uses

10.5.20.1 General

(1) Existing School

A **lawful public school** or **private school** existing on a **lot** in the Residential Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **public school** or **private school building** must comply with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **public school** or **private school** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

(2) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Residential Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

10.5.30 Lot Requirements

10.5.30.1 General

(1) Lot Requirements

Specific **lot** requirements are stated in each zone in the Residential Zone category.

10.5.30.11 Lot Area Exemptions

(1) Permitted Lot Area for Lawfully Existing Lots

In the Residential Zone category, if a **lawfully existing lot** has a **lot area** that is less than the minimum **lot area** required by this By-law, that **lawfully existing lot area** is the permitted minimum **lot area** required for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 10.5.30.11(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Vacant Lawfully Existing Lot

If a **lot** referred to in regulation 10.5.30.11(1) is vacant, only a **detached house** may be constructed on that **lot**, and only if the **detached house** complies with all other applicable regulations of this By-law or is authorized by a Section 45 Planning Act minor variance.

10.5.30.20 Lot Frontage

(1) Designated Front Lot Line for Through Lots

Despite regulation 5.10.30.20(2), on a **through lot** in the Residential Zone category, any **lot line** separating the **lot** from a **street** may be selected as the **front lot line**, if:

- (A) the **lot line** is not separated from the **street** by a 0.3 metre reserve; and
- (B) the **lot line** abuts a **street** where an adjacent **lot** has its **front lot line** on the same **street**.

(2) Minimum Front Lot Line for a Residential Building

A **residential building** must not be erected on a **lot** that does not have a **front lot line** of at least 3.5 metres, unless the **lot**:

- (A) abuts a **lane** having a minimum width of 6.0 metres; and
- (B) has a minimum of 3.5 metres of the **rear lot line** abutting the **lane**.

10.5.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the Residential Zone category, if the **lawfully existing lot** has a **lot frontage** that is less than the minimum **lot frontage** required by this By-law, that **lawfully existing lot frontage** is the minimum **lot frontage** required for that **lawfully existing lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 10.5.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Vacant Lawfully Existing Lot

If a **lot** referred to in regulation 10.5.30.21 (1) is vacant, only a **detached house** may be constructed on that **lot**, and only if:

- (A) the **lot frontage** is not less than 6.0 metres; and
- (B) the **detached house** complies with all other applicable regulations of this By-law or is authorized by a Section 45 Planning Act minor variance.

10.5.30.40 Lot Coverage

(1) Application of Lot Coverage

In the Residential Zone category, the maximum **lot coverage** permitted in a zone is stated in each Residential Zone section.

(2) Lot Coverage Exclusion for Permitted Encroachments

In the Residential Zone category, any part of a **building** or **structure** permitted to encroach into a required **building setback** in 10.5.40.60 is not included in the calculation of **lot coverage**.

(3) Parts of Platforms that are Not Permitted Encroachments

In the Residential Zone category, any part of a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, that does not encroach into a required **building setback** is not included in the calculation of **lot coverage**, if:

- (A) it is attached to or less than 0.3 metres from a **principal building**; and
- (B) the total **lot area** covered by these parts, is not more than 5% of the **lot area**.

10.5.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the Residential Zone category, if the area of a **lot** covered by **lawfully existing buildings** or **structures** is greater than the maximum **lot coverage** permitted by this By-law, the percentage of the **lot** covered by those **lawfully existing buildings** or **structures** is the maximum permitted **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to **lawfully existing buildings** or **structures** referred to in regulation 10.5.30.41(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

10.5.40 Principal Building Requirements

10.5.40.1 General

(1) Application of this Article

The regulations in Article 10.5.40 apply to **principal buildings** or **structures** in the Residential Zone category.

10.5.40.10 Height

(1) Determining the Height of a Principal Building

In the Residential Zone category the height of a **principal building** is measured as the distance between the elevation of the **established grade** and the elevation of the highest point of the **building**.

(2) Height -- for Specified Structures

In the Residential Zone category, the following **structures**, if located on the roof of a **principal building**, may exceed the maximum height permitted for that **building** by 1.5 metres:

- (A) antennae;
- (B) flagpoles;
- (C) parapets for a **green roof**;
- (D) satellite dishes; and
- (E) weather vanes.

(3) Height -- for Functional Operation of a Building

In the Residential Zone category, if located on the roof of a **principal building**, the following may exceed the maximum height permitted for that **building** by 5.0 metres, subject to complying with regulation 10.5.40.10(4), if the:

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above, if the **building** has a height greater than 15.0 metres.

(4) Height -- Horizontal Limits on Elements for Functional Operation of a Building

In the Residential Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by regulation 10.5.40.10(3), they must also comply with the following:

- (A) the total area of all these elements collectively may cover a maximum of 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.

10.5.40.11 Height Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the Residential Zone category, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings - Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 10.5.40.11(1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Alterations to the Roof of Lawfully Existing Buildings

Any alteration to the roof of a **lawfully existing building** referred to in regulation 10.5.40.11(1) may be up to the maximum height permitted in regulation 10.5.40.11(1).

(4) Height of Main Walls for Lawfully Existing Buildings

In the Residential Zone category, if the **lawful** height of the exterior portion of the **main walls** of a **lawfully existing building** or **structure** is greater than permitted by this By-law, for either

- (A) the front and rear **main walls**, or

(B) the side **main walls**,

that **lawful** height is the permitted maximum height for the exterior portion of the respective pair of **main walls**.

(5) Additions to Lawfully Existing Buildings - Height of Main Walls

Any new exterior **main wall** of an addition or extension to a **lawfully existing building** or **structure** referred to in regulation 10.5.40.11(4) is subject to the **main wall** heights established in regulation 10.5.40.11(4).

(6) Height of First Floor Above Established Grade for Lawfully Existing Buildings

In the Residential Zone category, if the **lawful** height of the **first floor** above **established grade** in a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful first floor** height is the permitted maximum height for that **first floor** above **established grade**.

(7) Additions to Lawfully Existing Buildings - Height of the First Floor Above Established Grade

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 10.5.40.11(6) may have a **first floor** above **established grade** up to the maximum height permitted in regulation 10.5.40.11(6).

10.5.40.20 Building Length

(1) Portion of Building to which Building Length Applies

In the Residential Zone category, **building length** regulations apply to all **main walls** of a **principal building** above and below grade excluding the footings for the **building**.

(2) Exclusion from Building Length

In the Residential Zone category, any part of a **principal building** or **structure** permitted to encroach into a required **building setback** in 10.5.40.60 is excluded from the calculation of **building length**.

10.5.40.21 Building Length Exemptions

(1) Permitted Building Length for Lawfully Existing Buildings

In the Residential Zone category, if the **building length** of a **lawfully existing building** or **structure** is greater than the maximum **building length** permitted by this By-law, that **building length** is the permitted maximum **building length** for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 10.5.40.21(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

10.5.40.30 Building Depth

(1) Portion of Building to which Building Depth Applies

In the Residential Zone category, **building depth** regulations apply to all **main walls** of a **principal building** above and below grade excluding the footings for the **building**.

(2) Exclusion from Building Depth

In the Residential Zone category, any part of a **principal building** or **structure** permitted to encroach into a required **building setback** in 10.5.40.60 is excluded from the calculation of **building depth**.

10.5.40.31 Building Depth Exemptions

(1) Permitted Building Depth for Lawfully Existing Buildings

In the Residential Zone category, if the **building depth** of a **lawfully existing building** or **structure** is greater than the maximum **building depth** permitted by this By-law, that **building depth** is the permitted maximum **building depth** for that **lawfully existing building** or **structure** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in regulation 10.5.40.31(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

10.5.40.40 Floor Area

(1) Exclusions from Gross Floor Area in a Residential Building

Despite the definition of **gross floor area** in this By-law, for a **lot** in a Residential Zone category, the **gross floor area** of a **residential building**, other than an **apartment building**:

- (A) does not include the area of the **basement**, unless the elevation of the **established grade** is higher than the average elevation of grade along the rear **main wall** of the **residential building** by 2.5 metres or more, in which case 50% of the **gross floor area** of the **basement** is included in the calculation of **gross floor area** for the **building**,
- (B) does not include the area used for required parking,
- (C) does not include the area used for parking, to a maximum of two **parking spaces** for a **detached house** on a **lot** with frontage greater than 12 metres.

(2) Inclusion of Attic Space for Gross Floor Area Calculation in a Residential Building

In the Residential Zone category, the **gross floor area** of a **residential building** includes floor area located within the **building** above the **main walls**, such as in an attic, if it:

- (A) is accessed by means of a permanent stair case or mechanical elevating device, or
- (B) has a vertical clearance of more than 1.4 metres between the ceiling joists below and the roof rafters, if at least 80% of such area has a vertical clearance of more than 2.1 metres and an area of at least 10 square metres.

(3) Exclusion of Certain Floor Area Within an Attic

In the case of a floor area which meets the conditions set out in regulation 10.5.40.40(2), if this area or a portion of this area is used for the purpose of housing or maintaining mechanical equipment for the **building** and does not exceed 20 square metres, the floor area or portion thereof is not included in **gross floor area** calculation.

10.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Residential Zone category, if the **gross floor area** of **lawfully existing buildings or structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings or structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings or structures** on that **lot**.

10.5.40.50 Decks, Platforms and Amenities

(1) Interpretation of Platform Walls

In the Residential Zone category, the exterior sides of a platform, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of a **principal building**, are not **main walls** if at least 50% of the exterior sides above the finished floor are open to the outside.

(2) Platforms at or Above the Second Storey of a Residential Building Other than an Apartment Building

In the Residential Zone category, the level of the finished floor of a platform, such as a deck or balcony, constructed after the enactment of this bylaw, and located at or above the second **storey** of a **residential building** other than an **apartment building**, must be no higher than the level of the finished floor of the **storey** from which it gains access.

10.5.40.60 Permitted Encroachments

(1) Platforms

In the Residential Zone category, a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **principal building**, may encroach into a

required yard setback for the **building** as follows:

- (A) in a **front yard**, a platform with a floor no higher than the **first floor** of the **principal building** above **established grade** may encroach into the required **front yard setback** the lesser of 2.5 metres or 50% of the required **front yard setback**, if it is no closer to a **side lot line** than the required **side yard setback**, and there may be enclosed space below this platform;
- (B) in a **front yard**, a platform with a floor higher than the **first floor** of the **principal building** above **established grade** may encroach into the required **front yard setback** the lesser of 1.5 metres or 50% of the required **front yard setback**, if it is no closer to a **side lot line** than the required **side yard setback**;
- (C) in a **rear yard**, a platform with a floor no higher than the **first floor** of the **principal building** above **established grade** may encroach into the required **rear yard setback** the lesser of 2.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than the greater of:
 - (i) 0.3 metres, or
 - (ii) a distance equal to the vertical distance between the highest part of the finished floor of the platform and the average elevation of grade at the applicable side of the platform;
- (D) in a **rear yard**, a platform with a floor higher than the **first floor** of the **principal building** above **established grade** may encroach into the required **rear yard setback** the lesser of 1.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than:
 - (i) the required **side yard setback**; plus
 - (ii) the vertical distance between the **first floor** of the **building** and the average elevation of grade along the building's rear **main wall**;
- (E) in a **side yard**, a platform with a floor no higher than the **first floor** of the **principal building** above **established grade** may encroach into the required **side yard setback** a maximum of 1.5 metres, if it is no closer to the **side lot line** than 0.3 metres; and
- (F) in a **side yard** a platform with a floor higher than the **first floor** of the **principal building** above **established grade**:
 - (i) may encroach into the required **side yard setback** a maximum of 1.5 metres if the **side yard** abuts a **street**; and
 - (ii) may not encroach into a required **side yard setback** if the **side yard** does not abut a **street**.

(2) Canopies and Awnings

In the Residential Zone category a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform meeting the requirements of regulation 10.5.40.60(1), may encroach into a required **building setback** as follows:

- (A) a roof, canopy, awning or similar **structure** above a platform meeting the requirements of regulation 10.5.40.60(1) may encroach into a required **building setback** to the same extent as the platform it is covering; and
- (B) a canopy, awning or similar **structure** not covering such a platform may encroach into a required **building setback**,
 - (i) in a **front yard** or **rear yard**, the lesser of 2.5 metres or 50% of the applicable required **building setback**, if it is no closer to a **side lot line** than the minimum required **side yard setback**, or
 - (ii) in a **side yard**, a maximum of 1.5 metres, if it is no closer to the **side lot line** than 0.3 metres.

(3) Exterior Stairs, Access Ramp and Elevating Device

In the Residential Zone category, an exterior stair, access ramp and elevating device providing access to a **principal building** or **structure** may encroach into a required **building setback** as follows:

- (A) Exterior stairs, if the stairs are:
 - (i) no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building** or **structure**;
 - (ii) no wider than 2.0 metres; and
 - (iii) no closer to a **lot line** than 0.6 metres; and
- (B) An uncovered ramp, if the ramp is:
 - (i) no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) no closer to a **lot line** than 0.6 metres; and
- (C) An elevating device, if the elevating device:
 - (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and

(iii) is no closer to a **lot line** than 0.6 metres.

(4) Exterior Main Wall Surface

In the Residential Zone category, cladding added to the original exterior surface of the **main wall** of an existing **principal building** may encroach into a required **building setback** a maximum of 0.15 metres, if the added cladding is no closer to the relevant **lot line** than 0.3 metres.

(5) Architectural Features

In the Residential Zone category, architectural features on a **principal building** must comply with the following:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may encroach into a required **building setback** a maximum of 0.6 metres, if it is no closer to a **lot line** than 0.3 metres; and
- (B) a chimney breast may encroach into a required **building setback** a maximum of 0.6 metres, if it:
 - (i) is no wider than 2.0 metres; and
 - (ii) is no closer to a **lot line** than 0.3 metres.

(6) Window Projections

In the Residential Zone category, a bay window, box window, or other window projection from a **main wall** of a **principal building**, which increases floor area or enclosed space but does not touch the ground, may encroach:

- (A) into a required **front yard setback** or **rear yard setback** a maximum of 0.75 metres, if these features in total do not occupy more than 65% of the width of the front or rear **main wall** at each **storey**; and
- (B) into a required **side yard setback** a maximum of 0.6 metres, if these features:
 - (i) in total do not occupy more than 30% of the width of the side **main wall** at each **storey**, and
 - (ii) are no closer to the **side lot line** than 0.6 metres.

(7) Roof Projections

On a **principal building** in the Residential Zone category roof projections must comply with the following:

- (A) a dormer projecting from the surface of a roof must not have any wall of the dormer closer to a **lot line** than the required **building setback** for the principal building's **main wall**; and
- (B) the eaves of a roof may encroach into a required **building setback** a maximum of 0.9 metres, if they are no closer to a **lot line** than 0.3 metres.

(8) Equipment

On a **principal building** in the Residential Zone category, the following wall mounted equipment may encroach into required **building setbacks** as follows, if the equipment is no closer to a **lot line** than 0.3 metres:

- (A) vents, pipes, or utility equipment, a maximum of 0.6 metres into a required **rear yard setback** or **side yard setback**;
- (B) satellite dish, a maximum of 0.9 metres into any required **building setback**;
- (C) antenna, or a pole used to hold an antenna, a maximum of 0.9 metres into any required **rear yard setback** or **side yard setback**; and
- (D) air conditioner, a maximum of 0.9 metres,
 - (i) into a required **rear yard setback**, and
 - (ii) into a required **side yard setback** if it is not located above the first **storey**.

10.5.40.70 Setbacks

(1) Front Yard Setback - Averaging

In the Residential Zone category, if a **lot** is located:

- (A) beside one **lot** in the Residential Zone category, and that abutting **lot** has a **lawfully existing building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **lot**, the minimum required **front yard setback** is the same as the existing **front yard setback** of that **lawfully existing building** on the abutting **lot**; or
- (B) between two abutting **lots** in the Residential Zone category, each with a **lawfully existing building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **lot**, the minimum required **front yard setback** is the average of the existing **front yard setbacks** of those **lawfully existing buildings** on the abutting **lots**.

(2) Building or Structure to be Set Back from a Lane

A **principal building or structure** in the Residential Zone category must be no closer than 2.5 metres from the original centreline of a **lane**.

10.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Residential Zone category, if the **building setback** of a **lawfully existing building or structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building or structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building or structure**;
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building or structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building or structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in regulation 10.5.40.71(1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings on Specified Lots

Despite regulation 10.5.40.71(2), on a **lot** with a **lot frontage** of 12.2 metres or less, the minimum **building setback** for any addition or extension above a **lawfully existing building or structure** referred to in regulation 10.5.40.71(1) is the same minimum **building setback** from the respective **lot line** permitted by regulation 10.5.40.71(1).

(4) Additions Above Lawfully Existing Buildings in Relation to a Lane

Despite regulation 10.5.40.71(2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building or structure** referred to in regulation 10.5.40.71(1) is the same minimum setback from the original centreline of the **lane** permitted by regulation 10.5.40.71(1).

(5) Additions to the Rear or Side of Lawfully Existing Buildings on Specified Lots

Despite regulation 10.5.40.71(2), the minimum **building setback** from a **side lot line** for any addition or extension to the rear or the side of a **lawfully existing building or structure** referred to in regulation 10.5.40.71(1), on a **lot** with a **lot frontage** of:

- (A) less than 9.0 metres, is the **side yard setback** permitted by regulation 10.5.40.71(1); or
- (B) 9.0 metres to 12.2 metres, is the greater of:
 - (i) 50% of the minimum **side yard setback** required by this By-law; or
 - (ii) the **side yard setback** permitted by 10.5.40.71 (1).

10.5.50 Yards

10.5.50.10 Landscaping

(1) Front Yard Landscaping for Certain Types of Residential Buildings

In the Residential Zone category, on a **lot** with a **detached house, semi-detached house, duplex, triplex, fourplex or townhouse**, the following **front yard landscaping** regulations apply:

- (A) for **lots** with a **lot frontage** less than 6.0 metres, or a **townhouse dwelling unit** less than 6.0 metres wide, the **front yard** not covered by a permitted **driveway** must be used for **landscaping**;
- (B) for **lots** with a **lot frontage** of 6.0 metres to less than 15.0 metres, or a **townhouse dwelling unit** not less than 6.0 metres wide, a minimum of 50% of the **front yard** must be used for **landscaping**;
- (C) for **lots** with a **lot frontage** of 15.0 metres or greater, a minimum of 60% of the **front yard** must be used for **landscaping**; and
- (D) a minimum of 75% of the **landscaped front yard** required in (A), (B), and (C) above, must be used

for **soft landscaping**.

(2) Side Yard Landscaping for Certain Types of Residential Buildings on Corner Lots

In the Residential Zone category, if a **corner lot** contains a **detached house, semi-detached house, duplex, triplex, fourplex** or **townhouse**:

(A) a minimum of 60% of the **side yard** abutting a **street** must be used for **landscaping**; and

(B) a minimum of 75% of the **landscaped side yard** required in (A), above, must be used for **soft landscaping**.

(3) Rear Yard Soft Landscaping for Residential Buildings Other Than an Apartment Building

In the Residential Zone category, a minimum of 50% of the **rear yard** of any **lot** with a **residential building**, other than an **apartment building**, must be used for **soft landscaping**.

(4) Landscaping Requirement for an Apartment Building

If a **lot** in the Residential Zone category contains an **apartment building**:

(A) a minimum of 50% of the area of the **lot** must be used for **landscaping**; and

(B) a minimum of 50% of the **landscaped area** required in (A), above, must be used for **soft landscaping**.

(5) Landscaping Requirement for an Apartment Building Abutting Another Residential Lot

If a **lot** in the Residential Zone category contains an **apartment building**, a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along any part of a **lot line** abutting another **lot** in the Residential Zone category.

(6) Landscaping Exclusion for Permitted Encroachments

In the Residential Zone category, the calculation of **landscaping** or **soft landscaping** required by regulation 10.5.50.10 (1), (2), (3) and (4), excludes the area of the required **building setback** covered by any part of a **principal building** or **structure** permitted to encroach into a required **building setback** in Clause 10.5.40.60.

(7) Swimming Pools or Similar Ancillary Structures Containing Water Deemed to be Soft Landscaping for Specified Regulations

In the Residential Zone category, for the purpose of determining the amount of **soft landscaping** required by regulation 10.5.50.10 (3) and (4), the area of **soft landscaping** may include the water surface area of swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds.

10.5.60 Ancillary Buildings and Structures

10.5.60.1 General

(1) Application of this Article

The regulations in Article 10.5.60 apply to detached **ancillary buildings** or **structures** in the Residential Zone category.

(2) Living Accommodation in Ancillary Buildings

An **ancillary building** in the Residential Zone category must not be used for living accommodation.

(3) Food or Sanitary Facilities in Ancillary Buildings

An **ancillary building** in the Residential Zone category may contain:

(A) food preparation facilities and sanitary facilities if the **ancillary building** or **structure** is for indoor **amenity space** required by this By-law; or

(B) either food preparation facilities or sanitary facilities, but not both, if the **ancillary building** or **structure** is for any other purpose than indoor **amenity space**.

(4) Ancillary Building or Structure Construction Timing

In the Residential Zone category, no above-ground part of an **ancillary building** or **structure** may be erected prior to the erection of the **main walls** and completion of the roof of a **principal building** on the same **lot**.

10.5.60.10 Location

(1) Ancillary Buildings or Structures Not Permitted in Front Yard

An **ancillary building** or **structure** in the Residential Zone category must not be located in a **front yard**.

10.5.60.20 Setbacks

(1) Ancillary Building or Structure to which a Required Building Setback Applies

In the Residential Zone category, required **building setback** regulations apply to all parts of an **ancillary building** or **structure** above and below grade, excluding footings.

(2) Ancillary Buildings or Structures - Rear Yard Setback

Subject to regulation 10.5.60.20 (5), in the Residential Zone category:

- (A) if an **ancillary building** or **structure** is located on a **through lot**, and a **principal building** on an adjacent **lot** fronts on the **street** that abuts the **rear lot line** of the **through lot**, the minimum required **rear yard setback** for the **ancillary building** or **structure** is equal to the minimum **front yard setback** required for the **principal building** on the adjacent **lot**;
- (B) if an **ancillary building** or **structure** is located on a **lot** having a **lot depth** greater than 45 metres, and its height is greater than 2.5 metres or its floor area, including areas for the purpose of parking, is greater than 10 square metres, the minimum **rear yard setback** for the **ancillary building** or **structure** is equal to 50% of the height of the **ancillary building** or **structure**; and
- (C) in cases other than those set out in (A) or (B) above, the minimum **rear yard setback** for **ancillary buildings** or **structures** is 0.3 metres.

(3) Ancillary Buildings or Structures - Side Yard Setback

Subject to regulations 10.5.60.20 (6) and (7), in the Residential Zone category, the minimum **side yard setback** for an **ancillary building** or **structure**, if it is located:

- (A) in a **side yard**, is the same as the minimum **side yard setback** required for the **principal building**;
- (B) in a **rear yard** and less than 1.8 metres from the **principal building**, is the same as the minimum **side yard setback** required for the **principal building**; and
- (C) in a **rear yard** and 1.8 metres or more from the **principal building**, is as follows:
 - (i) if it is located on a **corner lot**, and a **principal building** on an adjacent **lot** fronts on the **street** that abuts the **side lot line** of the **corner lot**, the **ancillary building** or **structure** must be set back from the **side lot line** that abuts the **street** a distance equal to the minimum **front yard setback** required for the **principal building** on the adjacent **lot**;
 - (ii) if it is located on a **lot** where the minimum required **lot frontage** is 21.0 metres or more, and its height is greater than 2.5 metres or its floor area, including areas for the purpose of parking, is greater than 10 square metres, the minimum **side yard setback** is equal to 50% of the height of the **ancillary building** or **structure**; and
 - (iii) in cases other than those set out in (i) and (ii) above, the minimum **side yard setback** is 0.3 metres.

(4) Ancillary Building or Structure - Setback from a Lane

Despite regulation 10.5.60.20(2),(3) and (5) to (11), an **ancillary building** or **structure** in the Residential Zone category must be no closer than 2.5 metres from the original centreline of a **lane**.

(5) Detached Private Garages - Rear Yard Setback

In the Residential Zone category, the minimum **rear yard setback** for an **ancillary building** or **structure** containing a **parking space** must comply with regulation 10.5.60.20 (2), except:

- (A) if the **rear lot line** abuts a **lane** and **vehicle** access to the **parking space** in the **ancillary building** is from the **lane**, then the minimum **rear yard setback** is 1.0 metres, subject to regulation 10.5.60.20 (4); and
- (B) if it is on a **through lot**, and **vehicle** access is from the **street** abutting the **rear lot line**, then the minimum **rear yard setback** is the greater of:
 - (i) the minimum **front yard setback** required for a **principal building** on the adjacent **lot** that fronts on the same **street** that the **rear lot line** abuts; or
 - (ii) 6.0 metres.

(6) Detached Private Garages - Side Yard Setback

In the Residential Zone category, the minimum **side yard setback** for an **ancillary building** or **structure** containing a **parking space** must comply with regulation 10.5.60.20 (3), except:

- (A) if a **side lot line** abuts a **lane**, and **vehicle** access to the **parking space** is from the **lane**, then the

- building setback** from that **side lot line** is 1.0 metres, subject to regulation 10.5.60.20 (4); and
- (B) if it is on a **corner lot**, and **vehicle** access is from the **street** abutting the **side lot line**, the minimum **side yard setback** is 6.0 metres.
- (7) Detached Private Garages Situated on More than One Lot
 Despite regulation 10.5.60.20 (3) and (6), if an **ancillary building** or **structure** contains required **parking spaces** for **dwelling units** on abutting **lots** in the Residential Zone category, it may be located on the common **side lot line**.
- (8) Swimming Pools or Similar Ancillary Structures Containing Water - Rear Yard Setback
 Despite regulation 10.5.60.20 (2), in the Residential Zone category, the minimum **rear yard setback** for a swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, is as follows:
- (A) on a **lot** with a **residential building** other than an **apartment building**,
- (i) 25.0 metres, if it is a **through lot** and if an adjacent **lot** fronts on the **street** abutting the through lot's **rear lot line**,
 - (ii) 3.0 metres, if it is a **corner lot** and if an adjacent **lot** fronts on the **street** abutting the corner lot's **side lot line**, and
 - (iii) 1.2 metres in all other cases, except no minimum **rear yard setback** is required if the water surface area is 1.0 square metres or less; and
- (B) on a **lot** with an **apartment building**,
- (i) 7.5 metres, if it is a **through lot**, and
 - (ii) 4.5 metres in all other cases, except
 - (iii) no minimum **rear yard setback** is required if the water surface area is 3.0 square metres or less.
- (9) Swimming Pools or Similar Ancillary Structures Containing Water - Side Yard Setback
 Despite regulation 10.5.60.20 (3), in the Residential Zone category, the minimum **side yard setback** for a swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, is as follows:
- (A) on a **lot** with a **residential building** other than an **apartment building**,
- (i) the greater of 1.2 metres or the **side yard setback** required by 10.5.60.20 (3), and
 - (ii) if it is a **corner lot**, the minimum **side yard setback** for a **principal building** on the **lot**, plus 1.5 metres, from the **side lot line** abutting a **street**, except
 - (iii) no minimum **side yard setback** is required if the water surface area is 1.0 square metres or less; and
- (B) on a **lot** with an **apartment building**:
- (i) 4.5 metres; and
 - (ii) if it is a **corner lot**, 7.5 metres from the **side lot line** abutting a **street**; except no minimum **side yard setback** is required if the water surface area is 3.0 square metres or less.
- (10) Ground Mounted Heating or Air-Conditioning Devices - Front Yard Setbacks and Side Yard Setbacks
 In the Residential Zone category, a heating or air-conditioning device that is mounted on the ground must comply with the following:
- (A) despite regulation 10.5.60.10 (1), the device may be located in a **front yard**, if it is at least 6.0 metres from the **front lot line**; and
- (B) despite regulation 10.5.60.20 (3) (A), if the device is located in a **side yard**, it must be no closer to the **side lot line** than the lesser of:
- (i) 0.9 metres; or
 - (ii) the minimum **side yard setback** required for the **principal building** on the **lot**.
- (11) Open Platforms - Rear Yard Setbacks and Side Yard Setbacks
 Despite regulation 10.5.60.20 (2) and (3), in the Residential Zone category, the minimum **rear yard setback** and **side yard setback** for a platform, such as a deck or similar **structure**, with a minimum of 50% of the total area of its exterior sides above the platform's finished floor open to the outside, and located no closer to the **principal building** than 0.3 metres, is the greater of:
- (A) 0.3 metres; or
- (B) a distance equal to the largest vertical distance between any part of the finished floor of the platform and the ground below it.

10.5.60.30 Separation

(1) Minimum Separation Between Principal Buildings and Ancillary Buildings or Structures of a Certain Size

In the Residential Zone category, an **ancillary building** or **structure** with a height greater than 2.5 metres, or a **gross floor area** greater than 10 square metres, must be at least 1.8 metres from a **principal building** on the same **lot**.

(3) Maximum Separation Between Principal Buildings and Ground Mounted Heating or Air-Conditioning Devices in a Rear Yard

A heating or air-conditioning device that is mounted on the ground in the **rear yard** of a **lot** in the Residential Zone category must be no more than 2.0 metres from the rear **main wall** of the **principal building**.

10.5.60.40 Height

(1) Determining the Height of Ancillary Buildings or Structures

In the Residential Zone category, the height of an **ancillary building** or **structure** is measured as the distance between the elevation of the **average grade** and the elevation of the highest point of the **ancillary building** or **structure**.

(2) Maximum Height of Ancillary Buildings or Structures

The maximum height of an **ancillary building** or **structure** in the Residential Zone category is:

- (A) 2.5 metres, if the **ancillary building** or **structure** is less than 1.8 metres from the **principal building**;
and
- (B) 4.0 metres in all other cases.

(3) Maximum Storeys for Ancillary Buildings or Structures

An **ancillary building** or **structure** in the Residential Zone category, must not have more than one **storey**.

(4) Entrances to Ancillary Buildings or Structures

The maximum height of the top of an entrance into an **ancillary building** or **structure** in the Residential Zone category is 2.5 metres above the average elevation of the grade along the entrance to the **ancillary building** or **structure**.

(5) Height Restrictions for Platforms

In the Residential Zone category, a platform, such as a deck or similar **structure**, other than a **green roof**, must not be:

- (A) located on top of any **ancillary building**;
- (B) located on top of an **ancillary structure** containing a **parking space**; and
- (C) attached to an **ancillary building** or **structure** containing a **parking space** if the platform is more than 1.2 metres above the ground at any point below the platform.

10.5.60.50 Floor Area

(1) Exclusion from Floor Space Index

In the Residential Zone category, the **gross floor area** of **ancillary buildings** and **structures** is not included in the calculation the **gross floor area** on a **lot**.

(2) Maximum Floor Area of Ancillary Buildings or Structures

The maximum total floor area of all **ancillary buildings** or **structures** on a **lot** in the Residential Zone category, other than swimming pools or other **structures** used to hold water, is:

- (A) 60.0 square metres for a **lot** with a **lot frontage** of 12.0 metres or more; and
- (B) 40.0 square metres in all other cases.

(3) Maximum Floor Area Limitations

Despite regulation 10.5.60.50 (2), the maximum floor area of an **ancillary building** or **structure**:

- (A) located less than 1.8 metres from the **main wall** of the **principal building** on the **lot** is 10.0 square metres; and

(B) used as a detached garage is 40.0 square metres.

10.5.60.60 Permitted Projections

(1) Roof Projections for Ancillary Buildings

In the Residential Zone category, the eaves of a roof on an **ancillary building** may encroach into a required yard setback a maximum of 0.3 metres, if they are no closer to a **lot line** than 0.15 metres.

10.5.60.70 Lot Coverage

(1) Lot Coverage Requirement for Ancillary Buildings and Structures

An **ancillary building** or **structure** on a **lot** in the Residential Zone category, other than swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds:

(A) is included in the overall calculation of **lot coverage**; and

(B) the area of the **lot** covered by all **ancillary buildings** and **structures** must not exceed 10% of the **lot area**.

(2) Lot Coverage Requirement for Swimming Pools or Similar Ancillary Structures Containing Water

In the Residential Zone category, the water surface area of unenclosed swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds:

(A) is not included in the calculation of **lot coverage**; and

(B) the water surface area must not exceed 15% of the **lot area**.

10.5.75 Energy Regulations

10.5.75.1 General

(1) Renewable Energy or Cogeneration Energy Device

In the Residential Zone category, a device producing **renewable energy** or **cogeneration energy** may not be located in a **front yard** or a **side yard** that abuts a **street**.

(2) Cogeneration Energy Device

In the Residential Zone category, a **cogeneration energy** device must comply with the minimum **building setbacks** required for a **principal building** on the **lot**.

(3) Geo-energy Device

In addition to regulation 10.5.75.1 (1), in the Residential Zone category any above-ground part of a **geo-energy** device must comply with all regulations for an **ancillary building** or **structure** on the **lot**.

(4) Solar Energy Device

In the Residential Zone category, a photovoltaic **solar energy** device or a thermal **solar energy** device:

(A) if located on a **principal building**,

(i) must comply with all the minimum **building setbacks** required for the **principal building**, and

(ii) no part of the device is to be higher than

(a) 1.2 metres above the maximum height permitted for any **residential building** other than an **apartment building**, or

(b) 2.0 metres above the maximum height permitted for an **apartment building** or **non-residential building**; and

(B) if ground mounted, must comply with the regulations for an **ancillary building** or **structure** on the **lot**.

(5) Wind Energy Device

In the Residential Zone category, a **wind energy** device must comply with the following:

(A) there must be no more than one **wind energy** device on a **lot**;

(B) all parts of a **wind energy** device on a **lot** are to comply with the minimum **building setbacks** required for a **principal building** on the **lot**;

(C) if located on a **lot** with a **residential building** other than an **apartment building**, no part of a **wind**

energy device is to be higher than 2.5 metres above the maximum height permitted for the **principal building**; and

- (D) if located on a **lot** with an **apartment building** or **non-residential building**, no part of a **wind energy** device is to be higher than:
- (i) 3.0 metres above the maximum height permitted for the **principal building**, if:
 - (a) the maximum height permitted for the **building** is less than 24.0 metres; or
 - (b) the **lot** abuts another **lot** in the Residential Zone category; and
 - (ii) in all other cases, 5.0 metres above the maximum height permitted for the **principal building**.

10.5.80 Parking

10.5.80.1 General

(1) Charging for Visitor Parking

In the Residential Zone category, no fee may be charged for a visitor **parking space** for a **residential building**.

(2) Ancillary Outdoor Area for Parking

In the Residential Zone category, a **lot** with a **residential building** other than a **detached house** or **semi-detached house**, may contain an **ancillary** outdoor area used for the parking or storing of more than 3 **vehicles** if:

- (A) no portion of the **ancillary** outdoor area is closer to a **residential building** on the same **lot** than 6.0 metres;
- (B) the **ancillary** outdoor area is fenced;
- (C) the surface area used for the parking or storing of **vehicles** is no closer to a fence than 1.5 metres;
- (D) the **ancillary** outdoor area is no closer to a **lot line** that abuts a **street** than the greater of,
 - (i) 6.0 metres, or
 - (ii) the distance that a **residential building** on an adjoining **lot** is set back from its **lot line** abutting the same **street**; and
- (E) there is only one **ancillary building** for parking attendants, and it,
 - (i) has a maximum height of 3.0 metres,
 - (ii) has a maximum floor area of 5.0 square metres, and
 - (iii) is no closer to any **lot line** abutting a **street** than 6.0 metres.

(3) Use of Required Parking

A **parking space** required by this By-law for a use in the Residential Zone category must be available for the use for which it is required.

(4) Bachelor Unit Size for Parking Space Calculation

For the purpose of calculating **parking space** requirements in the Residential Zone category, the bachelor **dwelling unit** parking rate applies if the bachelor **dwelling unit** has an **interior floor area** of 45 square metres or less. If the bachelor **dwelling unit** has an **interior floor area** greater than 45 square metres the one bedroom parking rate applies.

10.5.80.10 Location

(1) Parking Space Location for Apartment Buildings

In the Residential Zone category, a minimum of 50% of the required **parking spaces** for an **apartment building**, other than required visitor **parking spaces**, must be located in a **building** or underground **structure**.

(2) Street Yard Parking

In the Residential Zone category, a **parking space** must not be located in a **front yard** or a **side yard** abutting a **street**. This regulation does not apply if a **parking space** in the **front yard** is allowed by a permit issued by the City of Toronto under the authority of the City of Toronto Act 2006 or its predecessor.

(3) Parking in the Front Yard

In the Residential Zone category, for a **detached house**, a **semi-detached house**, or a **duplex**, and for

an individual **townhouse dwelling unit** where a private **driveway** leads directly to the **dwelling unit**, **vehicles** may be parked on the private portion of the **driveway** leading to a **parking space**.

(4) Parking Space for a Secondary Suite

Despite regulation 10.5.80.10.(2), in the Residential Zone category a required **parking space** for a **secondary suite** may be located in the **front yard** if it is on a **driveway**.

(5) Corner Lot Parking Space Location

On a **corner lot** in the Residential Zone category, a **parking space** must be located:

- (A) in a **building** or **structure**;
- (B) in a **rear yard**; or
- (C) in a **side yard** that does not abut a **street**.

(6) Rear Yard Parking

In the Residential Zone category, on a **lot** with a **detached house**, a **semi-detached house** or a **duplex**, a maximum of 2 **parking spaces** may be located in the **rear yard**.

(7) Parking or Storing of Recreational Vehicles

A maximum of two **parking spaces** on a **lot** in the Residential Zone category may be used for recreational **vehicles**, if:

- (A) there is not more than one camper trailer or one boat trailer; and
- (B) the recreational **vehicles** are only stored in:
 - (i) a **building**, or
 - (ii) a **parking space**, located in a part of the **rear yard** not required for **soft landscaping**.

(8) Commercial Vehicle Parking Restriction

A **parking space** in the Residential Zone category may be used for a commercial **vehicle**, if:

- (A) an owner or tenant of a **dwelling unit** on the **lot** is the owner or operator of the **vehicle**; and
- (B) it is located within a wholly enclosed **building**.

(9) Commercial Vehicle Parking Not Permitted in Yards

A **parking space** located outside of a **building** in the Residential Zone category must not be used for:

- (A) commercially licensed **vehicles**;
- (B) construction **vehicles**;
- (C) dump trucks;
- (D) agricultural **vehicles**;
- (E) repair or towing **vehicles**;
- (F) tracked **vehicles**;
- (G) **vehicles** with a traction engine;
- (H) **vehicles** designed to run only on rails; and
- (I) **vehicles** equipped with more than six wheels, excluding spare wheels.

(10) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

10.5.80.11 Location Exemptions

(1) Lawfully Existing Front Yard Parking

In the Residential Zone category, if a **lawfully existing building** had one or two **parking spaces** **lawfully** located on a **driveway** in the **front yard**, regulation 10.5.80.10(2) does not apply so long as those **parking space** remain on the **driveway**.

(2) Side-by-Side Front Yard Parking on a Lawfully Existing Driveway

If a **lot** with a **detached house** or **semi-detached house** in the Residential Zone category has a **lawfully existing driveway** that is wider than permitted by regulation 10.5.100.1(1) and it leads to only one **parking space** behind the main front **main wall**, two **parking spaces** may be located side-by-side on that **driveway** in the **front yard** if the **driveway** width does not exceed 6.0 metres.

(3) Front Yard Parking Authorized Under the City of Toronto Act

If a **lawfully existing lot** contains a **lawfully existing building** and the required **parking spaces** cannot be located where required by this By-law, those **parking spaces** may be located entirely or partially in the **front yard** of that **lot** if approval is given under the applicable provisions of the City of Toronto Act 2006 as amended.

10.5.80.30 Separation

(1) Parking Space Separation from Apartment Building

In the Residential Zone category, a surface **parking space** must be at least 3.0 metres from all **main walls** of an **apartment building**.

10.5.80.40 Access to Parking Space

(1) Maximum Width of Garage Entrance in Front Wall on Certain Lots

In the Residential Zone category, for a **lot** containing a **detached house** or **semi-detached house**, if the minimum required **lot frontage** is less than 24.0 metres, the maximum combined width of all vehicular entrances through the front **main wall** of a **principal building** is 6.0 metres.

(2) Elevation of Garage Entrance in Certain Types of Residential Buildings

In the Residential Zone category, for a **detached house** or **semi-detached house**, and for an individual **townhouse dwelling unit** where an individual private **driveway** leads directly to the **dwelling unit**, the elevation of the lowest point of a vehicular entrance in a **main wall** of the **principal building** must be higher than the elevation of the centreline of the **driveway** at the point where it intersects a **lot line** abutting a **street**.

(3) Parking Access on a Corner Lot

In the Residential Zone category, **vehicle** access to a **parking space** on a **corner lot** must comply with the following:

- (A) if the **lot** abuts a **lane**, **vehicle** access must be from the **lane**;
- (B) if the **lot** does not abut a **lane**, **vehicle** access must be from a flanking **street** that is not a major **street** shown on the Policy Areas Overlay Map; and
- (C) in all other cases, **vehicle** access may be from the **street** on which the **lot** fronts.

10.5.95 Bicycle Parking

(1) Bicycle Parking Space - Storage Location

In the Residential Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** must not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker.

10.5.100 Access to Lot

10.5.100.1 General

(1) Driveway Width in the Front Yard for Certain Residential Building Types

In the Residential Zone category, in addition to meeting the **landscaping** requirements in 10.5.50.10, for a **detached house**, **semi-detached house**, or **duplex**, and for an individual **townhouse dwelling unit** if an individual private **driveway** leads directly to the **dwelling unit**, a **driveway** that is located in or passes through the **front yard** must have the following dimensions in the **front yard**:

- (A) a minimum width of 2.6 metres;
- (B) for **lots** with a **lot frontage** less than 6.0 metres, or a **townhouse dwelling unit** less than 6.0 metres wide, a maximum width of 2.6 metres;
- (C) for **lots** with a **lot frontage** of 6.0 metres to 23.0 metres inclusive, or a **townhouse dwelling unit** not less than 6.0 metres wide, a maximum **driveway** width the lesser of:

- (i) 6.0 metres;
 - (ii) the cumulative width of side-by-side **parking spaces** behind the front **main wall**, if there is at least one **parking space** behind the front **main wall** but not in the **rear yard**; or
 - (iii) 2.6 metres if every **parking space** is in the **rear yard**; and
- (D) for **lots** with a **lot frontage** greater than 23.0 metres, a maximum **driveway** width the lesser of:
- (i) 9.0 metres;
 - (ii) the cumulative width of side-by-side **parking spaces** behind the front **main wall** if there is at least one **parking space** behind the front **main wall** but not in the **rear yard**; or
 - (iii) 2.6 metres if every **parking space** is in the **rear yard**.
- (2) Driveway Width Other than Through the Front Yard for Certain Residential Building Types
- In the Residential Zone category, for a **detached house**, **semi-detached house**, or **duplex**, and for an individual **townhouse dwelling unit** if an individual private **driveway** leads directly to the **dwelling unit**, a **driveway** that is not located in or does not pass through the **front yard** must have the following dimensions:
- (A) a minimum width of 2.6 metres; and
 - (B) a maximum width the lesser of:
 - (i) 6.0 metres; or
 - (ii) the width of the **parking spaces**.
- (3) Driveway Width for Triplex, Fourplex and Certain Types of Townhouse
- In the Residential Zone category, for a **triplex** or **fourplex**, and for a **townhouse** if an individual private **driveway** does not lead directly to an individual **dwelling unit**, a **driveway** must have:
- (A) a minimum width of 2.6 metres for each **lane**; and
 - (B) a maximum total width of 6.0 metres.
- (4) Driveway Width for Apartment Buildings
- For an **apartment building** in the Residential Zone category, a **driveway** must have:
- (A) a minimum width of 3.0 metres for each **lane**; and
 - (B) a maximum total width of 6.0 metres.
- (5) Driveway Access to Apartment Buildings
- If an **apartment building** in the Residential Zone category has 25 **dwelling units** or more, an unobstructed vehicular access must be provided between the **street** and the principal pedestrian entrance to the **building** so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement.
- (6) Driveway with Two Points of Access to the Same Street
- A **lot** in the Residential Zone category may have a **driveway** with two points of access to the same **street**, only if:
- (A) the **lot** has a **lot frontage** greater than 18.0 metres; and
 - (B) the **front yard landscaping** complies with clause 10.5.50.10.
- (7) Hammerhead Turnaround Driveway Permitted on Certain Lots
- In the Residential Zone category, a **lot** with a **residential building**, other than an **apartment building** with 25 or more **dwelling units**, may have a **driveway** with a hammerhead turnaround, if the **lot** complies with the **front yard landscaping** requirements of clause 10.5.50.10, and only if:
- (A) the **lot** has a **lot frontage** greater than 18.0 metres; or
 - (B) **vehicle** access is from a **street** with a minimum right-of-way width of 27.0 metres.
- (8) Hammerhead Turnaround Driveway Dimensions
- In the Residential Zone category, a hammerhead turnaround if permitted must:
- (A) have a maximum width of 3.0 metres;
 - (B) extend no more than 4.5 metres from one edge of the **driveway**; and
 - (C) extend no more than 3.0 metres from each opposite edge of the **driveway**.

10.5.150 Waste

10.5.150.1 General

(1) Waste and Recyclable Materials Storage for an Apartment Building

All storage of waste and **recyclable materials** for an **apartment building** in the Residential Zone category must be within a wholly enclosed **building**.

10.10 Residential Zone (R)

10.10.1 General

10.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.10 apply to lands, uses, **buildings** and **structures** in an R zone.

10.10.20 Permitted Uses

10.10.20.10 Permitted Use

(1) Use – R Zone

The following uses are permitted in an R zone:

Dwelling Unit, if it is located in a Permitted **Building** Type in Clause 10.10.20.40.

Park

10.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – R Zone

The following uses are permitted in an R zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.10.20.100:

Ambulance Depot (12)

Cogeneration Energy Production (15)

Community Centre (6)

Day Nursery (7)

Fire Hall (12)

Group Home (2)

Home Occupation (10)

Library (6)

Municipal Shelter (4)

Police Station (12)

Private Home Daycare (8)

Public Utility (13)

Renewable Energy Production (15)

Retail Store (5)

Rooming House (3)

Secondary Suite (9)

Seniors Community House (1)

Tourist Home (11)

Transportation Use (14)

10.10.20.30 Ancillary Use

(1) Ancillary Use – R Zone

In an R zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a

permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

10.10.20.40 Permitted Building Types

(1) Permitted Building Types – R Zone

In an R zone, a **dwelling unit** is only permitted in the following **residential building** types:

Detached House

Semi-Detached House

Townhouse

Duplex

Triplex

Fourplex

Apartment Building .

10.10.20.100 Conditions

(1) Seniors Community House

A **seniors community house** in an R zone must comply with the specific use regulations in Section 150.30.

(2) Group Home

A **group home** in an R zone must comply with the specific use regulations in Section 150.15.

(3) Rooming House

A rooming house in an R zone must comply with the specific use regulations in Section 150.25.

(4) Municipal Shelter

A **municipal shelter** in an R zone must comply with the specific use regulations in Section 150.22.

(5) Retail Stores in Apartment Buildings

In an R zone, one **retail store** is permitted in an **apartment building** containing 100 or more **dwelling units**, if:

(A) the **retail store** is not located above the first **storey** of the **apartment building**;

(B) access to the **retail store** is only from within the **apartment building**, unless it is on a **lot** that has a **front lot line** or a **side lot line** abutting a major **street** shown on the Policy Areas Overlay Map;

(C) there is no outside display of goods; and

(D) the **interior floor area** of the **retail store** is no more than 25.0 square metres for the first 100 **dwelling units**, plus 5.0 square metres for each additional 100 **dwelling units** in excess of 100, to a maximum of 70.0 square metres.

(6) Community Centre or Library

A **community centre** or a library is permitted in an R zone if it is operated by, or on behalf of, the City of Toronto.

(7) Day Nursery

A **day nursery** in an R zone must comply with the specific use regulations in Section 150.45.

(8) Private Home Daycare

A **private home daycare** is permitted in an R zone, if any outdoor children's play area associated with the **private home daycare** is:

(A) fenced; and

(B) not located in the **front yard** or a **side yard** abutting a **street**.

(9) Secondary Suite

A **secondary suite** in an R zone must comply with the specific use regulations in Section 150.10.

(10) Home Occupation

A **home occupation** in an R zone must comply with the specific use regulations in Section 150.5.

(11) Tourist Home

In an R zone, a **tourist home** must:

- (A) be located in a **detached house**, a **semi-detached house** or a **townhouse**;
- (B) have a maximum of 2 **bed-sitting rooms** available for tourist accommodation; and
- (C) not have **vehicle** access by a mutual **driveway**.

(12) Ambulance Depot, Fire Hall or Police Station

An ambulance depot, a fire hall or a police station is permitted on a **lot** in an R zone if it:

- (A) fronts on a major **street** shown on the Policy Areas Overlay Map; or
- (B) fronts on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and is not more than 250 metres from that intersection.

(13) Public Utility

In the R zone, a **public utility** is permitted if it is :

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not an above ground water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the R zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the R zone.

(14) Transportation Use

A **building** or **structure** located on a **lot** in an R zone and used for a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(15) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an R zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

10.10.30 Lot Requirements

10.10.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an R zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) If the zone label in an R zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

10.10.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) If a zone label applying to a **lot** in an R zone includes the letter 'f', as shown on the Zoning By-law Map, the numerical value following the letter 'f' is the minimum **lot frontage**, in metres.
- (B) If the zone label in an R zone does not include an 'f' value, the minimum **lot frontage** is 6.0 metres.
- (C) The minimum **lot frontage** requirement for an R zone cited in (A) or (B) above:
 - (i) for a **semi-detached house**, is the minimum **lot frontage** for each **dwelling unit**; and
 - (ii) for a **townhouse** with every **dwelling unit** fronting directly on a **street**,
 - (a) is the minimum **lot frontage** for each **dwelling unit**, and
 - (b) may be reduced by 1.0 metres for each **dwelling unit** that does not have an individual private **driveway** leading directly to the front of it.
- (D) Despite (A), (B) and (C) above, if a **lot** in an R zone contains a **townhouse** with one or more **dwelling units** not fronting directly on a **street**, the minimum **lot frontage** is 30.0 metres.

10.10.40 Principal Building Requirements

10.10.40.1 General

(1) Application of this Article

The regulations in Article 10.10.40 apply to **principal buildings** or **structures** in an R zone.

(2) Number of Residential Buildings on a Lot

A maximum of one **residential building** is permitted on a **lot** in an R zone.

(3) Number of Dwelling Units on a Lot

If a zone label applying to a **lot** in an R zone includes the letter 'u', as shown on the Zoning By-law Map, the numerical value following the letter 'u' is the maximum number of **dwelling units** on the **lot**.

(4) Minimum Width of a Dwelling Unit

In an R zone, the minimum width of a **dwelling unit** in a **townhouse** is:

- (A) 5.0 metres if the **dwelling unit** does not have an individual private **driveway** leading directly to the front of it; and
- (B) 6.0 metres in all other cases.

(5) Building Orientation to a Street – Buildings Containing Dwelling Units

In an R zone, a **building**, or an addition which is not attached above grade to the existing part of a **building**, is not permitted if:

- (A) it contains **dwelling units** and is in the rear of another **building** or the existing part of the same **building**; or
- (B) it is in front of a **building**, or the existing part of the same **building**, containing **dwelling units**, so as to produce the condition of a **building** containing **dwelling units** in the rear of another **building**.

10.10.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an R zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 10.0 metres.

(2) Maximum Height of Specified Pairs of Main Walls

In an R zone, the maximum height of the exterior portion of **main walls** for a **residential building**, other than an **apartment building**, is the higher of 7.0 metres above **established grade** or 2.5 metres less than the maximum height permitted in 10.10.40.10 (1), for either (A) or (B) below:

- (A) for no less than 60% of the total width of
 - (i) all front **main walls**, and
 - (ii) all rear **main walls**; or
- (B) all side **main walls**,
 - (i) for no less than 60% of the total width of the side **main walls** facing a **side lot line** that abuts a **street**, and
 - (ii) for no less than 100% of the total width of the side **main walls** that do not face a **side lot line** that abuts a **street**.

(3) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letters 'st' indicates the maximum number of **storeys** permitted in a **building**.

(4) Roof Slope Restriction for a Detached House

In an R zone, a roof above the second **storey** or higher on a **detached house** must not have a slope greater than 5.0 vertical units for every 3.0 horizontal units.

(5) Width of Dormers in a Roof Above a Second Storey or Higher

In an R zone, on a **residential building** with two or more **storeys**, the exterior sides of a dormer are not **main walls** if the total width of dormers projecting from the surface of a roof does not occupy more than

40% of the total width of the building's **main walls** on the same front, rear or side as the dormers, measured at the level of the uppermost **storey** below the roof.

(6) Height of First Floor Above Established Grade

In an R zone, for a **detached house** or a **semi-detached house**, the maximum height of the **first floor** above **established grade** is 1.2 metres.

(8) Addition to an Existing Residential Building

In an R zone, all finished floor levels within an addition, extension or enlargement to the rear of a **residential building**, must not be higher than the uppermost floor level in the existing **building**.

(9) Height -- for Specified Structures

In an R zone, despite regulation 10.5.40.10 (2), the following **structures**, if located on the roof of a **principal building** having a height greater than 15.0 metres, may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (A) antennae;
- (B) flagpoles; and
- (C) satellite dishes.

(10) Height -- for Rooftop Outdoor Recreation, Safety and Wind Protection

In an R zone, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if it is located:

- (A) on the roof of a **principal building** with a height greater than 15.0 metres; and
- (B) no closer than 2.0 metres from the interior face of any **main wall**.

10.10.40.11 Height Exemptions

(1) Alterations to the Roof of Lawfully Existing Buildings in an R Zone

In addition to regulation 10.5.40.11 (3), if a **lawfully existing building** in an R zone is a **detached house**, the altered roof must not have a slope greater than 5.0 vertical units for every 3.0 horizontal units.

10.10.40.30 Building Depth

(1) Maximum Building Depth

In an R zone, the maximum **building depth** is:

- (A) 17.0 metres for a **detached house** or **semi-detached house**; and
- (B) 14.0 metres for a **duplex, triplex, fourplex, townhouse** or **apartment building**.

10.10.40.40 Floor Area

(1) Floor Space Index

In an R zone, the maximum floor space Index is:

- (A) the numerical value following the letter 'd' in the zoning label; and
- (B) in all other cases the floor space index is 0.6.

(2) Additions to the Rear of Certain Residential Buildings

If a **lot** in an R zone has a maximum floor space index of 0.6, and contains a **detached house**, a **semi-detached house** or a **duplex**, erected before October 15, 1953, the **detached house**, **semi-detached house** or **duplex** may be enlarged by an addition to the rear of the **building** if:

- (A) the overall floor space index for the **lot**, including the addition, does not exceed a total of 0.69;
- (B) no part of the addition is closer to the nearest **side lot line** than the shortest distance between the existing side **main wall** of the **building** and the **side lot line**; and
- (C) any prior addition is at least 5 years old.

(3) Gross Floor Area Calculations for an Apartment Building

For an **apartment building** in an R zone, the **gross floor area** of a **building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) indoor **amenity space** that is required by this By-law;
- (F) elevator shafts;
- (G) garbage and recycling material shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the **building**.

(4) Floor Space Index Calculation for an Apartment Building

In an R zone, the floor space index is the result of the **gross floor area** minus the areas of an **apartment building** listed in regulation 10.10.40.40 (3) divided by the area of the **lot**.

10.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space for an Apartment Building

In an R zone, an **apartment building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

- (A) a minimum of 2.0 square metres for each **dwelling unit** must be indoor **amenity space**;
- (B) a maximum of 25% of the outdoor component may be in the form of a **green roof**; and
- (C) a minimum of 40.0 square metres must be outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**.

(2) Interpretation of Platform Walls

In an R zone, in addition to the requirements of regulation 10.5.40.50(1), the exterior sides of a platform that was **lawfully** enclosed in compliance with the former City of Toronto By-law 438-86, and existing on the date of the enactment of this By-law, are not **main walls**.

10.10.40.70 Setbacks

(1) Minimum Front Yard Setback

If regulation 10.5.40.70 (1) does not apply, then the minimum **front yard setback** in an R zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an R zone is 7.5 metres.

(3) Minimum Side Yard Setback

In an R zone, the minimum **side yard setback** is:

- (A) 0.9 metres, for
 - (i) a **detached house**,
 - (ii) a **semi-detached house**, and
 - (iii) a **townhouse** if all the **dwelling units** front directly on a **street**;
- (B) 1.2 metres, for
 - (i) a **duplex**,
 - (ii) a **triplex**,
 - (iii) a **fourplex**, and
 - (iv) an **apartment building** with a height of 12.0 metres or less; and
- (C) 7.5 metres, for
 - (i) a **townhouse** if a **dwelling unit** does not front directly on a **street**,
 - (ii) an **apartment building** with a height of more than 12.0 metres, and
 - (iii) a **non-residential building**.

(4) Reduced Minimum Side Yard for Walls with No Windows or Doors on Specified Buildings

The minimum **side yard setback** required in regulation 10.10.40.70 (3) (A) and (B), may be reduced to a minimum **side yard setback** of 0.45 metres if there are no windows or doors in the relevant side of the **building**, for the following **residential building** types in an R zone:

- (A) a **detached house**;
- (B) a **semi-detached house**;
- (C) a **townhouse** if all the **dwelling units** front directly on a **street**;
- (D) a **duplex**;
- (E) a **triplex**;
- (F) a **fourplex**; and
- (G) an **apartment building** with a height of 12.0 metres or less.

10.10.40.80 Separation

(1) Distance Between Main Walls of the Same Townhouse or Apartment Building

In an R zone, if a **townhouse** or an **apartment building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the minimum above ground separation distance between those **main walls** is:

- (A) for the **townhouse**, or for any portion of the **apartment building** having a height equal to or less than 11.0 metres,
 - (i) 5.5 metres if there are no openings to **dwelling units** in one or more of the relevant **main walls**, and
 - (ii) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

10.10.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In an R zone, if the separation distance between the **main walls** of **lawfully existing buildings** on the same **lot**, or between **main walls** of the same **lawfully existing building**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

In an R zone, any addition or extension to a **lawfully existing building** referred to in regulation 10.10.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

10.10.60 Ancillary Buildings and Structures

10.10.60.20 Setbacks

(1) Rear Yard Setbacks and Side Yard Setbacks for Detached Private Garages

Despite regulation 10.5.60.20 (2), (3), (5) and (6), in an R zone the minimum **rear yard setback** and **side yard setback** for an **ancillary building** or **structure** containing a **parking space** is:

- (A) 1.0 metres from a **rear lot line** or **side lot line** abutting a **street** or **lane**, subject to 10.5.60.20 (4); and
- (B) no minimum **building setback** is required from a **rear lot line** or **side lot line** that does not abut a **street** or **lane**.

10.10.60.70 Lot Coverage

(1) Lot Coverage Requirement for Ancillary Buildings and Structures

Despite regulation 10.5.60.70 (1), in an R zone the area of the **lot** covered by **ancillary buildings** and **structures** must not exceed 5% of the **lot area**, except for the following:

- (A) swimming pools or other **ancillary structures** used to hold water, if they comply with regulation 10.5.60.70 (2); and

(B) **ancillary buildings** or **structures** containing required **parking spaces**.

10.10.80 Parking

10.10.80.1 General

(1) Conversion of a Parking Space in the Principal Building to Habitable Space

A **parking space** located inside a **principal building** in an R zone may be converted to habitable space, and no further **parking space** is required if on date of the enactment of this By-law:

(A) the **lot** has,

- (i) a **lot frontage** of 7.6 metres or less, or
- (ii) a **lot frontage** greater than 7.6 metres, and the elevation of the floor of the vehicular entrance is below **established grade**;

(B) the required **parking space** is in a **detached house**, a **semi-detached house** or a **townhouse**;

(C) vehicular entrance to the **parking space** is in the front **main wall**; and

(D) the **driveway** leading to the vehicular entrance in the **principal building** is removed, and any **front yard** depression in the ground is filled to **established grade**.

10.10.80.40 Access to Parking Space

(1) Garage Entrance in Front Wall Not Permitted on Certain Lots

Despite regulation 10.5.80.40 (1), if a **lot** in an R zone has a **lot frontage** of 7.6 metres or less, a vehicular entrance through the front **main wall** of a **principal building** is not permitted.

(2) Parking Access to a Corner Lot or a Lot Abutting a Lane

In an R zone, on a **corner lot**, despite regulation 10.5.80.40 (3), or on a **lot** abutting a **lane**, **vehicle** access to any **parking space** on the **lot** must be from the flanking **street** or from the **lane**.

10.10.80.200 Exemptions

(1) Exemption from Parking Requirements for Certain Lots

In an R zone, despite the requirements of Chapter 200, **Parking Space** Regulations, for a **residential building** other than an **apartment building**, which is not on a **corner lot** or is not on a **lot** abutting a **lane**, a **parking space** is not required if:

- (A) the **lot frontage** is 7.6 metres or less, if a deed to the **lot** was registered on or before July 2, 1996;
- (B) the **lot** is severed to create a maximum of three **lots**, each with a maximum of one **dwelling unit** and a **lot frontage** of 7.6 metres or less, if the **lot** had not been the subject of a previous severance; or
- (C) a **parking space** within the **principal building** has been converted to habitable space in compliance with 10.10.80.1 (1).

10.10.90 Loading

10.10.90.1 General

(1) Loading Space Options

If a **building** in an R zone contains 400 **dwelling units** or more, the requirement for a Type 'C' **loading space** is satisfied by the provision of a Type 'A' **loading space**, Type 'B' **loading space** or Type 'G' **loading space** instead.

10.10.95 Bicycle Parking

(1) Bicycle Parking Space Location

If a **lot** containing an **apartment building** is located in the Residential Zone then a long-term **bicycle parking space** must be located:

- (A) on the ground floor of the **building**; or
- (B) on the **first floor** of the **building** below grade used for vehicular **parking spaces**.

(2) Location Relative to Building Entrance

If a **lot** containing an **apartment building** is located in a Residential Zone category then a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

10.20 Residential Detached Zone (RD)

10.20.1 General

10.20.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.20 apply to lands, uses, **buildings** and **structures** in an RD zone.

10.20.20 Permitted Uses

10.20.20.10 Permitted Use

(1) Use – RD Zone

The following uses are permitted in an RD zone:

Dwelling Unit, if it is located in a Permitted **Building** Type in Clause 10.20.20.40.

Park

10.20.20.20 Permitted Use - with Conditions

(1) Use with Conditions – RD Zone

The following uses are permitted in an RD zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.20.20.100:

Ambulance Depot (10)

Cogeneration Energy Production (13)

Community Centre (5)

Day Nursery (6)

Fire Hall (10)

Group Home (2)

Home Occupation (9)

Library (5)

Municipal Shelter (4)

Police Station (10)

Private Home Daycare (7)

Public Utility (11)

Renewable Energy Production (13)

Secondary Suite (8)

Seniors Community House (1)

Transportation Use (12)

10.20.20.30 Ancillary Use

(1) Ancillary Use – RD Zone

In an RD zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or

a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

10.20.20.40 Permitted Building Types

(1) Permitted Building Types – RD Zone

In an RD zone, a **dwelling unit** is only permitted in the following **residential building** types:
Detached House

10.20.20.100 Conditions

(1) Seniors Community House

A **seniors community house** in an RD zone must comply with the specific use regulations in Section 150.30.

(2) Group Home

A **group home** in an RD zone must comply with the specific use regulations in Section 150.15.

(3) Rooming House

A rooming house in an RD zone must comply with the specific use regulations in Section 150.25.

(4) Municipal Shelter

A **municipal shelter** in an RD zone must comply with the specific use regulations in Section 150.22.

(5) Community Centre or Library

In an RD zone, a **community centre** or a library must comply with the following:

- (A) it must be operated by, or on behalf of, the City of Toronto;
- (B) it must be on a **lot** with a **lot area** of 1500 square metres or less; and
- (C) it must have a **front lot line** or **side lot line** abutting,
 - (i) a major **street** identified on the Policy Areas Overlay Map, or
 - (ii) a **street** which intersects a road described in (i), above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(6) Day Nursery

A **day nursery** in an RD zone must comply with the specific use regulations in Section 150.45.

(7) Private Home Daycare

A **private home daycare** is permitted in an RD zone, if any outdoor children's play area associated with the **private home daycare** is:

- (A) fenced; and
- (B) not located in the **front yard** or a **side yard** that abuts a **street**.

(8) Secondary Suite

One **secondary suite** in an RD zone is permitted and must comply with the specific use regulations in Section 150.10.

(9) Home Occupation

A **home occupation** in an RD zone must comply with the specific use regulations in Section 150.5.

(10) Ambulance Depot, Fire Hall or Police Station

An ambulance depot, a fire hall or a police station is permitted on a **lot** in an RD zone if it:

- (A) fronts on a major **street** shown on the Policy Areas Overlay Map; or
- (B) fronts on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and is not more than 250 metres from that intersection.

(11) Public Utility

In a RD zone, a **public utility** is permitted if it is :

- (A) not a sewage treatment plant;

- (B) not a water filtration plant;
- (C) not an above ground water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RD zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RD zone.

(12) Transportation Use

A **building** or **structure** located on a **lot** in an RD zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(13) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an RD zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

10.20.30 Lot Requirements

10.20.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an RD zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) If the zone label in an RD zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

10.20.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) If a zone label applying to a **lot** in an RD zone includes the letter 'f', as shown on the Zoning By-law Map, the numerical value following the letter 'f' is the minimum **lot frontage**, in metres.
- (B) If the zone label in an RD zone does not include an 'f' value, the minimum **lot frontage** is 12.0 metres.

10.20.30.40 Lot Coverage

(1) Maximum Lot Coverage

The numbers shown on the **Lot Coverage** Overlay Map indicates the maximum **lot coverage**, as a percentage of the **lot area**.

10.20.40 Principal Building Requirements

10.20.40.1 General

(1) Application of this Article

The regulations in Article 10.20.40 apply to **principal buildings** or **structures** in an RD zone.

(2) Number of Residential Buildings on a Lot

A maximum of one **residential building** is permitted on a **lot** in an RD zone.

(3) Building Orientation to a Street – Buildings Containing Dwelling Units

In an RD zone, a **building**, or an addition which is not attached above grade to the existing part of a **building**, is not permitted if:

- (A) it contains **dwelling units** and is in the rear of another **building** or the existing part of the same **building**; or
- (B) it is in front of a **building**, or the existing part of the same **building**, containing **dwelling units**, so as to produce the condition of a **building** containing **dwelling units** in the rear of another **building**.

10.20.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an RD zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 10.0 metres.

(2) Maximum Height of Specified Pairs of Main Walls

In an RD zone, the maximum height of the exterior portion of **main walls** for a **detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the maximum height permitted in regulation 10.20.40.10 (1), for either (A) or (B) below:

- (A) for no less than 60% of the total width of
 - (i) all front **main walls**, and
 - (ii) all rear **main walls**; or
- (B) all side **main walls**,
 - (i) for no less than 60% of the total width of the side **main walls** facing a **side lot line** that abuts a **street**, and
 - (ii) for no less than 100% of the total width of the side **main walls** that do not face a **side lot line** that abuts a **street**.

(3) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letters 'st' indicates the maximum number of **storeys** permitted in a **building**.

(4) Restrictions for a Detached House with a Flat or Shallow Roof

If a **detached house** in an RD zone has a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, for more than 50% of the total horizontal roof area:

- (A) despite regulation 10.20.40.10 (1), the maximum height is 7.2 metres;
- (B) regulation 10.20.40.10 (2) does not apply; and
- (C) despite regulation 10.20.40.10 (3), the **building** must have no more than two **storeys**.

(5) Exemption for Parapet on a Detached House with a Flat or Shallow Roof

A parapet on a **detached house** in an RD zone may exceed the maximum height in regulation 10.20.40.10 (4) by a maximum of 0.3 metres.

(6) Height of First Floor Above Established Grade

In an RD zone, the maximum height of the **first floor** above **established grade** is 1.2 metres.

(8) Width of Dormers in a Roof Above a Second Storey or Higher

In an RD zone, on a **detached house** with two or more **storeys**, the exterior sides of a dormer are not **main walls** if the total width of dormers projecting from the surface of a roof does not occupy more than 40% of the total width of the building's **main walls** on the same front, rear or side as the dormers, measured at the level of the uppermost **storey** below the roof.

(9) Exclusion of Certain Floor Area Within an Attic Space as a Storey

In an RD zone, where a floor area meets the conditions set out in regulation 10.5.40.40 (2), this space is not a **storey** if it is used for the purpose of housing or maintaining mechanical equipment for the **building** and the floor area does not exceed 20 square metres.

10.20.40.11 Height Exemptions

(1) Alterations to the Roof of Lawfully Existing Buildings in an RD Zone

In addition to the requirements of regulation 10.5.40.11 (3), if a **lawfully existing building** in an RD zone is a **detached house**, the altered roof must not have a slope less than 1.0 vertical units for every 4.0 horizontal units for more than 50% of the total horizontal roof area.

10.20.40.20 Building Length

(1) Maximum Building Length if Required Lot Frontage is in Specified Range

In an RD zone with a minimum required **lot frontage** of 18.0 metres or less, the maximum **building length** for a **detached house** is 17.0 metres.

(2) One Storey Extension to Building Length if Required Lot Frontage is in Specified Range

Despite regulation 10.20.40.20 (1), if the **lot** is in an RD zone with a minimum required **lot frontage** of more than 12.0 metres to 18.0 metres, a one **storey** part of the **detached house** may extend beyond the maximum **building length** by a maximum of 2.0 metres, if the extended part:

- (A) is no wider than 50% of the width of the **building** at its widest point;
- (B) has a maximum height of 5.0 metres; and
- (C) is at least 3.0 metres from each **side lot line**.

10.20.40.30 Building Depth

(1) Maximum Building Depth if Required Lot Frontage is in Specified Range

In an RD zone with a minimum required **lot frontage** of 18.0 metres or less, the rear **main wall** of a **detached house**, not including a one **storey** extension that complies with regulation 10.20.40.20 (2), must be no more than 19.0 metres from the required **front yard setback**.

10.20.40.40 Floor Area

(1) Floor Space Index

The letters and numbers in brackets following the zone symbol have the following meaning:

- (A) the letter 'd' refers to the floor space index and the numerical value indicates the maximum floor space index for the **lot**.

10.20.40.50 Decks, Platforms and Amenities

(1) Platforms at or Above the Second Storey of a Detached House

In an RD zone, a platform such as a deck or balcony, with access from the second **storey** or above of a **detached house** must comply with the following:

- (A) there must be no more than a total of four such platforms, and no more than one on each of the front, rear and each side of the **detached house**; and
- (B) the maximum area of each platform is 4.0 square metres.

(2) Interpretation of Platform Walls

In an RD zone that is not subject to a maximum **lot coverage**, in addition to the requirements of regulation 10.5.40.50 (1), the exterior sides of a platform that was **lawfully** enclosed in compliance with the former City of Toronto By-law 438-86, and existing on the date of the enactment of this By-law, are not **main walls**.

10.20.40.70 Setbacks

(1) Minimum Front Yard Setback

If regulation 10.5.40.70 (1) does not apply, then the minimum required **front yard setback** in an RD zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an RD zone is the greater of:

- (A) 7.5 metres; or
- (B) 25% of the **lot depth**.

(3) Minimum Side Yard Setback

The minimum **side yard setback** in an RD zone is:

- (A) 0.6 metres if the minimum required **lot frontage** is less than 6.0 metres;
- (B) 0.9 metres if the minimum required **lot frontage** is 6.0 metres to less than 12.0 metres;

- (C) 1.2 metres if the minimum required **lot frontage** is 12.0 metres to less than 15.0 metres;
 - (D) 1.5 metres if the minimum required **lot frontage** is 15.0 metres to less than 18.0 metres;
 - (E) 1.8 metres if the minimum required **lot frontage** is 18.0 metres to less than 24.0 metres;
 - (F) 2.4 metres if the minimum required **lot frontage** is 24.0 metres to less than 30.0 metres; and
 - (G) 3.0 metres if the minimum required **lot frontage** is 30.0 metres or greater.
- (4) Shifting Minimum Side Yard if Required Lot Frontage is in Specified Range
 Despite regulation 10.20.40.70 (3), for a **lot** in an RD zone with a minimum required **lot frontage** of 12.0 metres to less than 18.0 metres, the minimum **side yard** required on one side of a **detached house** may be reduced by a maximum of 0.3 metres if the minimum **side yard** on the other side of the **detached house** is increased by the same amount.
- (5) Larger Minimum Side Yard Beyond Specified Depth if Required Lot Frontage is Over 18.0 Metres
 Despite regulation 10.20.40.70 (3), for a **lot** in an RD zone with a minimum required **lot frontage** greater than 18.0 metres, the minimum **side yard** is 7.5 metres for any portion of a **principal building** that is farther from the **front lot line** than the lesser of:
- (A) 17.0 metres from the front **main wall** of the **building**; or
 - (B) 19.0 metres from the required **front yard setback**.
- (6) Minimum Side Yard Abutting a Street for Specified Corner Lots
 Despite regulation 10.20.40.70 (3) and (4), for a **corner lot** in an RD zone, the minimum **side yard setback** from a **side lot line** abutting a **street** is 3.0 metres, if:
- (A) the minimum required **lot frontage** for the **corner lot** is 12.0 metres or more; and
 - (B) there is an adjacent **lot** fronting on the **street** abutting the corner lot's **side lot line**.

10.40 Residential Semi-Detached Zone (RS)

10.40.1 General

10.40.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.40 apply to lands, uses, **buildings** and **structures** in an RS zone.

10.40.20 Permitted Uses

10.40.20.10 Permitted Use

(1) Use – RS Zone

The following uses are permitted in an RS zone:

Dwelling Unit, if it is located in a Permitted **Building** Type in Clause 10.40.20.40.

Park .

10.40.20.20 Permitted Use - with Conditions

(1) Use with Conditions – RS Zone

The following uses are permitted in an RS zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.40.20.100:

Ambulance Depot (9)

Cogeneration Energy Production (12)

Community Centre (4)

Day Nursery (5)

Fire Hall (9)

Group Home (2)

- Home Occupation** (8)
- Library (4)
- Municipal Shelter** (3)
- Police Station (9)
- Private Home Daycare** (6)
- Public Utility** (10)
- Renewable Energy Production** (12)
- Secondary Suite** (7)
- Seniors Community House** (1)
- Transportation Use** (11)

10.40.20.30 Ancillary Use

(1) Ancillary Use – RS Zone

In an RS zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

10.40.20.40 Permitted Building Types

(1) Permitted Building Types – RS Zone

In an RS zone, a **dwelling unit** is only permitted in the following **residential building** types:

- Detached House**
- Semi-Detached House** .

10.40.20.100 Conditions

(1) Seniors Community House

A **seniors community house** in an RS zone must comply with the specific use regulations in Section 150.30.

(2) Group Home

A **group home** in an RS zone must comply with the specific use regulations in Section 150.15.

(3) Municipal Shelter

A **municipal shelter** in an RS zone must comply with the specific use regulations in Section 150.22.

(4) Community Centre or Library

In an RS zone, a **community centre** or a library must comply with the following:

- (A) it must be operated by, or on behalf of, the City of Toronto;
- (B) it must be on a **lot** with a **lot area** of 1500 square metres or less; and
- (C) it must have a **front lot line** or **side lot line** abutting,
 - (i) a major **street** identified on the Policy Areas Overlay Map, or
 - (ii) a **street** which intersects a road described in (i), above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(5) Day Nursery

A **day nursery** in an RS zone must comply with the specific use regulations in Section 150.45.

(6) Private Home Daycare

A **private home daycare** is permitted in an RS zone, if any outdoor children’s play area associated with the **private home daycare** is:

- (A) fenced; and
- (B) not located in the **front yard** or a **side yard** that abuts a **street**.

(7) Secondary Suite

A **secondary suite** in an RS zone must comply with the specific use regulations in Section 150.10.

(8) Home Occupation

A **home occupation** in an RS zone must comply with the specific use regulations in Section 150.5.

(9) Ambulance Depot, Fire Hall or Police Station

An ambulance depot, a fire hall or a police station is permitted on a **lot** in an RS zone if it:

- (A) fronts on a major **street** shown on the Policy Areas Overlay Map; or
- (B) fronts on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and is not more than 250 metres from that intersection.

(10) Public Utility

In a RS zone, a **public utility** is permitted if it is :

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not an above ground water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RS zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RS zone.

(11) Transportation Use

A **building** or **structure** located on a **lot** in an RS zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(12) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an RS zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

10.40.30 Lot Requirements

10.40.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an RS zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) Despite (A) above, if one **semi-detached house** is situated on two **lots** in an RS zone, the minimum **lot area** for each **lot** is 50% of the numerical value following the letter 'a', in square metres.
- (C) If the zone label in an RS zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

10.40.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) The letters and numbers in brackets following the zone symbol have the following meaning:
 - (i) the letter 'f' refers to the **lot frontage** and the numerical value indicates the minimum **lot frontage**, in metres.
- (B) If the zone label in an RS zone does not include an 'f' value, the minimum **lot frontage** is 15.0 metres.
- (C) If one **semi-detached house** is situated on two **lots** in an RS zone, the minimum **lot frontage** for each **lot** is 50% of the applicable requirement cited in (A) and (B) above.

10.40.30.40 Lot Coverage

(1) Maximum Lot Coverage

The numbers shown on the **Lot Coverage** Overlay Map indicates the maximum **lot coverage**, as a

percentage of the **lot area**.

10.40.40 Principal Building Requirements

10.40.40.1 General

(1) Application of this Article

The regulations in Article 10.40.40 apply to **principal buildings** or **structures** in an RS zone.

(2) Number of Residential Buildings on a Lot

A maximum of one **residential building** is permitted on a **lot** in an RS zone.

10.40.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an RS zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 10.0 metres.

(2) Maximum Height of Specified Pairs of Main Walls

In an RS zone, the maximum height of the exterior portion of **main walls** for a **detached house** or a **semi-detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the maximum height permitted in 10.40.40.10 (1), for either (A) or (B) below:

- (A) for no less than 60% of the total width of
 - (i) all front **main walls**, and
 - (ii) all rear **main walls**; or
- (B) all side **main walls**,
 - (i) for no less than 60% of the total width of the side **main walls** facing a **side lot line** that abuts a **street**, and
 - (ii) for no less than 100% of the total width of the side **main walls** that do not face a **side lot line** that abuts a **street**.

(3) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letters 'st' indicates the maximum number of **storeys** permitted in a **building**.

(4) Height of First Floor Above Established Grade

In an RS zone, the maximum height of the **first floor** above **established grade** is 1.2 metres.

(6) Width of Dormers in a Roof Above a Second Storey or Higher

In an RS zone, on a **detached house** or a **semi-detached house** with two or more **storeys**, the exterior sides of a dormer are not **main walls** if the total width of dormers projecting from the surface of a roof does not occupy more than 40% of the total width of the building's **main walls** on the same front, rear or side as the dormers, measured at the level of the uppermost **storey** below the roof.

10.40.40.20 Building Length

(1) Maximum Building Length

In an RS zone, the maximum **building length** for a **detached house** or a **semi-detached house** is 17.0 metres.

(2) One Storey Extension to Building Length if Required Lot Frontage is More than 12.0 Metres

Despite regulation 10.40.40.20 (1), if the **lot** is in an RS zone with a minimum required **lot frontage** of more than 12.0 metres for a **detached house** or for all of a **semi-detached house**, a one **storey** part of the **detached house** or **semi-detached house** may extend beyond the maximum **building length** by a maximum of 2.0 metres, if the extended part:

- (A) is no wider than 50% of the width of the relevant **dwelling unit** at its widest point;

- (B) has a maximum height of 5.0 metres; and
- (C) is at least 3.0 metres from each **side lot line**, not including a **side lot line** extending between the two **dwelling units** of the **semi-detached house**.

10.40.40.30 Building Depth

(1) Maximum Building Depth

In an RS zone, the rear **main wall** of a **detached house** or **semi-detached house**, not including a one **storey** extension that complies with regulation 10.40.40.20 (2), must be no more than 19.0 metres from the required **front yard setback**.

10.40.40.40 Floor Area

(1) Floor Space Index

The letter and number in brackets following the zone symbol have the following meaning:

- (A) the letter 'd' refers to the floor space index and the numerical value indicates the maximum floor space index for the **lot**.

10.40.40.50 Decks, Platforms and Amenities

(1) Platforms at or Above the Second Storey of a Detached House

In an RS zone, platforms such as a deck or balcony, with access from the second **storey** or above of a **detached house** must comply with the following:

- (A) there must be no more than a total of four such platforms, and no more than one on each of the front, rear and each side of the **detached house**; and
- (B) the maximum area of each platform is 4.0 square metres.

(2) Platforms at or Above the Second Storey of a Semi-Detached House

In an RS zone, platforms such as a deck or balcony, with access from the second **storey** or above of a **semi-detached house** must comply with the following:

- (A) there must be no more than a total of three such platforms for each **dwelling unit**, and no more than one on each of the front, rear and side of the **dwelling unit**;
- (B) the maximum area of each platform is 4.0 square metres; and
- (C) a platform at the rear of the **dwelling unit** is at least 1.8 metres from the common wall dividing the **dwelling units**, or a projection of that common wall to a **lot line**.

10.40.40.70 Setbacks

(1) Minimum Front Yard Setback

If regulation 10.5.40.70 (1) does not apply, then the minimum **front yard setback** in an RS zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an RS zone is the greater of:

- (A) 7.5 metres; or
- (B) 25% of the **lot depth**.

(3) Minimum Side Yard Setback

The minimum **side yard setback** in an RS zone is:

- (A) 0.9 metres if the minimum required **lot frontage** for a **detached house** or for all of a **semi-detached house** is less than 12.0 metres;
- (B) 1.2 metres if the minimum required **lot frontage** for a **detached house** or for all of a **semi-detached house** is 12.0 metres to less than 15.0 metres;
- (C) 1.5 metres if the minimum required **lot frontage** for a **detached house** or for all of a **semi-detached house** is 15.0 metres or more; and

(D) 1.8 metres for a **non-residential building**.

10.60 Residential Townhouse Zone (RT)

10.60.1 General

10.60.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.60 apply to lands, uses, **buildings** and **structures** in an RT zone.

10.60.20 Permitted Uses

10.60.20.10 Permitted Use

(1) Use – RT Zone

The following uses are permitted in an RT zone:

Dwelling Unit, if it is located in a Permitted **Building** Type in Clause 10.60.20.40.
Park .

10.60.20.20 Permitted Use - with Conditions

(1) Use with Conditions – RT Zone

The following uses are permitted in an RT zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.60.20.100:

Ambulance Depot (9)
Cogeneration Energy Production (12)
Community Centre (4)
Day Nursery (5)
Fire Hall (9)
Group Home (2)
Home Occupation (8)
Library (4)
Municipal Shelter (3)
Police Station (9)
Private Home Daycare (6)
Public Utility (10)
Renewable Energy Production (12)
Secondary Suite (7)
Seniors Community House (1)
Transportation Use (11)

10.60.20.30 Ancillary Use

(1) Ancillary Use – RT Zone

In an RT zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

10.60.20.40 Permitted Building Types

(1) Permitted Building Types – RT Zone

In an RT zone, a **dwelling unit** is only permitted in the following **residential building** types:

Detached House

Semi-Detached House

Townhouse .

10.60.20.100 Conditions

(1) Seniors Community House

A **seniors community house** in an RT zone must comply with the specific use regulations in Section 150.30.

(2) Group Home

A **group home** in an RT zone must comply with the specific use regulations in Section 150.15.

(3) Municipal Shelter

A **municipal shelter** in an RT zone must comply with the specific use regulations in Section 150.22.

(4) Community Centre or Library

A **community centre** or a library is permitted in an RT zone, if it is on a **lot** that has a **front lot line** or **side lot line** abutting:

(A) a major **street** identified on the Policy Areas Overlay Map; or

(B) a **street** which intersects a **street** described in (A), above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(5) Day Nursery

A **day nursery** in an RT zone must comply with the specific use regulations in Section 150.45.

(6) Private Home Daycare

A **private home daycare** is permitted in an RT zone, if any outdoor children's play area associated with the **private home daycare** is:

(A) fenced; and

(B) not located in the **front yard** or a **side yard** that abuts a **street**.

(7) Secondary Suite

A **secondary suite** in an RT zone must comply with the specific use regulations in Section 150.10.

(8) Home Occupation

A **home occupation** in an RT zone must comply with the specific use regulations in Section 150.5.

(9) Ambulance Depot, Fire Hall or Police Station

An ambulance depot, a fire hall or a police station is permitted on a **lot** in an RT zone if it:

(A) fronts on a major **street** shown on the Policy Areas Overlay Map; or

(B) fronts on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and is not more than 250 metres from that intersection.

(10) Public Utility

In a RT zone, a **public utility** is permitted if it is :

(A) not a sewage treatment plant;

(B) not a water filtration plant;

(C) not an above ground water reservoir;

(D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RT zone; and

(E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RT zone.

(11) Transportation Use

A **building** or **structure** located on a **lot** in an RT zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(12) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an RT zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

10.60.30 Lot Requirements

10.60.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an RT zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) Despite (A) above, if one **semi-detached house** is situated on two **lots** in an RT zone, the minimum **lot area** for each **lot** is 50% of the numerical value following the letter 'a', in square metres.
- (C) If the zone label in an RT zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

(2) Minimum Lot Area For Each Dwelling Unit in a Townhouse

If a zone label applying to a **lot** in an RT zone includes the letters 'au', as shown on the Zoning By-law Map, the numerical value following the letters 'au' is the minimum **lot area** required for each **dwelling unit** in a **townhouse**.

10.60.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) If a zone label applying to a **lot** in an RT zone includes the letter 'f', as shown on the Zoning By-law Map, the numerical value following the letter 'f' is the minimum **lot frontage** for each **dwelling unit**, in metres, for a **lot** with:
 - (i) a **detached house**;
 - (ii) a **semi-detached house**; or
 - (iii) a **townhouse** with every **dwelling unit** fronting directly on a **street**.
- (B) If the zone label in an RT zone does not include an 'f' value, the minimum **lot frontage** is 6.0 metres for each **dwelling unit**, for a **lot** with:
 - (i) a **detached house**;
 - (ii) a **semi-detached house**; or
 - (iii) a **townhouse** with every **dwelling unit** fronting directly on a **street**.
- (C) The minimum **lot frontage** requirement for a **townhouse** in an RT zone cited in (A) or (B) above, may be reduced by 1.0 metres for each **dwelling unit** that does not have an individual private **driveway** leading directly to the front of it.
- (D) Despite (A), (B) and (C) above, the minimum **lot frontage** in an RT zone is 30.0 metres if a **lot** contains:
 - (i) a **townhouse** with one or more **dwelling units** not fronting directly on a **street**; or
 - (ii) a **non-residential building**.

10.60.30.40 Lot Coverage

(1) Maximum Lot Coverage

The numbers shown on the **Lot Coverage** Overlay Map indicates the maximum **lot coverage**, as a percentage of the **lot area**.

10.60.40 Principal Building Requirements

10.60.40.1 General

(1) Application of this Article

The regulations in Article 10.60.40 apply to **principal buildings** or **structures** in an RT zone.

(2) Number of Dwelling Units on a Lot

If a zone label applying to a **lot** in an RT zone includes the letter 'u', as shown on the Zoning By-law Map, the numerical value following the letter 'u' is the maximum number of **dwelling units** on the **lot**.

(3) Minimum Width of a Dwelling Unit

In an RT zone, the minimum width of a **dwelling unit** in a **townhouse** is:

- (A) 5.0 metres if the **dwelling unit** does not have an individual private **driveway** leading directly to the front of it; and
- (B) 6.0 metres in all other cases.

10.60.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an RT zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 10.0 metres.

(2) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letters 'st' indicates the maximum number of **storeys** permitted in a **building**.

10.60.40.40 Floor Area

(1) Floor Space Index

The letter and number in brackets following the zone symbol on the zone label have the following meaning:

- (A) the letter 'd' refers to the floor space index and the numerical value indicates the maximum floor space index for the **lot**.

10.60.40.70 Setbacks

(1) Minimum Front Yard Setback

If regulation 10.5.40.70 (1) does not apply, then the minimum **front yard setback** in an RT zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an RT zone is 7.5 metres.

(3) Minimum Side Yard Setback

- (A) The minimum **side yard setback** in an RT zone is 7.5 metres.
- (B) Despite (A) above, the minimum **side yard setback** in an RT zone is 0.9 metres for:
 - (i) a **detached house**;
 - (ii) a **semi-detached house**; or
 - (iii) a **townhouse** if all the **dwelling units** front directly on a **street**.

10.60.40.80 Separation

(1) Distance Between Main Walls of the Same Townhouse

In an RT zone, if a **townhouse** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the minimum above ground separation distance between those **main walls** is:

- (A) 5.5 metres if there are no openings to **dwelling units** in one or more of the relevant **main walls**; and
- (B) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

(2) Distance Between Residential Buildings on the Same Lot

In an RT zone, if two or more **residential buildings** are located on the same **lot**, the minimum above ground separation distance between the **main walls** of the respective **buildings** is:

- (A) 5.5 metres if there are no openings to **dwelling units** in the relevant **main wall** of one or more of the **buildings**; and
- (B) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

10.60.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In an RT zone, if the separation distance between the **main walls** of **lawfully existing buildings** on the same **lot**, or between **main walls** of the same **lawfully existing building**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

In an RT zone, any addition or extension to a **lawfully existing building** referred to in regulation 10.60.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

10.80 Residential Multiple Dwelling Zone (RM)

10.80.1 General

10.80.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.80 apply to lands, uses, **buildings** and **structures** in an RM zone.

10.80.20 Permitted Uses

10.80.20.10 Permitted Use

(1) Use – RM Zone

The following uses are permitted in an RM zone:

Dwelling Unit, if it is located in a Permitted **Building** Type in Clause 10.80.20.40.

Park .

10.80.20.20 Permitted Use - with Conditions

(1) Use with Conditions – RM Zone

The following uses are permitted in an RM zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.80.20.100:

Ambulance Depot (15)

Cogeneration Energy Production (18)

Community Centre (6)

Crisis Care Shelter (5)

Day Nursery (7)

Fire Hall (15)

Group Home (3)

Home Occupation (10)

Library (6)

Municipal Shelter (5)

- Nursing Home** (1)
- Police Station (15)
- Private Home Daycare** (8)
- Public Utility** (16)
- Renewable Energy** Production (18)
- Residential Care Home** (3)
- Respite Care Facility** (11)
- Retirement Home** (1)
- Rooming House (4)
- Secondary Suite** (9)
- Seniors Community House** (2)
- Transportation Use** (17)

10.80.20.30 Ancillary Use

(1) Ancillary Use – RM Zone

In an RM zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

10.80.20.40 Permitted Building Types

(1) Permitted Building Types – RM Zone

In an RM zone, a **dwelling unit** is permitted in the following **residential building** types if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.80.20.100:

Detached House

Semi-Detached House

Duplex

Triplex (12)

Fourplex (13)

Apartment Building (14)

10.80.20.100 Conditions

(1) Nursing Home or Retirement Home

In an RM zone, a **nursing home**, **retirement home** or a combination of these two uses, must be located on a **lot** which:

(A) has a **front lot line** or **side lot line** abutting a major **street** identified on the Policy Areas Overlay Map; or

(B) has a **front lot line** or **side lot line** abutting a **street** which intersects a road described in (A) above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(2) Seniors Community House

A **seniors community house** in an RM zone must comply with the specific use regulations in Section 150.30.

(3) Group Home or Residential Care Home

In an RM zone, a **group home** or a **residential care home** must comply with the specific use regulations in Section 150.15.

(4) Rooming House

A rooming house in an RM zone must comply with the specific use regulations in Section 150.25.

(5) Crisis Care Shelter or Municipal Shelter

In an RM zone, a **crisis care shelter** or a **municipal shelter** must comply with the specific use

regulations in Sections 150.20 and 150.22, respectively.

(6) Community Centre or Library

A **community centre** or a library is permitted in an RM zone, if it is on a **lot** that has a **front lot line** or **side lot line** abutting:

- (A) a major **street** identified on the Policy Areas Overlay Map; or
- (B) a **street** which intersects a road described in (A), above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(7) Day Nursery

A **day nursery** in an RM zone must comply with the specific use regulations in Section 150.45.

(8) Private Home Daycare

A **private home daycare** is permitted in an RM zone, if any outdoor children's play area associated with the **private home daycare** is:

- (A) fenced; and
- (B) not located in the **front yard** or a **side yard** abutting a **street**.

(9) Secondary Suite

A **secondary suite** in an RM zone must comply with the specific use regulations in Section 150.10.

(10) Home Occupation

A **home occupation** in an RM zone must comply with the specific use regulations in Section 150.5.

(11) Respite Care Facility

A **respite care facility** is permitted in an RM zone, if it is together with a **nursing home** or **retirement home**.

(12) Triplex

A **triplex** is only permitted in an RM zone that has:

- (A) no letter 'u' included in the zone label applying to the **lot**, as shown on the Zoning By-law Map; or
- (B) a numerical value of 3 or greater following the letter 'u' in the zone label.

(13) Fourplex

A **fourplex** is only permitted in an RM zone that has:

- (A) no letter 'u' included in the zone label applying to the **lot**, as shown on the Zoning By-law Map; or
- (B) a numerical value of 4 or greater following the letter 'u' in the zone label.

(14) Apartment Building

An **apartment building** is only permitted in an RM zone that has:

- (A) no letter 'u' included in the zone label applying to the **lot**, as shown on the Zoning By-law Map; or
- (B) a numerical value of 5 or greater following the letter 'u' in the zone label.

(15) Ambulance Depot, Fire Hall or Police Station

An ambulance depot, a fire hall or a police station is permitted on a **lot** in an RM zone if it:

- (A) fronts on a major **street** shown on the Policy Areas Overlay Map; or
- (B) fronts on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and is not more than 250 metres from that intersection.

(16) Public Utility

In a RM zone, a **public utility** is permitted if it is :

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not an above ground water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RM zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the RM zone.

(17) Transportation Use

A **building** or **structure** located on a **lot** in an RM zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(18) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an RM zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

10.80.30 Lot Requirements

10.80.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an RM zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) Despite (A) above, if one **semi-detached house**, one **fourplex**, or one **apartment building** is situated on two **lots** in an RM zone, the minimum **lot area** for each **lot** is 50% of the numerical value following the letter 'a', in square metres.
- (C) If the zone label in an RM zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

(2) Minimum Lot Area for Each Dwelling Unit in a Townhouse or Apartment Building

If a zone label applying to a **lot** in an RM zone includes the letters 'au', as shown on the Zoning By-law Map, the numerical value following the letters 'au' is the minimum **lot area**, in square metres, required for each **dwelling unit** in a **townhouse** or **apartment building**.

10.80.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) If a zone label applying to a **lot** in an RM zone includes the letter 'f', as shown on the Zoning By-law Map, the numerical value following the letter 'f' is the minimum **lot frontage**, in metres.
- (B) If the zone label in an RM zone does not include an 'f' value, the minimum **lot frontage** is:
 - (i) 12.0 metres for a **lot** with a **detached house**;
 - (ii) 15.0 metres for a **lot** containing all of a **semi-detached house**;
 - (iii) 18.0 metres for each **duplex** or **triplex** on a **lot**; or
 - (iv) 24.0 metres,
 - (a) for each **fourplex** or **apartment building** on a **lot**, or
 - (b) for a **lot** with a **non-residential building**.
- (C) If one **semi-detached house**, one **fourplex**, or one **apartment building** is situated on two **lots** in an RM zone, the minimum **lot frontage** for each **lot** is 50% of the applicable requirement cited in (A) and (B) above.

10.80.30.40 Lot Coverage

(1) Maximum Lot Coverage

The numbers shown on the **Lot Coverage** Overlay Map indicates the maximum **lot coverage**, as a percentage of the **lot area**.

10.80.40 Principal Building Requirements

10.80.40.1 General

(1) Application of this Article

The regulations in Article 10.80.40 apply to **principal buildings** or **structures** in an RM zone.

(2) Number of Dwelling Units on a Lot

If a zone label applying to a **lot** in an RM zone includes the letter 'u', as shown on the Zoning By-law Map, the numerical value following the letter 'u' is the maximum number of **dwelling units** on the **lot**.

10.80.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an RM zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map,
 - (i) 10.0 metres, for a **detached house** or **semi-detached house**, and
 - (ii) 12.0 metres, for any other **principal building** or **structure**.

(2) Maximum Height of Specified Pairs of Main Walls

In an RM zone, the maximum height of the exterior portion of **main walls** for a **detached house** or a **semi-detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the maximum height permitted in regulation 10.80.40.10 (1), for either (A) or (B) below:

- (A) for no less than 60% of the total width of
 - (i) all front **main walls**, and
 - (ii) all rear **main walls**; or
- (B) all side **main walls**,
 - (i) for no less than 60% of the total width of the side **main walls** facing a **side lot line** that abuts a **street**, and
 - (ii) for no less than 100% of the total width of the side **main walls** that do not face a **side lot line** that abuts a **street**.

(3) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letters 'st' indicates the maximum number of **storeys** permitted in a **building**.

(4) Height of First Floor Above Established Grade

In an RM zone, for a **detached house** or a **semi-detached house**, the maximum height of the **first floor** above **established grade** is 1.2 metres.

(6) Width of Dormers in a Roof Above a Second Storey or Higher

In an RM zone, on a **detached house** or a **semi-detached house** with two or more **storeys**, the exterior sides of a dormer are not **main walls** if the total width of dormers projecting from the surface of a roof does not occupy more than 40% of the total width of the building's **main walls** on the same front, rear or side as the dormers, measured at the level of the uppermost **storey** below the roof.

10.80.40.20 Building Length

(1) Maximum Building Length

In an RM zone, the maximum **building length** for a **detached house** or a **semi-detached house** is 17.0 metres.

(2) One Storey Extension to Building Length if Required Lot Frontage is More than 12.0 Metres

Despite regulation 10.80.40.20 (1), if the **lot** is in an RM zone with a minimum required **lot frontage** of more than 12.0 metres for a **detached house** or for all of a **semi-detached house**, a one **storey** part of the **detached house** or **semi-detached house** may extend beyond the maximum **building length** by a maximum of 2.0 metres, if the extended part:

- (A) is no wider than 50% of the width of the relevant **dwelling unit** at its widest point;
- (B) has a maximum height of 5.0 metres; and
- (C) is at least 3.0 metres from each **side lot line**, not including a **side lot line** extending between the two **dwelling units** of the **semi-detached house**.

10.80.40.30 Building Depth

(1) Maximum Building Depth

In an RM zone, the rear **main wall** of a **detached house** or **semi-detached house**, not including a one **storey** extension that complies with regulation 10.80.40.20 (2), must be no more than 19.0 metres from the required **front yard setback**.

10.80.40.40 Floor Area

(1) Floor Space Index

The letter and number in brackets following the zone symbol have the following meaning:

- (A) the letter 'd' refers to the floor space index and the numerical value indicates the maximum floor space index for the **lot**.

10.80.40.50 Decks, Platforms and Amenities

(1) Platforms at or Above the Second Storey of a Detached House

In an RM zone, platforms such as a deck or balcony, with access from the second **storey** or above of a **detached house** must comply with the following:

- (A) there must not be more than a total of four such platforms, and no more than one on each of the front, rear and each side of the **detached house**; and
(B) the maximum area of each platform is 4.0 square metres.

(2) Platforms at or Above the Second Storey of a Semi-Detached House

In an RM zone, platforms such as a deck or balcony, with access from the second **storey** or above of a **semi-detached house** must comply with the following:

- (A) there must be no more than a total of three such platforms for each **dwelling unit**, and no more than one on each of the front, rear and exterior side of the **dwelling unit**;
(B) the maximum area of each platform is 4.0 square metres; and
(C) a platform at the rear of the **dwelling unit** is at least 1.8 metres from the common wall dividing the **dwelling units**, or a projection of that common wall to a **lot line**.

10.80.40.70 Setbacks

(1) Minimum Front Yard Setback

If regulation 10.5.40.70 (1) does not apply, then the minimum **front yard setback** in an RM zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an RM zone is the greater of:

- (A) 7.5 metres; or
(B) 25% of the **lot depth**.

(3) Minimum Side Yard Setback

The minimum **side yard setback** in an RM zone is:

- (A) 1.2 metres for a **detached house**;
(B) 1.5 metres for a **semi-detached house**;
(C) 1.8 metres for a **duplex** or a **triplex**; or
(D) 2.4 metres for a **fourplex**, an **apartment building**, or a **non-residential building**.

10.80.40.80 Separation

(1) Distance Between Main Walls of the Same Apartment Building

In an RM zone, if an **apartment building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the minimum above ground separation distance between those **main walls** is:

- (A) 5.5 metres if there are no openings to **dwelling units** in one or more of the relevant **main walls**; and

(B) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

(2) Distance Between Residential Buildings on the Same Lot

In an RM zone, if two or more **residential buildings** are located on the same **lot**, the minimum above ground separation distance between the **main walls** of the respective **buildings** is:

(A) 5.5 metres if there are no openings to **dwelling units** in the relevant **main wall** of one or more of the **buildings**; and

(B) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

10.80.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In an RM zone, if the separation distance between the **main walls** of **lawfully existing buildings** or **structures** on the same **lot**, or between **main walls** of the same **lawfully existing building** or **structure**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

In an RM zone, any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 10.80.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

Chapter 15 Residential Apartment

15.5 Regulations applying to the Residential Apartment Zone Category

15.5.1 General

15.5.1.10 Interpretation

(1) Application of the General Regulations Section

The regulations in Section 15.5 apply to lands, uses, **buildings** and **structures** in the RA zone of the Residential Apartment Zone category.

(2) Interpretation of the Residential Apartment Zone Symbol

The zone symbol on the Zoning By-law Map for zones in the Residential Apartment Zone category consists of the zone symbol RA, indicating the primary land use, permitted in the respective zone.

(3) Interpretation of the Zone Label

In the Residential Apartment Zone category, the letters following the zone symbols have the following meaning:

(A) the letter 'f' with an associated numerical value, indicating the minimum **lot frontage** required for a **lot**, in metres;

(B) the letter 'a' with an associated numerical value, indicating the minimum **lot area** required for a **lot**, in square metres;

(C) the letters 'au' with an associated numerical value, indicating the minimum **lot area** required for each **dwelling unit** on a **lot**, in square metres;

(D) the letter 'u' with an associated numerical value, indicating the maximum number of **dwelling units** permitted on a **lot**;

(E) the letter 'd', with an associated numerical value, indicating the maximum Floor Space Index permitted for a **lot**.

15.5.20 Permitted Uses

15.5.20.1 General

(1) Existing School

A **lawful public school** or **private school** existing on a **lot** in the Residential Apartment Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **public school** or **private school building** must comply with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **public school** or **private school** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

(2) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Residential Apartment Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

15.5.30 Lot Requirements

15.5.30.11 Lot Area Exemptions

(1) Permitted Lot Area for Lawfully Existing Lots

In the Residential Apartment Zone category, if the **lawful lot area** of an existing **lot** is less than the minimum **lot area** required by this By-law, and it contains a **lawfully existing building** or **structure**, that **lawful lot area** is the permitted minimum **lot area** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in 15.5.30.11 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.30.20 Lot Frontage

(1) Minimum Front Lot Line for a Building Containing a Dwelling Unit

A **building** containing a **dwelling unit** must not be erected on a **lot** that does not have a **front lot line** of 3.5 metres or more, unless the **lot**:

- (A) abuts a **lane** having a minimum width of 6.0 metres; and
- (B) has a minimum of 3.5 metres of the **rear lot line** abutting the **lane**.

15.5.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the Residential Apartment Zone category, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, and it contains a **lawfully existing building** or **structure**, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in 15.5.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.30.40 Lot Coverage

(1) Lot Coverage Exclusion for Permitted Encroachments

In the Residential Apartment Zone category, any part of a **building** or **structure** permitted to encroach into a required **building setback** in 15.5.40.60 is not included in the calculation of **lot coverage**.

(2) Parts of Platforms that are Not Permitted Encroachments

In the Residential Apartment Zone category, any part of a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, that does not encroach into a required **building setback** is not included in the calculation of **lot coverage**, if:

- (A) it is attached to or less than 0.3 metres from a **principal building**; and
- (B) the **lot area** covered by these parts, in total, is not more than 5% of the **lot area**.

15.5.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the area of a **lot** covered by **lawfully existing buildings** or **structures** is greater than the maximum **lot coverage** permitted by this By-law, the percentage of the **lot** covered by those **lawfully existing buildings** or **structures** is the maximum permitted **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to **lawfully existing buildings** or **structures** referred to in 15.5.30.41 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.40 Principal Building Requirements

15.5.40.1 General

(1) Application of this Article

The regulations in Article 15.5.40 apply to **principal buildings** or **structures** in the Residential Apartment Zone category.

15.5.40.10 Height

(1) Determining the Height of a Principal Building

In the Residential Apartment Zone category the height of a **principal building** is measured as the distance between the elevation of the **established grade** and the elevation of the highest point of the **building**.

(2) Height -- for Specified Structures

In the Residential Apartment Zone category, the following **structures**, if located on the roof of a **principal building**, may exceed the maximum height permitted for that **building** by a maximum of:

- (A) 1.5 metres for
 - (i) parapets for a **green roof**, and
 - (ii) weather vanes; or
- (B) 5.0 metres for
 - (i) antennae,
 - (ii) flagpoles, and
 - (iii) satellite dishes.

(3) Height -- for Functional Operation of a Building

In the Residential Apartment Zone category, if located on the roof of a **principal building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 15.5.40.10 (4):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents,

and water supply facilities; and

(C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(4) Height -- Horizontal Limits on Elements for Functional Operation of a Building

In the Residential Apartment Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 15.5.40.10 (3), they must also comply with the following:

- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.

(5) Height -- for Rooftop Outdoor Recreation, Safety and Wind Protection

In the Residential Apartment Zone category, if located on the roof of a **principal building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.

15.5.40.11 Height Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in 15.5.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Alterations to the Roof of Lawfully Existing Buildings

Any alteration to the roof of a **lawfully existing building** referred to in 15.5.40.11 (1) may be up to the maximum height permitted in 15.5.40.11 (1).

15.5.40.40 Floor Area

(1) Gross Floor Area Calculations for an Apartment Building

For an **apartment building** in the Residential Apartment Zone category, the **gross floor area** of a **building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) indoor **amenity space** that is required by this By-law;
- (F) elevator shafts;
- (G) garbage and recycling material shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the **building**.

(2) Floor Space Index Calculation for an Apartment Building

In the Residential Apartment Zone category, the floor space index is the result of the **gross floor area** minus the areas of an **apartment building** listed in 15.5.40.40 (1) divided by the area of the **lot**.

15.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **gross floor area** of **lawfully existing buildings** or

structures on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

15.5.40.50 Decks, Platforms and Amenities

(1) Interpretation of Platform Walls

In the Residential Apartment Zone category, the exterior sides of a platform, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of a **principal building**, are not **main walls** if at least 50% of the exterior sides above the finished floor are open to the outside.

15.5.40.60 Permitted Encroachments

(1) Platforms

In the Residential Apartment Zone category, a platform with no **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **principal building**, may encroach into a required **building setback** for the **principal building** as follows:

- (A) a platform with a finished floor no higher than the **first floor** of the **principal building** may encroach into a required **building setback** the lesser of 9.5 metres or 50% of the required **building setback** for the yard in which it is located, and if it is located in the **front yard** or **rear yard**, it must be no closer to a **side lot line** than the required **side yard setback**; and
- (B) a platform with a finished floor that is higher than the **first floor** of the **principal building** may encroach into the applicable required **building setback** the lesser of 2.5 metres or 50% of the required **building setback** for the yard in which it is located, and if it is located in the **front yard** or **rear yard**, it must be no closer to a **side lot line** than the required **side yard setback**.

(2) Canopies and Awnings

In the Residential Apartment Zone category, a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform meeting the requirements of 15.5.40.60 (1), may encroach into a required **building setback** for the **principal building**, as follows:

- (A) if it is above a platform that complies with 15.5.40.60 (1), the roof, canopy, awning or similar **structure** may encroach into the required **building setback** to the same extent as the platform it is covering; and
- (B) if it is not above such a platform, it may encroach into a required **building setback** the lesser of 9.5 metres or 50% of the applicable required **building setback** for the yard in which it is located, if it is:
 - (i) covering a **driveway**, walkway or outdoor **amenity space** adjacent to an entrance to the **principal building**; and
 - (ii) located in the **front yard** or **rear yard**, it must be no closer to a **side lot line** than the required **side yard setback**.

(3) Exterior Stairs, Access Ramp and Elevating Device

In the Residential Apartment Zone category, exterior stairs, access ramps and elevating devices may encroach into a required **building setback** as follows:

- (A) Exterior stairs providing access to a **principal building** or **structure** may encroach into a required **building setback**, if the stairs are:
 - (i) no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building** or **structure**;
 - (ii) no wider than 2.0 metres; and
 - (iii) no closer to a **lot line** than 0.6 metres; and
- (B) An uncovered ramp providing access to a **principal building** or **structure** may encroach into a required **building setback**, if the ramp is:
 - (i) no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) no closer to a **lot line** than 0.6 metres; and
- (C) An elevating device providing access to a **principal building** or **structure** may encroach into a required **building setback**, if the elevating device:

- (i) elevates no higher than the **first floor** of the **building**;
- (ii) has a maximum area of 3.0 square metres; and
- (iii) is no closer to a **lot line** than 0.6 metres.

15.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **building setback** of a **lawfully existing building or structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building or structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building or structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building or structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in 15.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the separation distance between the **main walls of lawfully existing buildings or structures** on the same **lot**, or between **main walls** of the same **lawfully existing building or structure**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings – Separation Between Main Walls

Any addition or extension to a **lawfully existing building or structure** referred to in 15.5.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Permitted Separation from Other Zones for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the separation distance between a **lawfully existing apartment building** and a **lot** in an RD or RS zone is less than the minimum separation distance required by this By-law, the existing separation distance is the permitted minimum separation distance between that **apartment building** and that **lot**.

(4) Additions to Lawfully Existing Buildings – Separation from Other Zones

Any addition or extension to a **lawfully existing apartment building** referred to in 15.5.40.81 (3) must comply with the minimum separation distance from a **lot** in an RD or RS zone required by this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.50 Yards

15.5.50.10 Landscaping

(1) Landscaping Requirement for an Apartment Building

For a **lot** in the Residential Apartment Zone category:

- (A) a minimum of 50% of the area of the **lot** must be used for **landscaping**; and
- (B) a minimum of 50% of the **landscaped** area required in (A), above, must be used for **soft landscaping**.

(2) Landscaping Requirement for an Apartment Building Abutting a Lot in the Residential Zone Category

For a **lot** in the Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only

for **soft landscaping** must be provided along any part of a **lot line** abutting a **lot** in the Residential Zone category.

(3) Landscaping Exclusion for Permitted Encroachments

In the Residential Apartment Zone category, the calculation of **landscaping** or **soft landscaping** required by 15.5.50.10 (1) is to exclude the area of a required **building setback**, covered by any part of a **principal building** or **structure** permitted to encroach into a required **building setback** in 15.5.40.60.

(4) Swimming Pools or Similar Ancillary Structures Containing Water Deemed to be Soft Landscaping for Specified Regulations

In the Residential Apartment Zone category, for the purpose of determining the amount of **soft landscaping** required by 15.5.50.10 (1), the area of **soft landscaping** may include the water surface area of swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds.

15.5.60 Ancillary Buildings and Structures

15.5.60.1 General

(1) Application of this Article

The regulations in Article 15.5.60 apply to detached **ancillary buildings** or **structures** in the Residential Apartment Zone category.

(2) Living Accommodation in Ancillary Buildings

An **ancillary building** in the Residential Apartment Zone category must not be used for living accommodation.

(3) Food or Sanitary Facilities in Ancillary Buildings

An **ancillary building** in the Residential Apartment Zone category may contain:

- (A) food preparation facilities and sanitary facilities if the **ancillary building** or **structure** is for indoor **amenity space** required by this By-law; or
- (B) either food preparation facilities or sanitary facilities, but not both, if the **ancillary building** or **structure** is for any other purpose.

(4) Ancillary Building or Structure Construction Timing

In the Residential Apartment Zone category, no above-ground part of an **ancillary building** or **structure** may be erected prior to the erection of the **main walls** and completion of the roof of a **principal building** on the same **lot**.

15.5.60.20 Setbacks

(1) Front Yard Setback for Ancillary Buildings or Structures

The minimum **front yard setback** for an **ancillary building** or **structure** in the Residential Apartment Zone category is the same as the minimum **front yard setback** required for the **principal building**.

(2) Rear Yard Setback for Ancillary Buildings or Structures

The minimum **rear yard setback** for an **ancillary building** or **structure** in the Residential Apartment Zone category is:

- (A) 0.3 metres, if its:
 - (i) height is 2.5 metres or less; and
 - (ii) **gross floor area** is 10 square metres or less; or
- (B) 50% of its height, if its:
 - (i) height is greater than 2.5 metres; or
 - (ii) **gross floor area** is greater than 10 square metres; except
- (C) on a **through lot**, despite (A) and (B) above, if a **principal building** on an adjacent **lot** fronts on the **street** that abuts the **rear lot line** of the **through lot**, equal to the minimum **front yard setback** required for the **principal building** on the adjacent **lot**.

(3) Side Yard Setback for Ancillary Buildings or Structures

In the Residential Apartment Zone category, the minimum **side yard setback** for an **ancillary building or structure** located:

- (A) in a **side yard**, is the same as the minimum **side yard setback** required for the **principal building**;
- (B) in a **rear yard** and less than 4.0 metres from the **principal building**, is the minimum **side yard setback** required for the **principal building**; and
- (C) in a **rear yard** and 4.0 metres or more from the **principal building**:
 - (i) is 0.3 metres, if its:
 - (a) height is 2.5 metres or less and
 - (b) **gross floor area** is 10 square metres or less, or
 - (ii) is 50% of its height, if its:
 - (a) height is greater than 2.5 metres or
 - (b) **gross floor area** is greater than 10 square metres; except
 - (iii) on a **corner lot**, despite (i) and (ii) above, if a **principal building** on an adjacent **lot** fronts on the **street** that abuts the **side lot line** of the **corner lot**, is equal to the minimum **front yard setback** required for the **principal building** on the adjacent **lot**.

(4) Rear Yard Setback for Swimming Pools or Similar Ancillary Structures Containing Water

Despite 15.5.60.20 (2), in the Residential Apartment Zone category, the minimum **rear yard setback** for a swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, having a total water surface area greater than 3.0 square metres, is:

- (A) 4.5 metres, and
- (B) 7.5 metres, if it is on a **through lot**.

(5) Side Yard Setback for Swimming Pools or Similar Ancillary Structures Containing Water

Despite 15.5.60.20 (3), in the Residential Apartment Zone category, the minimum **side yard setback** for a swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, having a total water surface area greater than 3.0 square metres, is:

- (A) 4.5 metres, and
- (B) if it is on a **corner lot**, 7.5 metres from the **side lot line** abutting a **street**.

(6) Parts of an Ancillary Building or Structure to which a Required Building Setback Applies

In the Residential Apartment Zone category, required **building setback** regulations apply to all parts of an **ancillary building or structure** above and below grade, excluding footings.

15.5.60.30 Separation

(1) Minimum Separation Between Principal Buildings and Ancillary Buildings or Structures of a Certain Size

In the Residential Apartment Zone category, an **ancillary building or structure** with a height greater than 2.5 metres, or a **gross floor area** greater than 10 square metres, must be at least 4.0 metres from a **principal building** on the same **lot**.

(2) Separation of Swimming Pools or Similar Ancillary Structures Containing Water from RD Zones

In the Residential Apartment Zone category, a swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, with a total water surface area greater than 3.0 square metres, must be at least 12.0 metres from a **lot** in an RD zone.

15.5.60.40 Height

(1) Determining the Height of Ancillary Buildings or Structures

In the Residential Apartment Zone category the height of an **ancillary building or structure** is measured as the distance between the elevation of the **average grade** and the elevation of the highest point of the **ancillary building or structure**.

(2) Maximum Height of Ancillary Buildings or Structures

The maximum height of an **ancillary building or structure** in the Residential Apartment Zone category is:

- (A) 2.5 metres, if the **ancillary building or structure** is less than 4.0 metres from the **principal building**;
- or

(B) 4.0 metres in all other cases.

15.5.60.50 Floor Area

(1) Inclusion in Floor Space Index

The **gross floor area** of all **ancillary buildings** on a **lot** in the Residential Apartment Zone category is included for the purpose of calculating the total **gross floor area** and floor space index for the **lot**.

(2) Maximum Floor Area of Ancillary Buildings or Structures Close to Principal Buildings

In the Residential Apartment Zone category, the maximum **gross floor area** of an **ancillary building** or **structure** located less than 4.0 metres from the **principal building** on the **lot** is 10.0 square metres.

15.5.60.70 Lot Coverage

(1) Lot Coverage Requirement for Ancillary Buildings and Structures

An **ancillary building** or **structure** on a **lot** in the Residential Apartment Zone category, other than swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds:

(A) is included in the overall calculation of **lot coverage**; and

(B) the area of the **lot** covered by all **ancillary buildings** and **structures** must not exceed 10% of the **lot area**.

(2) Lot Coverage Requirement for Swimming Pools or Similar Ancillary Structures Containing Water

In the Residential Apartment Zone category, the water surface area of unenclosed swimming pools or other **ancillary structures** used to hold water, such as fountains or artificial ponds:

(A) is not included in the calculation of **lot coverage**; and

(B) the water surface area must not exceed 15% of the **lot area**.

15.5.75 Energy Regulations

15.5.75.1 General

(1) Renewable Energy or Cogeneration Energy Device

In the Residential Apartment Zone category, a device producing **renewable energy** or **cogeneration energy** on a **lot** may not be located in a **front yard** or a **side yard** that abuts a **street**.

(2) Cogeneration Energy Device

In the Residential Apartment Zone category, a **cogeneration energy** device must comply with the minimum **building setbacks** required for a **principal building** on the **lot**.

(3) Geo-energy Device

In addition to the requirements of regulation 15.5.75.1 (1), in the Residential Apartment Zone category any above-ground part of a **geo-energy** device must comply with all other regulations for an **ancillary building** or **structure** on the **lot**.

(4) Solar Energy Device

In the Residential Apartment Zone category, a photovoltaic **solar energy** device or a thermal **solar energy** device:

(A) if located on a **principal building**,

(i) must comply with all the minimum **building setbacks** required for the **principal building**, and

(ii) no part of the device is to be higher than 2.0 metres above the maximum permitted height; and

(B) if ground mounted, must comply with the regulations for an **ancillary building** or **structure** on the **lot**.

(5) Wind Energy Device

In the Residential Apartment Zone category, a **wind energy** device must comply with the following:

(A) there must be no more than one **wind energy** device on a **lot**;

(B) all parts of a **wind energy** device on a **lot** must comply with the minimum **building setbacks** required for a **principal building** on the **lot**;

- (C) no part of a **wind energy** device may be higher than:
- (i) 3.0 metres above the maximum height permitted for the **principal building**, if:
 - (a) the maximum height permitted for the **building** is less than 24.0 metres; or
 - (b) the **lot** abuts a **lot** in the Residential Zone category; or
 - (ii) in all other cases, 5.0 metres above the maximum height permitted for the **principal building**.

15.5.80 Parking

15.5.80.1 General

(1) Charging for Visitor Parking

In the Residential Apartment Zone category, no fee may be charged for a visitor **parking space** for a **residential building**.

(2) Use of Required Parking

A **parking space** required by this By-law for a use in the Residential Apartment Zone category must be available for the parking of a **vehicle** associated with the use for which it is required.

(3) Bachelor Unit Size for Parking Space Calculation

For the purpose of calculating **parking space** requirements in the Residential Apartment Zone category, the bachelor **dwelling unit** parking rate applies if the bachelor **dwelling unit** has an **interior floor area** of 45 square metres or less. If the bachelor **dwelling unit** has an **interior floor area** greater than 45 square metres the one bedroom parking rate applies.

15.5.80.10 Location

(1) Location of Required Parking Spaces

In the Residential Apartment Zone category, a **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

(2) Parking Space Location for Apartment Buildings

A minimum of 50% of the required **parking spaces** for an **apartment building** in the Residential Apartment Zone category, other than required visitor **parking spaces**, must be located in a **building** or underground **structure**.

(3) Commercial Vehicle Parking Restriction

A **parking space** on a **lot** in the Residential Apartment Zone category may be used for a commercial **vehicle**, if:

- (A) an owner or tenant of a **dwelling unit** on the **lot** is the owner or operator of the **vehicle**; and
- (B) it is located within a wholly enclosed **building**.

(4) Commercial Vehicle Parking Not Permitted in Yards

A **parking space** located outside of a **building** in the Residential Apartment Zone category must not be used for:

- (A) commercially licensed **vehicles**;
- (B) construction **vehicles**;
- (C) dump trucks;
- (D) agricultural **vehicles**;
- (E) repair or towing **vehicles**;
- (F) tracked **vehicles**;
- (G) **vehicles** with a traction engine;
- (H) **vehicles** designed to run only on rails; and
- (I) **vehicles** equipped with more than six wheels, excluding spare wheels.

15.5.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

In the Residential Apartment Zone category, a **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

15.5.80.30 Separation

(1) Parking Space Separation from Apartment Building

In the Residential Apartment Zone category, a surface **parking space** must be at least 3.0 metres from any **main wall** of an **apartment building**.

15.5.90 Loading

15.5.90.1 General

(1) Loading Space Options

In the Residential Apartment Zone category, if an **apartment building** contains 400 **dwelling units** or more, the requirement for a Type 'C' **loading space** is satisfied by the provision of a Type 'A' **loading space**, Type 'B' **loading space** or Type 'G' **loading space** instead.

15.5.95 Bicycle Parking

(1) Bicycle Parking Space Location

If a **lot** containing an **apartment building** is located in the Residential Apartment Zone category then a long-term **bicycle parking space** must be located:

- (A) on the ground floor of the **building**; or
- (B) on the **first floor** of the **building** below grade used for vehicular **parking spaces**.

(2) Bicycle Parking Space - Storage Location

In the Residential Apartment Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** must not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker.

(3) Location Relative to Building Entrance

If a **lot** containing an **apartment building** is located in the Residential Apartment Zone category then a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

15.5.100 Access to Lot

15.5.100.1 General

(1) Driveway Width

In the Residential Apartment Zone category, a **driveway** must have:

- (A) a minimum width of 3.0 metres for each **lane**; and
- (B) a maximum total width of 6.0 metres.

(2) Driveway Access to Apartment Buildings

If an **apartment building** in the Residential Apartment Zone category has 25 **dwelling units** or more, an unobstructed vehicular access must be provided between the **street** and the principal pedestrian entrance to the **building** so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement.

15.5.150 Waste

15.5.150.1 General

(1) Waste and Recyclable Materials Storage

In the Residential Apartment Zone category all storage of waste and **recyclable materials** must be within a wholly enclosed **building**.

15.10 Residential Apartment Zone (RA)

15.10.1 General

15.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 15.10 apply to lands, uses, **buildings** and **structures** in an RA zone.

15.10.20 Permitted Uses

15.10.20.10 Permitted Use

(1) Use – RA Zone

The following uses are permitted in an RA zone:

Ambulance Depot

Dwelling Unit, if it is located in a permitted **building** type in Clause 15.10.20.40.

Fire Hall

Park

Police Station

Public Utility .

15.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – RA Zone

The following uses are permitted in an RA zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 15.10.20.100:

Cogeneration Energy Production (14)

Community Centre (7)

Crisis Care Shelter (5)

Day Nursery (8)

Group Home (3)

Home Occupation (11)

Library (7)

Municipal Shelter (5)

Nursing Home (1)

Private Home Daycare (9)

Renewable Energy Production (14)

Residential Care Home (3)

Respite Care Facility (12)

Retail Store (6)

Retirement Home (1)

Rooming House (4)

Secondary Suite (10)

Seniors Community House (2)

Transportation Use (13)

15.10.20.30 Ancillary Use

(1) Ancillary Use – RA Zone

In an RA zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

15.10.20.40 Permitted Building Types

(1) Permitted Building Types – RA Zone

In an RA zone, a **dwelling unit** is only permitted in the following **residential building** types:
Apartment Building .

15.10.20.100 Conditions

(1) Nursing Home or Retirement Home

In an RA zone, a **nursing home**, **retirement home** or a combination of these two uses, must be located on a **lot** that:

- (A) has a **front lot line** or **side lot line** abutting a major **street** identified on the Policy Areas Overlay Map; or
- (B) has a **front lot line** or **side lot line** abutting a **street** which intersects a road described in (A) above, and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

(2) Seniors Community House

A **seniors community house** in an RA zone must comply with the specific use regulations in Section 150.30.

(3) Group Home or Residential Care Home

In an RA zone, a **group home** or a **residential care home** must comply with the specific use regulations in Section 150.15.

(4) Rooming House

A rooming house in an RA zone must comply with the specific use regulations in Section 150.25.

(5) Crisis Care Shelter or Municipal Shelter

In an RA zone, a **crisis care shelter** or a **municipal shelter** must comply with the specific use regulations in Sections 150.20 and 150.22, respectively.

(6) Retail Stores in Apartment Buildings

In an RA zone, one **retail store** is permitted on a **lot** with 100 or more **dwelling units** in one or more **apartment buildings**, if:

- (A) the **retail store** is located inside an **apartment building** on the **lot**;
- (B) the **retail store** is not located above the first **storey** of the **apartment building**;
- (C) access to the **retail store** is only from within the **apartment building**, unless it is on a **lot** that has a **front lot line** or a **side lot line** abutting a major **street** shown on the Policy Areas Overlay Map;
- (D) there is no outside display of goods; and
- (E) the **interior floor area** of the **retail store** is no greater than 30.0 square metres for the first 100 **dwelling units**, which may be increased by 10.0 square metres for each additional 50 **dwelling units** in excess of 100, to a maximum of 110.0 square metres.

(7) Community Centre or Library

In an RA zone, a **community centre** or a library is permitted , if it is located on a **lot** that abuts a major **street** identified on the Policy Areas Overlay Map.

(8) Day Nursery

A **day nursery** in an RA zone must comply with the specific use regulations in Section 150.45.

(9) Private Home Daycare

A **private home daycare** is permitted in an RA zone, if any outdoor children's play area associated with the **private home daycare** is:

- (A) fenced; and
- (B) not located in the **front yard** or a **side yard** abutting a **street**.

(10) Secondary Suite

A **secondary suite** in an RA zone must comply with the specific use regulations in Section 150.10.

(11) Home Occupation

A **home occupation** in an RA zone must comply with the specific use regulations in Section 150.5.

(12) Respite Care Facility

A **respite care facility** is permitted in an RA zone, if it is together with a **nursing home** or **retirement home**.

(13) Transportation Use

A **building** or **structure** located on a **lot** in an RA zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **principal building** on that **lot**.

(14) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted in an RA zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

15.10.30 Lot Requirements

15.10.30.10 Lot Area

(1) Minimum Lot Area

- (A) If a zone label applying to a **lot** in an RA zone includes the letter 'a', as shown on the Zoning By-law Map, the numerical value following the letter 'a' is the minimum **lot area**, in square metres.
- (B) If the zone label in an RA zone does not include an 'a' value, the minimum **lot area**, in square metres, is the minimum required **lot frontage** multiplied by 30 metres.

(2) Minimum Lot Area for Each Dwelling Unit in an Apartment Building

If a zone label applying to a **lot** in an RA zone includes the letters 'au', as shown on the Zoning By-law Map, the numerical value following the letters 'au' is the minimum **lot area**, in square metres, required for each **dwelling unit** in an **apartment building**.

15.10.30.20 Lot Frontage

(1) Minimum Lot Frontage

- (A) If a zone label applying to a **lot** in an RA zone includes the letter 'f', as shown on the Zoning By-law Map, the numerical value following the letter 'f' is the minimum **lot frontage**, in metres.
- (B) If the zone label in an RA zone does not include an 'f' value, the minimum **lot frontage** is 24.0 metres.

15.10.30.40 Lot Coverage

(1) Maximum Lot Coverage

If a **lot** in an RA zone is in an area with a numerical value shown on the **Lot Coverage** Overlay Map, that numerical value is the maximum **lot coverage**, as a percentage of the **lot area**.

15.10.40 Principal Building Requirements

15.10.40.1 General

(1) Application of this Article

The regulations in Article 15.10.40 apply to a **principal building** or **structure** in an RA zone.

(2) Number of Dwelling Units on a Lot

If a zone label applying to a **lot** in an RA zone includes the letter 'u, as shown on the Zoning By-law Map, the numerical value following the letter 'u' is the maximum number of **dwelling units** on the **lot**.

15.10.40.10 Height

(1) Maximum Height

The maximum height for a **principal building** or **structure** on a **lot** in an RA zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 24.0 metres.

(2) Maximum Number of Storeys

The number shown on the Height Overlay Map following the letter 'st' indicates the maximum number of **storeys** permitted in a **building**.

15.10.40.40 Floor Area

(1) Floor Space Index

The letter and number in brackets following the zone symbol have the following meaning:

- (i) the letter 'd' refers to the floor space index and the numerical value indicates the maximum floor space index for the **lot**.

15.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space for an Apartment Building

In an RA zone, an **apartment building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

- (A) a minimum of 2.0 square metres for each **dwelling unit** must be indoor **amenity space**;
- (B) a maximum of 25% of the outdoor component may be in the form of a **green roof**; and
- (C) a minimum of 40.0 square metres must be outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**.

15.10.40.70 Setbacks

(1) Minimum Front Yard Setback

The minimum **front yard setback** in an RA zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The minimum **rear yard setback** in an RA zone is 7.5 metres.

(3) Minimum Side Yard Setback

The minimum **side yard setback** in an RA zone is 7.5 metres.

(4) Rear Yard Setbacks and Side Yard Setbacks in Relation to the Height of an Apartment Building

Despite regulation 15.10.40.70 (2) and (3), for any portion of an **apartment building** in an RA zone having a height greater than 11.0 metres, the minimum **rear yard setback** and **side yard setbacks** for each portion of the **building** above 11.0 metres in height must be increased by 1.0 metres for each additional 2.0 metres, or part thereof, above 11.0 metres in height.

15.10.40.80 Separation

(1) Distance Between Main Walls of the Same Residential Building

In the RA zone, if a **residential building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the minimum above ground separation distance between those **main walls** is:

- (A) for any portion of the **building** having a height equal to or less than 11.0 metres,
 - (i) 5.5 metres if there are no openings to **dwelling units** in one or more of the relevant **main walls**, and
 - (ii) 11.0 metres if each relevant **main wall** has openings to **dwelling units**; and
- (B) 25.0 metres for any portion of the **building** having a height greater than 11.0 metres.

(2) Distance Between Residential Buildings on the Same Lot

In the RA zone, if two or more **residential buildings** are located on the same **lot**, the minimum above ground separation distance between the **main walls** of the respective **buildings** is:

- (A) for any portion of the **buildings** having a height equal to or less than 11.0 metres,
 - (i) 5.5 metres if there are no openings to **dwelling units** in the relevant **main wall** of one or more of the **buildings**, and
 - (ii) 11.0 metres if each relevant **main wall** has openings to **dwelling units**.

(3) Apartment Building Separation from RD and RS Zones

An **apartment building** in an RA zone must be at least 15.0 metres from a **lot** in an RD or RS zone.

Chapter 30 Commercial

30.5 Regulations applying to the Commercial Zone Category

30.5.1 General

30.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 30.5 apply to lands, uses, **buildings** and **structures** in the Commercial Zone category.

(2) Interpretation of the Commercial Zone Symbol

The zone symbol on the Zoning By-law Map for Commercial Zone Category consists of the letters CL indicating the primary land use permitted in the respective zone.

(3) Interpretation of the Zone Label

In the Commercial Zone Category, the number following the zone symbol indicates the maximum permitted floor space index of all permitted land uses on a **lot**.

30.5.20 Permitted Uses

30.5.20.1 General

(1) Existing School

A **lawful public school** or **private school** existing on a **lot** in the Commercial Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **public school** or **private school building** must comply with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **public school** or **private school** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

(2) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Residential Commercial Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

30.5.40 Principal Building Requirements

30.5.40.10 Height

(1) Determining the Height of Buildings in Commercial Zones

In the Commercial Zone category, the height of a **building** is measured as the distance between the average elevation of grade along the **front lot line** and the elevation of the highest point of the **building**, or in the case of a **corner lot** the average elevation of grade along all **lot lines** that abut a **street** and the elevation of the highest point of the **building**.

(2) Determining the Height of Structures in Commercial Zones

In the Commercial Zone category, the height of a **structure**, other than a **building**, is measured as the distance between the elevation of **average grade** around the **structure** and the elevation of the highest point of the **structure**.

(3) Height for Specified Structures on a Building

In the Commercial Zone category, the following **structures**, if located on the roof of a **building**, may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (A) antennae;
- (B) flagpoles; and
- (C) satellite dishes.

(4) Height of Elements for Functional Operation of a Building

In the Commercial Zone category, if located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 30.5.40.10 (5):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(5) Limits on Elements for Functional Operation of a Building

In the Commercial Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 30.5.40.10 (4), they must also comply with the following:

- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the **building's main walls** facing that **street**.

(6) Height of Rooftop Outdoor Recreation, Safety and Wind Protection Elements

In the Commercial Zone category, if located on the roof of a **building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.

(7) Height of Green Roof Elements

If a **building** in a CL zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed the maximum **building** height by 2.0 metres.

30.5.40.40 Floor Area

(1) Gross Floor Area Calculations for a Non-residential Building in a Commercial Zone Category

In a Commercial Zone category the **gross floor area** of a **non-residential building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) elevator shafts;
- (F) mechanical penthouse; and
- (G) exit stairwells in the **building**.

(2) Floor Space Index Calculation for a Non-residential Building in a Commercial Zone Category

In a Commercial Zone category the floor space index is the result of the **gross floor area** minus the areas of a **non-residential building** listed in 30.5.40.40 (1) divided by the area of the **lot**.

30.5.40.41 Floor Area Exemptions

Permitted Floor Space Index for Lawfully Existing Buildings

In the Commercial Zone category, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

30.5.40.60 Permitted Encroachments

(1) Canopies and Awnings

In the Commercial Zone category, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

30.5.40.70 Setbacks

(1) Building or Structure to be Set Back from a Lane

A **building** or **structure** in the Commercial Zone category must be:

- (A) no closer than 3.0 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is not in a Residential Zone category or Open Space Zone category; and
- (B) no closer than 3.5 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is in a Residential Zone category or Open Space Zone category.

30.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Commercial Zone category, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**;
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in 30.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings in Relation to a Lane

Despite 30.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building or structure** referred to in 30.5.40.71 (1) is the same minimum setback from the original centreline of the **lane** permitted by 30.5.40.71 (1).

30.5.75 Energy Regulations

30.5.75.1 General

(1) Renewable Energy and Cogeneration Energy Device - Location Restriction

In a Commercial Zone category a **renewable energy** or **cogeneration energy** device may not be located in a **front yard** or a **side yard** that abuts a **street**.

(2) Renewable Energy Device - Height regulations

In a Commercial Zone category if a photovoltaic **solar energy** device and a thermal **solar energy** device is:

(A) located on a **building**;

- (i) it must comply with all the minimum **building setback** requirements for a **building**; and
- (ii) it must have no part of the device more than 2.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and

(B) ground mounted, the device must comply with all regulations applicable to a **building** or **structure**.

(3) Wind Energy Device - Setbacks

In a Commercial Zone category, all parts of a **wind energy** device must comply with the required minimum **building setbacks** for a **building** on the **lot** where the device is located.

(4) Wind Energy Device - Height

In a Commercial Zone category no part of a **wind energy** device may exceed the maximum height permitted for a **building** by more than 3.0 metres.

(5) Geo-Energy Requirements

In a Commercial Zone category, any above-ground part of a **geo-energy** device must comply with all the requirements of a **building** or **structure** on a **lot** in the zone on which the device is located.

(6) Cogeneration Energy Device

In a Commercial Zone category, a **cogeneration energy** device must be located inside a permitted **building** on the **lot**.

30.5.80 Parking

30.5.80.1 General

(1) Required Parking Space

In the Commercial Zone category, if one or more off-**street parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

30.5.80.10 Location

(1) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

30.5.95 Bicycle Parking

(1) Location Relative to Building Entrance

In the Commercial Zone Category a short-term **bicycle parking space** must not be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

(2) Long Term Bicycle Parking Space Location

If a **lot** is located in a Commercial Zone category, then a long-term **bicycle parking space** must be located:

(A) outside on grade;

(B) on the ground floor of the **building**; or

(C) in a below grade parking **structure** and must occupy a minimum of 50 percent of the area available for vehicular **parking spaces** and **bicycle parking spaces** at each level of the **building** below grade, commencing with the first level below grade and moving down, in one level increments, until all required **bicycle parking spaces** have been provided.

30.20 Commercial Local Zone (CL)

30.20.1 General

30.20.1.10 Interpretation

(1) Application of This Section

The regulations in Section 30.20 apply to lands, uses, **buildings** and **structures** in a CL zone.

(2) Medical Office

For the purposes of the CL Zone, a medical office includes a medical clinic.

30.20.20 Permitted Uses

30.20.20.10 Permitted Use

(1) Use – CL Zone

In a CL zone, the following uses are permitted:

Ambulance Depot

Community Centre

Education Use

Financial Institution

Fire Hall

Library

Medical Office

Office

Park

Personal Service Shop

Pet Services

Police Station

Retail Service

Service Shop

Veterinary Hospital .

30.20.20.20 Permitted Use - with Conditions

(1) Use with Conditions – CL Zone

In the CL zone, the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 30.20.20.100:

Automated Banking Machine (14)
Cogeneration Energy Production (17)
Day Nursery (7)
Eating Establishment (2, 10)
Municipal Shelter (9)
 Outdoor Sales or Display (6)
Place of Worship (8)
Public Utility (15)
Recreation Use (1)
Renewable Energy Production (17)
Retail Store (5)
Take-out Eating Establishment (2,11)
Transportation Uses (16)
Vehicle Fuel Station (3,12)
Vehicle Service Shop (3,13)

30.20.20.30 Ancillary Use

(1) Permitted Ancillary Uses, Buildings and Structures

In the CL zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

30.20.20.100 Conditions

(1) Recreation Use Condition

In a CL zone, all **recreation uses** must be located wholly within a **building**.

(2) Eating Establishment or Take-out Eating Establishment Use Condition

In a CL zone, the total combined **interior floor area** on a **lot** of all **eating establishment** and **take-out eating establishment** uses must not exceed 400 square metres.

(3) Vehicle Fuel Station or Vehicle Service Shop Location Condition

In a CL zone, a **vehicle fuel station** and **vehicle service shop** are permitted if they are located on a **lot** that abuts a major **street** shown on the Policy Areas Overlay Map found in Section 995.15.

(5) Retail Store- Ancillary Eating Space Condition

In a CL zone, a **retail store** may contain a maximum of 10.0 square metres used for the consumption of food or beverage by patrons.

(6) Outdoor Sales or Displays Condition

In a CL zone, the outdoor sale or display of goods or commodities is permitted provided:

- (A) the use is in combination with another permitted use;
- (B) the goods or commodities are no closer to a **lot line** than the greater of:
 - (i) 3.0 metres; or
 - (ii) the minimum required **building setback** for the yard in which the goods or commodities are located;
- (C) the cumulative area used for the outdoor sale or display of goods or commodities is no more than 30.0 square metres; and
- (D) the area used for the outdoor sale or display of goods or commodities must not be located on land required for parking, loading, **driveways** or **landscaping**.

(7) Day Nursery Condition

In a CL zone, a **day nursery** must comply with the specific use regulations in Section 150.45.

(8) Place of Worship Condition

In a CL zone, a **place of worship** must comply with the specific use regulations in Section 150.50.

(9) Municipal Shelter Condition

In a CL zone, a **municipal shelter** must comply with the specific use regulations in Section 150.22.

(10) Eating Establishment Condition

In a CL zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.

(11) Take-out Eating Establishment Condition

In a CL zone, a **take-out eating establishment** must comply with the specific use regulations in Section 150.100.

(12) Vehicle Fuel Station Condition

In a CL zone, a **vehicle fuel station** must comply with the specific use regulations in Section 150.92.

(13) Vehicle Service Shop Condition

In a CL zone, a **vehicle service shop** must comply with the specific use regulations in Section 150.94.

(14) Automated Banking Machine Condition

In a CL zone, an **automated banking machine** must be located in a **building**.

(15) Public Utility Condition

In a CL zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not an above ground water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CL zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CL zone.

(16) Transportation Uses Condition

A **building** or **structure** located on a **lot** in an CL zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

(17) Renewable Energy Production or Cogeneration Energy Production Condition

In a CL zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

30.20.30 Lot Requirements

30.20.30.1 General

(1) Commercial Development Parcel- Compliance in its Entirety

In a CL zone, if two or more **lots** are used together for a development, the applicable regulations of this By-law apply respectively to the parts of the **lot** used and within the CL zone.

30.20.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in a CL zone

In a CL zone, the minimum **lot frontage** is 9.0 metres.

30.20.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the CL zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage**

required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 30.20.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

30.20.30.40 Lot Coverage

(1) Maximum Lot Coverage

If a **lot** in a CL zone is in an area with a numerical value shown on the **Lot Coverage** Overlay Map found in Section 995.20, that numerical value is the maximum **lot coverage**, as a percentage of the **lot area**.

30.20.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the CL zone, if the area of a **lot** covered by **lawfully existing buildings** or **structures** is greater than the maximum **lot coverage** permitted by this By-law, the percentage of the **lot** covered by those **lawfully existing buildings** or **structures** is the maximum permitted **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to **lawfully existing buildings** or **structures** referred to in regulation 30.20.30.41 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

30.20.40 Principal Building Requirements

30.20.40.1 General

(1) Commercial Use in Wholly Enclosed Building Condition

In a CL zone all uses must be located within a wholly enclosed **building**, except for outdoor sales and display, **parking spaces**, and **loading spaces**.

30.20.40.10 Height

(1) Maximum Permitted Height - CL Zone

In a CL zone, the maximum height of a **building** or **structure** on a **lot** is:

- (A) the numerical value, in metres, as shown on the Height Overlay Map found in Section 995.5; or
- (B) 10.0 metres, where no numerical value is shown on the Height Overlay Map found in Section 995.5.

30.20.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the CL zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 30.20.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

30.20.40.40 Floor Area

(1) Maximum Permitted Floor Space Index

In a CL zone, the maximum permitted **gross floor area** of a **building** is the result of the floor space index value associated with the **lot** as shown by the number following the zone label on the Zoning By-law Map, multiplied by the **lot area**, minus the areas of a **building** listed in regulation 30.5.40.40(1).

30.20.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the CL zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

30.20.40.60 Permitted Encroachments

(1) Permitted Encroachments- Decks, Porches, and Balconies

In a CL zone a platform with no **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **building**, may encroach into a required **building setback** for the **building** as follows:

- (A) in a **rear yard**, a platform with a finished floor no higher than the **first floor** of the **building** may encroach into the required **rear yard setback** the lesser of 2.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than the greater of:
 - (i) 0.3 metres; or
 - (ii) a distance equal to the vertical distance between the highest part of the finished floor of the platform and the average elevation of grade at the applicable side of the platform;
- (B) in a **rear yard**, a platform with a finished floor that is higher than the **first floor** of the **building** may encroach into the required **rear yard setback** the lesser of 2.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than a distance equal to:
 - (i) the required **side yard setback**; plus
 - (ii) the vertical distance between the **first floor** of the **building** and the average elevation of the ground along the building's rear **main wall**; and
- (C) in a **side yard**, a platform with a finished floor not higher than the **first floor** of the **building** may encroach into the required **side yard setback** a maximum of 1.5 metres, if it is at least 0.3 metres from the **side lot line**; and
- (D) in a **side yard**, a platform with a finished floor that is higher than the **first floor** of the **building** may encroach into the required **side yard setback** a maximum of 1.5 metres if the **side yard** abuts a **street**, but it is not to encroach into a required **side yard setback** if the **side yard** does not abut a **street**.

(2) Permitted Encroachments- Canopies and Awnings

In a CL zone a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform meeting the requirements of regulation 30.20.40.60 (1), may encroach into a required **building setback** for the **building** as follows:

- A) if above a platform meeting the requirements of regulation 30.20.40.60 (1), the roof, canopy, awning or similar **structure** may encroach into the required **building setback** to the same extent as the platform it is covering; and
- (B) if not covering such a platform, the canopy, awning or similar **structure** may encroach into a required **building setback**:
 - (i) in a **front yard** that does not abut a **street** or a **rear yard**, the lesser of 2.5 metres or 50% of the applicable required yard setback, if it is no closer to a **side lot line** than the required **side yard setback**;
 - (ii) in a **side yard** that does not abut a **street**, a maximum of 1.5 metres, if it is at least 0.3 metres from the **side lot lines**; and
 - (iii) in a **front yard** or **side yard** that abuts a **street**, in compliance with Regulation 30.5.40.60(1).

(3) Permitted Encroachments- Exterior Stairs, Access Ramp and Elevating Device

In a CL zone the following applies:

- (A) exterior stairs providing access to a **building** or **structure** may encroach into a required **building**

setback, if the stairs:

- (i) are no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building or structure**;
 - (ii) are no wider than 2.0 metres; and
 - (iii) are at least 0.3 metres from all **lot lines**; and
- (B) an uncovered ramp providing access to a **building or structure** may encroach into a required **building setback**, if the ramp:
- (i) is no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building or structure**;
 - (ii) is no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) is no closer to a **lot line** than 0.3 metres; and
- (C) an elevating device providing access to a **building or structure** may encroach into a required **building setback**, if that the elevating device:
- (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is not closer to a **lot line** than 0.3 metres.

(4) Permitted Encroachments- Exterior Main Wall Surface

In a CL zone cladding added to the original exterior surface of the **main wall** of a **building**, may encroach into a required **building setback** a maximum of 0.15 metres, if the **building** is at least 5 years old.

(5) Permitted Encroachments- Architectural Features

In a CL zone the following applies:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a **building** may encroach into a required **building setback** a maximum of 0.6 metres, if it is at least 0.3 metres from all **lot lines**;
- (B) a chimney breast, on a **building**, may encroach into a required **building setback** a maximum of 0.6 metres, if it:
 - (i) is no wider than 2.0 metres; and
 - (ii) if it is at least 0.3 metres from all **lot lines**.

(6) Permitted Encroachments- Window Projections

In a CL zone a bay window, box window, or other window projection from a **main wall** of a **building**, which increases floor area or enclosed space but does not touch the ground, may encroach:

- (A) into a required **front yard setback** or **rear yard setback** a maximum of 0.75 metres, if these window projections do not in total occupy more than 65% of the width of the front **main wall** or rear **main wall** at each **storey**; and
- (B) into a required **side yard setback** a maximum of 0.6 metres, if these window projections:
 - (i) do not occupy in total more than 30% of the width of the side **main wall** at each **storey**; and
 - (ii) are at least 0.6 metres from the **side lot line**.

(7) Permitted Encroachments- Roof Projections

In a CL zone the eaves of the roof on a **building** may encroach into a required **building setback** a maximum of 0.9 metres, if they are at least 0.3 metres from all **lot lines**.

(8) Permitted Encroachments- Equipment

In a CL zone on a **building** the following wall mounted equipment may encroach into specified required **building setbacks** as follows, if they are at least 0.3 metres from all **lot lines**:

- (A) an air conditioner may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres, if it is not located above the **first floor** when located in a **side yard**;
- (B) a satellite dish may encroach into a required **building setback** a maximum of 0.9 metres;
- (C) an antennae or pole used to hold an antennae may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres; and
- (D) a vent or pipe may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.6 metres.

(10) Permitted Encroachments – Required Angular Planes

In a CL zone, encroachments are not permitted into an **angular plane** required by this By-law.

30.20.40.70 Setbacks

(1) Front Yard Setback Averaging

In the Commercial Local Zone (CL):

- (A) where a **lot** is located beside one **lot** in the Commercial Local Zone, and that abutting **lot** has an existing **building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **lot**, the minimum required **front yard setback** is the existing **front yard setback** of that **building**;
- (B) where a **lot** is located between two abutting **lots** in the Commercial Local Zone, each with an existing **building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **lot**, the minimum required **front yard setback** is the average of the existing **front yard setbacks** of those **buildings**; and
- (C) in all other cases the minimum required **front yard setback** is 10.5 metres.

(2) Rear Yard Setback and Side Yard Setback

In a CL zone:

- (A) a **building** or **structure** must be set back:
 - (i) a minimum of 7.5 metres from a **rear lot line**; or
 - (ii) a minimum of 1.5 metres from a **rear lot line**, if the **rear lot line** abuts a **lane**;
- (B) where the **main wall** of a **building** does not contain windows or openings, the **main wall** must be set back a minimum of 3.0 metres from a **side lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category; and
- (C) where the **main wall** of a **building** contains windows or openings, the **main wall** must be set back a minimum of 5.5 metres from a **side lot line** that is not adjacent to a **street** or **lane**.

(3) Rear Angular Plane

In a CL zone, if a **lot** abuts an O, ON or OR zone, or a Residential Zone category or Residential Apartment Zone category, then every **building** on the **lot** in the CL zone must not penetrate a 45 degree **angular plane** measured, if there is no rear **lane**, from grade at the **rear lot line**, or, if there is a rear **lane** abutting the site, from a height above the rear **lot line** equal to the width of the **lane**.

(4) Dormers

In a CL zone, a dormer projecting from the surface of the roof, is not to have any wall of the dormer closer to a **lot line** than the required **building setback**.

30.20.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the CL zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 30.20.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Required Rear Angular Plane for Lawfully Existing Buildings

In the CL zone, if a **lawfully existing building** or **structure** penetrates the rear **angular plane** required by this By-law, the **lawfully existing building** or **structure** does not have to comply with the rear **angular plane** requirements.

(4) Required Rear Angular Plane for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in regulation 30.20.40.71 (3) must comply with the rear **angular plane** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

30.20.40.80 Separation

(1) Separation

For a **lot** in a CL zone, all **main walls** of a **building** must comply with the following:

- (A) where a **main wall** of the **building** has windows and a line projected at a right angle from one of these **main walls** intercepts another **main wall** with windows on the same **lot**, the minimum above ground distance between the **main walls** must be 11.0 metres; and
- (B) where a **main wall** of the **building** has windows facing another **main wall** on the same **lot** which does not have windows and a line projected at a right angle from one of these **main walls** intercepts the other **main wall**, the minimum above ground distance between them must be 5.5 metres.

30.20.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In the CL zone, if the separation distance between the **main walls** of **lawfully existing buildings or structures** on the same **lot**, or between **main walls** of the same **lawfully existing building or structure**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in regulation 30.20.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

30.20.50 Yards

30.20.50.10 Landscaping

(1) Landscaping Requirement When Abutting a Lot in a Residential Zone Category

If a **lot** in a Commercial Zone category abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

(2) Abutting a Lot in a Residential or Residential Apartment Zone - Fence Requirement

In a CL zone, if a **lot** abuts a **lot** in a Residential Zone category or a Residential Apartment Zone category a fence must be installed along the portion of a **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

30.20.80 Parking

30.20.80.20 Setbacks

(1) Parking Space and Drive Aisle Location

In a CL zone, a **parking space** and a **drive aisle** must not be located in any required **front yard** or **side yard setback** that abuts a **street**.

(2) Parking Area Separation From Lot Line

In a CL zone, an area used for the parking or storage of **vehicles** must be separated from any **lot line** by a minimum 1.5 metre wide strip of land used for **soft landscaping**.

(3) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be set back a minimum of 0.5 metres from a **lot line**.

30.20.90 Loading

30.20.90.10 Location

(1) Loading Space Location

A **loading space** must not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

30.20.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 30.20.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 30.20.90.10(1).

30.20.90.40 Access to Loading Space

(1) Access to Loading Space - Restrictions

In a CL Zone:

- (A) where a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**; and
- (B) where a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15, access to a **loading space** must be from the **street** which is not a major **street**.

(2) Loading Restrictions Adjacent to a Lot in a Residential Zone

In a CL zone, where a **lot** abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, access to the **loading space** cannot be through any part of a **lot** in the Residential Zone category or Residential Apartment Zone category.

(3) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** cannot have its access through a **main wall** that faces a **street**.

30.20.90.41 Access to Loading Space Exemptions

(1) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 30.10.90.40(3), that **lawfully existing loading space** is exempt from the requirements of regulation 30.10.90.40(3).

30.20.100 Access to Lot

30.20.100.10 Location

(1) Driveway Access to a Lot - Landscape Area Exemption

In a CL zone, a **driveway** providing direct access from a **street** or **lane** may cross a required **landscaped** area if the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

(2) Parking Areas adjacent to a Lot in a Residential Zone

In a CL zone, where a **lot** abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, access to a **parking space** must not be through any part of a **lot** in the Residential Zone category or Residential Apartment Zone category.

30.20.150 Waste

30.20.150.1 General

(1) Waste and Recyclable Materials Storage

- (A) In a CL zone, for a **building** constructed after the date of enactment of this By-law, all waste and **recyclable material** must be stored in a wholly enclosed **building**;
- (B) where the waste and **recyclable material** is stored in an **ancillary building**, the **ancillary building**:
- (i) must not be located in a **side yard** that abuts a **street** or in a **front yard**; and
 - (ii) must be set back a minimum of:
 - (a) 7.5 metres from a **lot** in the Residential Zone category, the Residential Apartment Zone Category, or the Open Space Zone Category; and
 - (b) 1.0 metres from all other **side lot lines** and **rear lot lines**.

Chapter 40 Commercial Residential

40.5 Regulations applying to the Commercial Residential Zone Category

40.5.1 General

40.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 40.5 apply to lands, uses, **buildings** and **structures** in the Commercial Residential Zone category.

(2) Interpretation of the Commercial Residential Zone Symbol

The zone symbol on the Zoning By-law Map for Commercial Residential Zone category consists of the letters CR indicating the primary land use permitted in the respective zone.

(3) Interpretation of the Zone Label

In the Commercial Residential Zone category, the letters following the zone symbols have the following meaning:

- (A) a numerical value representing the maximum permitted floor space index of all land uses on a **lot** and that may then be followed by one or both of the following in brackets:
- (i) the letter 'c' followed by a numerical value indicating the maximum floor space index permitted for non-residential uses on a **lot**; and
 - (ii) the letter 'r' followed by a numerical value indicating the maximum floor space index permitted for residential uses on a **lot**; and
- (B) the Development Standard Set symbol (SS) followed by a number indicating the set of development standards, indicated in Regulation 40.5.1.10(4), that applies to the **lot**.

(4) Interpretation of the Development Standard Set Symbol

The Development Standard Set symbol (SS) on the Zoning By-law Map for commercial residential zones identifies the Development Standard Set with a numerical value that corresponds to a specific set of development standards that may control one or all of the following **building** requirements or yard requirements:

- (A) Minimum **Building Setback** from a **Front Lot Line**;
- (B) Maximum **Building Setback** from a **Front Lot Line**;
- (C) Minimum **Building Setback** from a **Rear Lot Line**;
- (D) Minimum **Building Setback** from a **Side Lot Line**;
- (E) Maximum **Building Angular Plane** from a **Front Lot Line** or **Side Lot Line** abutting a **street**;

- (F) Maximum **Building Angular Plane** from a **Rear Lot Line**;
- (G) Minimum **Landscaping Area** on a **Lot**; and
- (H) Maximum **Building Height**.

40.5.1.20 Restrictions

(1) Living Accommodation in Ancillary Buildings

In a Commercial Residential Zone category, an **ancillary building** must not be used for living accommodation.

(2) Use Restrictions on Commercial Residential Lots without Street Frontage

If a **lot** in a Commercial Residential Zone category does not front on a **street** and has its only access from a **lane** or private right-of-way that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, the **lot** must be used for no other purpose than permitted parking.

40.5.20 Permitted Uses

40.5.20.1 General

(1) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Commercial Residential Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

40.5.40 Principal Building Requirements

40.5.40.10 Height

(1) Determining the Height of Buildings in Commercial Residential Zones

In the Commercial Residential Zone category, the height of a **building** is measured as the distance between the average elevation of grade along the **front lot line**, or in the case of a **corner lot** the average elevation of grade along all **lot lines** that abut a **street**, and the elevation of the highest point of the **building**.

(2) Determining the Height of Structures in Commercial Residential Zones

In the Commercial Residential Zone category, the height of a **structure**, other than a **building**, is measured as the distance between the elevation of **average grade** and the elevation of the highest point of the **structure**.

(3) Height of Specified Structures on a Building

In the Commercial Residential Zone category, the following **structures**, if located on the roof of a **building**, may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (A) antennae;
- (B) flagpoles; and
- (C) satellite dishes.

(4) Height of Elements for Functional Operation of a Building

In the Commercial Residential Zone category, if located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 40.5.40.10 (5):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;

- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
 - (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.
- (5) Limits on Elements for Functional Operation of a Building
 In the Commercial Residential Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 40.5.40.10 (4), they must also comply with the following:
- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
 - (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.
- (6) Height of Rooftop Outdoor Recreation, Safety and Wind Protection Elements
 In the Commercial Residential Zone category, if located on the roof of a **building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.
- (7) Height of Buildings and Structures - Green Roof Elements
 In a CR zone, a parapet wall used for wind protection for a **green roof** may exceed the maximum **building** height by 2.0 metres.

40.5.40.40 Floor Area

- (1) Gross Floor Area Calculations for a Non-residential Building in a Commercial Residential Zone Category
 In a Commercial Residential Zone category the **gross floor area** of a **non-residential building** may be reduced by the area used for:
- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
 - (B) loading and bicycle parking at **established grade**;
 - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
 - (E) elevator shafts;
 - (F) mechanical penthouse; and
 - (G) exit stairwells in the **building**.
- (2) Floor Space Index Calculation for a Non-residential Building in a Commercial Residential Zone Category
 In a Commercial Residential Zone category the floor space index is the result of the **gross floor area** minus the areas of a **non-residential building** listed in 40.5.40.40 (1) divided by the area of the **lot**.
- (3) Gross Floor Area Calculations for a Mixed Use Building in a Commercial Residential Zone Category
 In a Commercial Residential Zone category the **gross floor area** of a **mixed use building** may be reduced by the area used for:
- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
 - (B) loading and bicycle parking at **established grade**;
 - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
 - (E) **amenity space** that is required by this By-law;
 - (F) elevator shafts;
 - (G) garbage and recycling material shafts;
 - (H) mechanical penthouse; and
 - (I) exit stairwells in the **building**.
- (4) Floor Space Index Calculation for a Mixed Use Building in a Commercial Residential Zone Category
 In a Commercial Residential Zone category the floor space index is the result of the **gross floor area** minus the areas of a **mixed use building** listed in 40.5.40.40 (3) divided by the area of the **lot**.
- (5) Gross Floor Area Calculations for an Apartment Building in a Commercial Residential Zone Category

In a Commercial Residential Zone category the **gross floor area** of an **apartment building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) **amenity space** that is required by this By-law;
- (F) elevator shafts;
- (G) garbage and recycling material shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the **building**.

(6) Floor Space Index Calculation for an Apartment Building in a Commercial Residential Zone Category

In a Commercial Residential Zone category the floor space index is the result of the **gross floor area** minus the areas of an **apartment building** listed in 40.5.40.40 (5) divided by the area of the **lot**.

(7) Gross Floor Area Calculations for a Townhouse in a Commercial Residential Zone Category

In a Commercial Residential Zone category the **gross floor area** of a **townhouse building** may be reduced by the area used for:

- (A) **basement**, unless the elevation of the **established grade** is higher than the average elevation of grade along the rear **main wall** of the **townhouse** by 2.5 metres or more, in which case 50% of the **basement** area is included in the **gross floor area** calculation; and
- (B) required parking.

(8) Gross Floor Area Calculations Regarding Attic Space in a Townhouse in a Commercial Residential Zone Category

In a Commercial Residential Zone category the **gross floor area** of a **townhouse** includes the floor area above the **main wall** located within an area of a **townhouse** such as an attic, if it is accessed by means of a permanent stair case or is habitable space.

(9) Floor Space Index Calculation for a Townhouse Building in a Commercial Residential Zone Category

In a Commercial Residential Zone category the floor space index is the result of the **gross floor area**:

- (A) minus the areas of a **townhouse** listed in 40.5.40.40 (1); and
- (B) plus the areas of a **townhouse** listed in 40.5.40.40 (2) divided by the area of the **lot**.

40.5.40.60 Permitted Encroachments

(1) Canopies and Awnings

In the Commercial Residential Zone category, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

40.5.40.70 Setbacks

(1) Building or Structure to be Set Back from a Lane

A **building** or **structure** in the Commercial Residential Zone category must be:

- (A) no closer than 3.0 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is not in a Residential Zone category or Open Space Zone category; and
- (B) no closer than 3.5 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is in a Residential Zone category or Open Space Zone category.

40.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Commercial Residential Zone category, if the **building setback** of a **lawfully existing building** or

structure is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**;
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in 40.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings in Relation to a Lane

Despite 40.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building** or **structure** referred to in 40.5.40.71 (1) is the same minimum setback from the original centreline of the **lane** permitted by 40.5.40.71 (1).

40.5.75 Energy Regulations

40.5.75.1 General

(1) Renewable energy or cogeneration energy device - Location Restriction

In a Commercial Residential Zone category a **renewable energy** or **cogeneration energy** device may not be located in a **front yard** or a **side yard** that abuts a **street**.

(2) Renewable Energy Device - Height regulations

In a Commercial Residential Zone category, if a photovoltaic **solar energy** device or a thermal **solar energy** device is:

- (A) located on a **building**;
 - (i) it must comply with all the minimum **building setback** requirements for a **building**; and
 - (ii) it must have no part of the device more than 2.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and
- (B) ground mounted, the device must comply with all zoning by-law regulations applicable to a **building** or **structure**.

(3) Wind Energy Device - Setbacks

In a Commercial Residential Zone category all parts of a **wind energy** device must comply with the minimum **building setback** requirements for a **building** on the **lot** where the device is located.

(4) Wind Energy Device - Height

In a Commercial Residential Zone category no part of a **wind energy** device is to exceed the maximum permitted height for a **building** by more than the following:

- (A) if a **wind energy** device is located on a **lot** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, or the maximum permitted height of a **building** is less than 25.0 metres, the device may exceed the height limit for a **building** by no more than 3.0 metres; and
- (B) in all other cases, a **wind energy** device may exceed the height limit for a **building** by no more than 5.0 metres.

(5) Geo-energy Requirements

In a Commercial Residential Zone category, any above-ground part of a **geo-energy** device must comply with all the requirements of a **building** or **structure** on a **lot** in the zone in which the device is located.

(6) Cogeneration device

In a Commercial Residential Zone category, a **cogeneration energy** device must only be located inside a permitted **building**.

40.5.80 Parking

40.5.80.1 General

(1) Required Parking Space

In the Commercial Residential Zone category, if one or more off-street **parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

(2) Charging for Visitor Parking

In the CR Zone category, no fee may be charge for a visitor **parking space** for a **residential building**.

40.5.80.10 Location

(1) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

40.5.95 Bicycle Parking

(1) Long Term Bicycle Parking Space Location

If a **lot** is located in a Commercial Residential Zone category, then a long-term **bicycle parking space** must be located:

(A) outside on grade if they are not required for **dwelling units**;

(B) on the ground floor of the **building**; or

(C) in a below grade parking **structure** and must occupy a minimum of 50 percent of the area available for vehicular **parking spaces** and **bicycle parking spaces** at each level of the **building** below grade, commencing with the first level below grade and moving down, in one level increments, until all required **bicycle parking spaces** have been provided.

(2) Bicycle Parking Space - Storage Location

In a Commercial Residential Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** or **mixed use building** may not be located:

(A) in a **dwelling unit**; or

(B) on a balcony; or

(C) in a storage locker; or

(D) an area used for **ancillary** commercial space.

(3) Location Relative to Building Entrance

If a **lot** in a Commercial Residential Zone category contains an **apartment building** or **mixed use building**, then a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **building** on the **lot**.

40.10 Commercial Residential Zone (CR)

40.10.1 General

40.10.1.10 Interpretation

(1) CR Zone Development Standard Sets

In the CR zone there are three Development Standard Sets to assign the base development standards. These Development Standard Sets are SS1, SS2 and SS3.

(2) Application of This Section

The regulations in Section 40.10 apply to lands, uses, **buildings** and **structures** in a CR zone.

(3) Medical Office

For the purposes of the CR Zone, a medical office includes a medical clinic.

40.10.20 Permitted Uses

40.10.20.10 Permitted Use

(1) Use – CR Zone

(A) In a CR zone, the following uses are permitted under the letter 'c':

Ambulance Depot
Art Gallery
Artist Studio
Automated Banking Machine
Community Centre
Courts of Law
Education Use
Financial Institution
Fire Hall
Holistic Centre
Library
Medical Office
Museum
Office
Park
Passenger Terminal
Performing Arts Studio
Personal Service Shop
Pet Services
Police Station
Post-Secondary School
Production Studio
Religious Education Use
Retail Store
Software Development and Processing
Veterinary Hospital .

(B) In a CR zone, the following uses are permitted under the letter 'r':

Dwelling Unit in a permitted **building** type
Hospice Care Home
Nursing Home
Religious Residence
Residential Care Home
Respite Care Facility
Retirement Home
Student Residence .

40.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – CR Zone

(A) In a CR zone, the following uses are permitted under the letter 'c' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 40.10.20.100:

Amusement Arcade (23, 46, 47)
Cabaret (1)
Club (1)
Cogeneration Energy Production (56)

Custom Workshop (16)
Day Nursery (27)
Drive-Through Facility (12,37)
Eating Establishment (1,33)
Entertainment Place of Assembly (1, 46)
Funeral Home (24)
Hotel (4, 47)
Laboratory (15)
Nightclub (2,36)
Outdoor Patio (21, 49, 50)
 Outdoor Sales or Display (20)
Place of Assembly (1, 29)
Place of Worship (14,40)
Private School (28)
Public Parking (7,8,9,10,11)
Public School (28)
Public Utility (54)
Recreation Use (1, 46)
Renewable Energy Production (56)
Retail Service (17)
Service Shop (6)
Sports Place of Assembly (46)
Take-out Eating Establishment (1)
Transportation Uses (55)
Vehicle Dealership (26)
Vehicle Fuel Station (13,38)
Vehicle Service Shop (13,39)
Vehicle Washing Establishment (25)

(B) In a CR zone, the following uses are permitted under the letter 'r' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 40.10.20.100:

Crisis Care Shelter (43)
Group Home (30)
Home Occupation (45)
Municipal Shelter (31)
Private Home Daycare (44)
 Rooming House (48)
Seniors Community House (42)
Tourist Home (22)

40.10.20.30 Ancillary Use

(1) Permitted Ancillary Uses, Buildings and Structures

In the CR zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

40.10.20.40 Permitted Building Types

(1) Permitted Building Types

In a CR zone the following **building** types are permitted:

Apartment Building (53)

Mixed Use Building (51)
Non-residential Building
Townhouse (52)

40.10.20.100 Conditions

- (1) Cabaret, Club, Eating Establishment, Entertainment Place of Assembly, Place of Assembly, Recreation Use and Take-out Eating Establishment Condition
In a CR zone subject to Development Standard Set 1 (SS1), or Development Standard Set 2 (SS2), **cabaret, club, eating establishment, entertainment place of assembly, place of assembly, recreation use and take-out eating establishment** are permitted uses provided that the total **interior floor area** of all such uses on a **lot** which is within 6.1 metres of a **lot** in a Residential zone category or Residential Apartment Zone category, does not exceed 400 square metres.
- (2) Nightclub Condition
In a CR zone, a **nightclub** is a permitted use provided:
(A) the CR zone has a 'c' value of 4.0 or greater.;
(B) the use is located on the ground floor only;
(C) the **lot** does not abut a **lot** in a Residential Zone or Residential Apartment Zone category; and
(D) only one **nightclub** is permitted per **building**.
- (4) Hotel Location in a Building containing Dwelling Units Condition
In a CR zone, a **hotel** is permitted in a **mixed use building** provided that no **hotel** room or suite may be located on the same **storey** as any **dwelling unit**.
- (6) Service Shop Condition
In a CR zone, subject to Development Standard Set 1 (SS1), or Development Standard Set 2 (SS2), a **service shop** is a permitted use if the combined total **interior floor area** of all **service shops** on a **lot** does not exceed 400 square metres.
- (7) Public Parking - Locational Condition
In a CR zone, **public parking** is a permitted use:
(A) on a **lot** subject to Development Standard Set 1 (SS1) or Development Standard Set 2 (SS2) provided that the **public parking** use is not located in an above grade **parking garage**; and
(B) on a **lot** subject to Development Standard Set 3 (SS3), and the use is not subject to any locational conditions.
- (8) Public Parking - Access Condition
In a CR zone, the entrance or exit to land containing a **public parking** use must only be through a zone that permits a **public parking** use.
- (9) Public Parking Abutting a Lot in a Residential Zone Condition
In a CR zone, all **parking spaces** provided as part of a **public parking** use located in a surface parking **lot**, must be set back at least 1.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.
- (10) Public Parking Attendant Shelter Condition
In a CR zone, on a **lot** containing a **public parking** use, one **ancillary building** for parking attendants is permitted provided it:
(A) has a maximum height of 4.0 metres, including all mechanical equipment;
(B) has a maximum **gross floor area** of 5.0 square metres; and
(C) is set back at least 6.0 metres from a **lot line** that abuts a **street**.
- (11) Public Parking Fence Condition
In a CR zone, on a **lot** containing a **public parking** use located in a surface parking **lot**, a fence must be provided:
(A) along all **lot lines** that abut a **street**, except for the portions used for **vehicle** and pedestrian access; and
(B) along all **lot lines** that abut a **lot** in a Residential Zone category or Residential Apartment Zone category.

(12) Drive Through Facility Condition

In a CR zone, a **drive through facility** is a permitted use on a **lot** provided:

- (A) the **lot** is subject to Development Standard Set 3 (SS3); and
- (B) the CR zone where the **lot** is located has an 'r' value of zero.

(13) Vehicle Fuel Station and Vehicle Service Shop Location Condition

In a CR zone, a **vehicle fuel station** and a **vehicle service shop** are permitted uses on a **lot**, provided they are located on a **lot** that abuts a major **street** as shown on the Policy Areas Overlay found in Section 995.15.

(14) Place of Worship Condition

In a CR zone, a **place of worship** is a permitted use on a **lot** that is located in Policy Area 1 (PA1) or Policy Area 2 (PA2) as shown on the Policy Areas Overlay Map found in Section 995.15.

(15) Laboratory Condition

In a CR zone, the **interior floor area** of a **laboratory** must not exceed an area equivalent to the **interior floor area** of the **first floor** of the **building** in which it is located.

(16) Custom Workshop Condition

In a CR zone subject to Development Standard Set 1 (SS1), or Development Standard Set 2 (SS2), a **custom workshop** is a permitted use if the combined total **interior floor area** of all **custom workshops** on a **lot** does not exceed 400 square metres.

(17) Retail Service Condition

In a CR zone subject to Development Standard Set 1 (SS1), or Development Standard Set 2 (SS2), **retail service** is a permitted use if the combined total **interior floor area** of all **retail services** on a **lot** does not exceed 400 square metres.

(20) Outdoor Sales or Display Condition

In a CR zone, the outdoor sale or display of goods or commodities is permitted provided:

- (A) the use is in combination with another permitted use;
- (B) no goods or commodities are placed within 15.0 metres of a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category;
- (C) the cumulative area used for the outdoor sale or display of goods or commodities is not more than 250 square metres;
- (D) the area used for the outdoor sale or display of goods or commodities must not be located on land required for parking, loading, **driveways** or **landscaping**; and
- (E) the storage or warehousing of goods in a **vehicle** is not permitted.

(21) Outdoor Patio Condition

(A) In a CR zone, an **outdoor patio** is permitted if it is in combination with the following uses, provided it complies with the requirements found in (B) below:

- Amusement Arcade**
- Cabaret**
- Club**
- Eating Establishment**
- Entertainment Place of Assembly**
- Nightclub**
- Place of Assembly**
- Recreation Use**
- Sports Place of Assembly**
- Take-out Eating Establishment.**

(B) In a CR zone, an **outdoor patio** is permitted in combination with the uses in (A) above provided the **outdoor patio**:

- (i) has a maximum area the greater of:
 - (a) 30 square metres; or
 - (b) 30% of the **interior floor area** of the **premises** it is associated with;
- (ii) must not be used to provide entertainment uses such as performances, music and dancing;
- (iii) is set back a minimum of 30.0 metres from a **lot** in a Residential Zone category or Residential

- Apartment Zone category;
- (iv) despite (iii) above, if located above the first **storey** of the **building**, must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in a Residential Zone category or Residential Apartment Zone category; and
 - (v) if on a **lot** which abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, or on a **lot** within 30.0 metres of a **lot** in a Residential Zone category or Residential Apartment Zone category, an **outdoor patio** located in the **rear yard** of the **lot** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**.
- (22) Tourist Home Condition
In a CR zone, a **tourist home** must:
- (A) be located in:
 - (i) a **townhouse**; or
 - (ii) in a **lawfully existing building** which is a **detached house**, or a **semi-detached house**; and
 - (B) not have **vehicle** access by a mutual **driveway**.
- (23) Amusement Arcade - Size Condition
In a CR zone, an **amusement arcade** is permitted if
- (A) the **building** has a minimum **gross floor area** of 20,000 square metres, none of which is for a use permitted under the letter 'r'; in Clause 40.10.20.10 or 40.10.20.20;
 - (B) the maximum number of **amusement devices** in the **amusement arcade** is 36; and
 - (C) the minimum **interior floor area** used for an **amusement arcade** is equal to 6.0 square metres for each **amusement device**.
- (24) Funeral Home Condition
In a CR zone, a **funeral home** must comply with the specific use regulations in Section 150.120.
- (25) Vehicle Washing Establishment Condition
In a CR zone, a **vehicle washing establishment** must comply with the specific use regulations in Section 150.96.
- (26) Vehicle Dealership Condition
In a CR zone, a **vehicle dealership** must comply with the specific use regulations in Section 150.90.
- (27) Day Nursery Condition
In a CR zone, a **day nursery** must comply with the specific use regulations in Section 150.45.
- (28) School Condition
In a CR zone, a **public school** and a **private school** must comply with the specific use regulations in Section 150.48.
- (29) Place of Assembly- Banquet Hall Condition
In a CR zone, a **place of assembly** that is a banquet hall must comply with the specific use regulations in Section 150.98.
- (30) Group Home Condition
In a CR zone, a **group home** must comply with the specific use regulations in Section 150.15.
- (31) Municipal Shelter Condition
In a CR zone, a **municipal shelter** must comply with the specific use regulations in Section 150.22.
- (33) Eating Establishment Condition
In a CR zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.
- (36) Nightclub Condition
In a CR zone, a **nightclub** must comply with the specific use regulations in Section 150.60.
- (37) Drive Through Facility Condition
In a CR zone, a **drive through facility** must comply with the specific use regulations in Section 150.80.
- (38) Vehicle Fuel Station Condition

- In a CR zone, a **vehicle fuel station** must comply with the specific use regulations in Section 150.92.
- (39) Vehicle Service Shop Condition
 In a CR zone, a **vehicle service shop** must comply with the specific use regulations in Section 150.94.
- (40) Place of Worship Condition
 In a CR zone, a **place of worship** must comply with the specific use regulations in Section 150.50.
- (41) Nursing Home Condition
 In a CR zone, a **nursing home** must comply with the specific use regulations in Section 150.130.
- (42) Seniors Community House Condition
 In a CR zone, a **seniors community house** must comply with the specific use regulations in Section 150.30.
- (43) Crisis Care Shelter Condition
 In a CR zone, a **crisis care shelter** must comply with the specific use regulations in Section 150.20.
- (44) Private Home Daycare
 In a CR zone, a **private home daycare** is permitted provided:
 (A) it is located in:
 (i) a **townhouse**; or
 (ii) in a **lawfully existing building** which is a **detached house**, or a **semi-detached house**; and
 (B) any outdoor children's play area is:
 (i) fenced; and
 (ii) not located in the **front yard** or a **side yard** abutting a **street**.
- (45) Home Occupation Condition
 In a CR zone, a **home occupation** must comply with the specific use regulations in Section 150.5.
- (46) Entertainment Place of Assembly, Sports Place of Assembly, or Recreation Use- Amusement Device Condition
 In a CR zone, an **entertainment place of assembly**, a **sports place of assembly** or **recreation use** must not have more than 12 **amusement devices** and these devices must not be located in a hallway, lobby or other pedestrian area if the **amusement devices** are in the same **building** as one of these uses.
- (47) Amusement Arcade - Locational Limitation
 In a CR zone, an **amusement arcade** may not be located:
 (A) in a **building** that also contains a **hotel** with less than 100 guest rooms; and
 (B) on a **lot** if any part of the **lot** is less than:
 (i) 150 metres from any other **lot** containing an **amusement arcade**; and
 (ii) 300 metres from any **lot** containing a **public school** or **private school**.
- (48) Rooming House Condition
 In a CR zone, a rooming house must comply with the specific use regulations in Section 150.25.
- (51) Mixed Use Building Type Condition
 A **mixed use building** is only permitted in a CR zone that has an 'r' value, indicating the maximum floor space index permitted for residential uses on a **lot**, greater than 0.0.
- (52) Townhouse Building Type Condition
 A **townhouse building** is only permitted in a CR zone that:
 (A) has an 'r' value, indicating the maximum floor space index permitted for residential uses on a **lot**, greater than 0.0; and
 (B) is not located in Policy Area 3 (PA3) or Policy Area 4 (PA4) as shown on the Policy Areas Overlay Map found in Section 995.15.
- (53) Apartment Building Type Condition
 An **apartment building** is only permitted in a CR zone that has an 'r' value, indicating the maximum floor space index permitted for residential uses on a **lot**, greater than 0.0.

(54) Public Utility Condition

In a CR zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CR zone; and
- (D) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CR zone.

(55) Transportation Uses Condition

A **building** or **structure** located on a **lot** in an CR zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

(56) Renewable Energy Production or Cogeneration Energy Production Condition

In a CR zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

40.10.30 Lot Requirements

40.10.30.1 General

(1) Commercial Development Parcel- Compliance in its Entirety

In a CR zone, if two or more **lots** are used together for a development, the applicable regulations of this By-law apply respectively to the parts of the **lot** used and within the CR zone.

40.10.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in a CR zone

In a CR zone, the minimum **lot frontage** is 9.0 metres.

40.10.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the CR zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 40.10.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

40.10.30.40 Lot Coverage

(1) Maximum Lot Coverage

If a **lot** in a CR zone is in an area with a numerical value shown on the **Lot Coverage** Overlay Map found in Section 995.20, that numerical value is the maximum **lot coverage**, as a percentage of the **lot area**.

40.10.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the CR zone, if the area of a **lot** covered by **lawfully existing buildings** or **structures** is greater than the maximum **lot coverage** permitted by this By-law, the percentage of the **lot** covered by those **lawfully existing buildings** or **structures** is the maximum permitted **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to **lawfully existing buildings** or **structures** referred to in regulation 40.10.30.41 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

40.10.40 Principal Building Requirements

40.10.40.1 General

(1) Location of Commercial Uses in a Mixed Use Building Condition

If a **lot** in a CR zone contains a **mixed use building**, all residential use portions of the **building** must be located above non-residential use portions.

(2) Commercial Uses - Location of Entrances and First Floor Elevation

In a CR zone, for any non-residential use, the floor level of the **first floor** is to:

- (A) be within 0.2 metres of grade measured at the **street** line directly opposite each pedestrian entrance; and
- (B) have a pedestrian access, other than service entrances, which, if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than .04 metres (4 centimetres) vertically for every 1.0 metre (100 centimetres) horizontally.

(3) Residential Use Orientation to Street

In a CR zone, a **building** containing a **dwelling unit** must not be located such that another **building** is between any **main wall** of the **building** and the **street** on which the **building** fronts.

(4) Hotel - Orientation to Street

In a CR zone, no **building** can be used as a **hotel** if another **building** is located between it and the **street** on which the **hotel** fronts.

(5) Building Orientation to a Street – Hotels and Buildings Containing Dwelling Units

In the CR zone, a **building**, or an addition which is not attached above grade to the existing part of a **building**, is not permitted if:

- (A) it contains **dwelling units**, or contains rooms or suites in a **hotel**, and is in the rear of another **building** or the existing part of the same **building**; or
- (B) it is in front of a **building**, or the existing part of the same **building**, containing **dwelling units**, or containing rooms or suites in a **hotel**, so as to produce the condition of a **building** containing **dwelling units**, or rooms or suites, in the rear of another **building**.

(6) Location of Entrances when Abutting Residential

In a CR zone, for a **lot** which abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, or is separated from a **lot** in a Residential Zone category or Residential Apartment Zone category by a **lane** or a **street**:

- (A) no pedestrian access is permitted to any entrance to a **building** within 12 metres of any **lot** in a Residential Zone category or Residential Apartment Zone category, other than:
 - (i) a service entrance;
 - (ii) an entrance to a residential use; or
 - (iii) an entrance or exit required by federal or provincial regulations; and
- (B) The requirements of regulation (A) above do not apply if:
 - (i) a **lot** is located in a CR zone subject to Development Standard Set 1 (SS1); and
 - (ii) a **lot** is located south of Bloor Street West or Bloor Street East.

40.10.40.10 Height

(3) Development Standard Set 1 - Maximum Permitted Height

In a CR zone subject to Development Standard Set 1 (SS1), the maximum height of a **building** or **structure** on a **lot** is:

- (A) the numerical value, in metres, as shown on the Height Overlay Map found in Section 995.5; or
- (B) 16.0 metres, where no numerical value is shown on the Height Overlay Map found in Section 995.5.

and

(C) For the purpose of this provision, (A) above does not apply to the area bounded by York Street, Adelaide Street West, Wellington Street West, and Yonge **Street**.

(4) Development Standard Set 2 - Maximum Permitted Height

In a CR zone subject to Development Standard Set 2 (SS2), the maximum height of a **building** or **structure** on a **lot** is:

- (A) the numerical value, in metres, as shown on the Height Overlay Map found in Section 995.5; or
- (B) 14.0 metres, where no numerical value is shown on the Height Overlay Map found in Section 995.5.

(5) Development Standard Set 3 - Maximum Permitted Height

In a CR zone subject to Development Standard Set 3 (SS3), the maximum height of a **building** or **structure** on a **lot** is:

- (A) the numerical value, in metres, as shown on the Height Overlay Map found in Section 995.5; or
- (B) 11.0 metres, where no numerical value is shown on the Height Overlay Map found in Section 995.5.

(6) Minimum Required Height in certain CR zones

(A) In a CR zone where a **lot** has an 'r' value, indicating the maximum floor space index permitted for residential uses on a **lot**, greater than 0.0, and the **lot** is located in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3), or Policy Area 4 (PA4) as shown on the Policy Areas Overlay Map found in Section 995.15, the minimum height of a **building** or **structure** is 10.5 metres and it must have a minimum of 3 **storeys**; and

(B) Regulation (A) does not apply to a **vehicle fuel station**,

(7) Minimum Height of First Floor

In a CR zone, the minimum height of the **first floor**, measured between the floor of the **first floor** and the ceiling of the **first floor**, is 4.5 metres.

40.10.40.11 Lot Area Exemptions

(1) Permitted Maximum Height for Lawfully Existing Buildings

In the CR zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings – Maximum Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 40.10.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Required Minimum Height for Lawfully Existing Buildings

In the CR zone, if the **lawful** height of a **lawfully existing building** or **structure** is less than the minimum height required by this By-law, that **lawful** height is the required minimum height for that **lawfully existing building** or **structure**.

(4) Additions to Lawfully Existing Buildings – Minimum Height

In the CR zone, if the **lawful** height of an addition or extension to a **lawfully existing building** or **structure** is less than the minimum height required by this By-law, that **lawful** height is the required minimum height for that addition or extension to a **lawfully existing building** or **structure**.

(5) Required Minimum Height of First Floor for Lawfully Existing Buildings

In the CR zone, if the **lawful** height of the **first floor** of a **lawfully existing building** or **structure** is less than the minimum **first floor** height required by this By-law, that **lawful** height is the required minimum **first floor** height for that **lawfully existing building** or **structure**.

(6) Additions to Lawfully Existing Buildings – Minimum First Floor Height for Additions

In the CR zone, if the **lawful** height of the **first floor** of an addition or extension to a **lawfully existing building** or **structure** is less than the minimum **first floor** height required by this By-law, that **lawful** height is the required minimum **first floor** height for that addition or extension to a **lawfully existing building** or **structure**.

40.10.40.40 Floor Area

(1) Floor Space Index

If a zone symbol applying to a **lot** in a CR zone is followed by one or more of the following components, as shown on the Zoning By-law Map:

- (A) the numerical value following the zone symbol is the maximum floor space index for the **lot**;
- (B) the numerical value following the letter 'c' is the maximum floor space index for non-residential uses on the **lot**; and
- (C) the numerical value following the letter 'r' is the maximum floor space index for residential uses on the **lot**.

(3) Heritage Site – Designated Buildings Gross Floor Area Exclusion and Requirement

In a CR zone, a **building** that is identified as a **heritage site** and designated by the City of Toronto under the Ontario Heritage Act, R.S.O. 1990, as amended, or a predecessor or successor thereof, may be used for any purpose permitted in such zone without complying with the maximum **gross floor area** permitted provided:

- (A) the **gross floor area** of the **building** must not exceed the total amount existing within such **building** at the time of designation as a **heritage site**;
- (B) the **building** is subject to an easement agreement pursuant to the Ontario Heritage Act, R.S.O 1990, as amended, or a predecessor or successor thereof; and
- (C) that where a permitted addition or alteration increases the **gross floor area** of the **building**:
 - (i) the whole of the **building** may not exceed the maximum permitted **gross floor area**; and
 - (ii) the uses permitted in the addition or alteration, in combination with the uses existing in the **building**, must not exceed the permitted maximum **gross floor area** for the **lot**.

(4) Pedestrian Walkways - Gross Floor Area Exclusion in SS1 Areas

In a CR zone, if a **non-residential building** or a **mixed use building** is subject to Development Standard Set 1 (SS1), the **gross floor area** of a **building** may be reduced by the area used for:

- (A) enclosed pedestrian walkways that:
 - (i) provide direct access to **streets, parks, public buildings, outdoor amenity space** accessible to the public, public **transportation uses**, or a similar walkway in an adjacent **building**;
 - (ii) are within 2.0 metres of grade;
 - (iii) have a minimum width of 3.0 metres;
 - (iv) are not used for commercial purposes, such as **hotel lobbies, retail areas, commercial display areas** or other rentable space;
 - (v) are located a minimum distance of 10.0 metres from any **street** that is within 20 degrees of parallel from the pedestrian walkway; and
 - (vi) in the case of a pedestrian walkway providing direct access between **streets, public buildings** or similar walkways in adjacent **buildings**, such pedestrian walkway must be located at a minimum distance of 60.0 metres from any part of any other such pedestrian walkway; and
- (B) washrooms or sitting areas that have access to the enclosed pedestrian walkways described in (A) above.

40.10.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the CR zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

40.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space for Buildings containing 20 or more dwelling units

In a CR zone, a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, which:

- (A) a minimum of 2.0 square metres for each **dwelling unit** must be indoor **amenity space**;

- (B) a minimum of 40.0 square metres must be outdoor **amenity space** adjoining or directly accessible to the indoor **amenity space**; and
- (C) a maximum of 25% of the outdoor component may be in the form of a **green roof**.

(2) Amenity Space for Buildings with Non-Residential Uses in SS1 Areas

In a CR zone subject to Development Standard Set (SS1), a **building** containing non-residential **gross floor area** which is located on a **lot** having one or more **lot lines** exceeding 12.0 metres in length and which abut a **street**, must provide outdoor **amenity space** at a minimum rate of:

- (A) the lesser of 1.5% of the non-residential **interior floor area** in the **building** or **structure**, or 4.5% of the area of the **lot**, if one **lot line** exceeds 12.0 metres in length and abuts a **street**;
- (B) the lesser of 3.0% of the non-residential **interior floor area** in the **building** or **structure**, or 9.0% of the area of the **lot**, if two **lot lines** exceed 12.0 metres in length and abut a **street**;
- (C) the lesser of 4.5% of the non-residential **interior floor area** in the **building** or **structure**, or 13.5% of the area of the **lot**, if three **lot lines** exceed 12.0 metres in length and abut a **street**; or
- (D) the lesser of 6.0% of the non-residential **interior floor area** in the **building** or **structure**, or 18.0% of the area of the **lot**, if four or more **lot lines** exceed 12.0 metres in length and abut a **street**.

40.10.40.51 Decks, Platforms and Amenities Exemptions

(1) Required Amenity Space for Lawfully Existing Buildings containing 20 or more dwelling units

In the CR zone, if a **lawfully existing building** or **structure** containing 20 or more **dwelling units** has not provided the **amenity space** required by this By-law, the **lawfully existing building** or **structure** does not have to comply with that particular **amenity space** requirement.

(2) Required Outdoor Amenity Space for Lawfully Existing Buildings with Non-residential uses in SS1 Areas

In the CR zone, if a **lawfully existing building** or **structure** with non-residential uses in an SS1 area has not provided the outdoor **amenity space** required by this By-law, the **lawfully existing building** or **structure** does not have to comply with the outdoor **amenity space** requirement.

40.10.40.60 Permitted Encroachments

(1) Permitted Encroachments- Decks, Porches and Balconies

In a CR zone a platform with no roof, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **building**, must comply with the following:

- (A) a platform with a floor level that is no higher than the floor level of the **first floor** of the **building** may encroach into the required **building setback** the lesser of 2.5 metres or 50% of the required **building setback**, if it is no closer to a **lot line** than 0.3 metres and if it is not located between the **building** and a **lot line** that abuts a **street**;
- (B) in a CR zone subject to Development Standard Set 1 (SS1), or Development Standard Set 3 (SS3), a platform with a floor level that is higher than the floor level of the **first floor** of the **building** may encroach into the required yard setback a maximum of 1.5 metres; and
- (C) in a CR zone subject to Development Standard Set 2 (SS2), a platform with a floor level that is higher than the floor level of the **first floor** of the **building** if attached to the front **main wall**, must:
 - (i) be located above the three **storeys** closest to **established grade**;
 - (ii) be located entirely behind the front **main wall** of the three **storeys** closest to **established grade**; and
 - (iii) not project more than 1.5 metres from the **main wall** to which it is attached.

(2) Permitted Encroachments- Canopies and Awnings

In a CR zone a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform meeting the requirements of regulation 40.10.40.60 (1), may encroach into a required **building setback** for the **building** as follows:

- (A) when above a platform meeting the requirements of regulation 40.10.40.60 (1), the roof, canopy, awning or similar **structure** may encroach into the required **building setback** to the same extent as the platform it is covering; and
- (B) when not covering such a platform, the canopy, awning or similar **structure** may encroach into a required **building setback**:
 - (i) in a **front yard** that does not abut a **street** or a **rear yard**, the lesser of 2.5 metres or 50% of the applicable required yard setback, if it is no closer to a **side lot line** than the required **side yard**

setback;

- (ii) in a **side yard** that does not abut a **street**, a maximum of 1.5 metres, if it is at least 0.3 metres from the **side lot lines**; and
- (iii) in a **front yard** or **side yard** that abuts a **street**, in compliance with Regulation 40.5.40.60(1).

(3) Permitted Encroachments- Exterior Stairs, Access Ramp and Elevating Device

In a CR zone:

- (A) exterior stairs providing access to a **building** or **structure** may encroach into a required **building setback**, if the stairs:
 - (i) are no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building** or **structure**;
 - (ii) are no wider than 2.0 metres; and
 - (iii) are no closer to a **lot line** than 0.3 metres.
- (B) an uncovered ramp providing access to a **building** or **structure** may encroach into a required **building setback**, if that the ramp:
 - (i) is no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) is no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) is no closer to a **lot line** than 0.3 metres.
- (C) an elevating device providing access to a **building** or **structure** may encroach into a required **building setback**, if that the elevating device:
 - (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is no closer to a **lot line** than 0.3 metres.

(4) Permitted Encroachments- Exterior Main Wall Surface

In a CR zone cladding added to the original exterior surface of the **main wall** of a **building**, may encroach into a required **building setback** a maximum of 0.15 metres, if the **building** is at least 5 years old.

(5) Permitted Encroachments- Architectural Features

In a CR zone:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a **building** may encroach into a required **building setback** a maximum of 0.6 metres, if it is no closer to a **lot line** than 0.3 metres.
- (B) a chimney breast, on a **building**, may encroach into a required **building setback** a maximum of 0.6 metres, if it:
 - (i) is no wider than 2.0 metres; and
 - (ii) is no closer to a **lot line** than 0.3 metres.

(6) Permitted Encroachments- Window Projections

In a CR zone a bay window, box window, or other window projection from a **main wall** of a **building**, which increases floor area or enclosed space but does not touch the ground, may encroach:

- (A) into a required **front yard** or **rear yard setback** a maximum of 0.75 metres, if these features in total do not occupy more than 65% of the width of the front **main wall** or rear **main wall** at each **storey**; and
- (B) into a required **side yard setback** a maximum of 0.6 metres, if these features
 - (i) in total do not occupy more than 30% of the width of the side **main wall** at each **storey**; and
 - (ii) are no closer to the **side lot line** than 0.6 metres.

(7) Permitted Encroachments- Roof Projections

In a CR zone, on a **building**:

- (A) a dormer projecting from the surface of the roof, may not have any wall of the dormer closer to a **lot line** than the required **building setback** for the building's **main wall**; and
- (B) the eaves may encroach into a required **building setback** a maximum of 0.9 metres, if they are no closer to the **lot line** than 0.3 metres.

(8) Permitted Encroachments- Equipment

In a CR zone, equipment wall mounted on a **building**, may encroach into a required **building setback** as

follows, if they are no closer to the **lot line** than 0.3 metres:

- (A) an air conditioner may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres, if it is not located above the **first floor**;
- (B) a satellite dish may encroach into a required **building setback** a maximum of 0.9 metres;
- (C) an antennae or pole used to hold an antennae may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres; and
- (D) a vent or pipe may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.6 metres.

(10) Permitted Encroachments - Required Angular Planes

In a CR zone, encroachments are not permitted into an **angular plane** required by this By-law.

40.10.40.70 Setbacks

(1) Development Standard Set 1 - Building Setbacks

In a CR zone subject to Development Standard Set 1 (SS1), a **building** or **structure** must comply with the following:

- (A) a minimum of 75% of the **main wall** of the **building** facing a **front lot line** must be located at or between the **front lot line** and a maximum of 3.0 metres from the **front lot line**;
- (B) Where the **main wall** of a **building** contains windows or openings, the **main wall** must be set back a minimum of 5.5 metres from a **lot line** that is not adjacent to a **street** or **lane**, otherwise no **building setback** is required; and
- (C) Where the **main wall** of a **building** does not contain windows or openings, the **main wall** must be set back a minimum of 3.0 metres from a **rear lot line** or **side lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, otherwise no **building setback** is required.

(4) Development Standard Set 2 - Building Setbacks

In a CR zone subject to Development Standard Set 2 (SS2), a **building** or **structure** must comply with the following:

- (A) a minimum of 75% of the **main wall** of the **building** facing a **front lot line** must be located at or between the **front lot line** and a maximum of 3.0 metres from the **front lot line**;
- (B) the **building** must be set back:
 - (iii) a minimum of 7.5 metres from the **rear lot line**; or
 - (iv) a minimum of 1.5 metres from the **rear lot line** if the **rear lot line** abuts a **lane**.
- (C) Where the **main wall** of a **building** contains windows or openings, the **main wall** must be set back a minimum of 5.5 metres from a **side lot line** that is not adjacent to a **street** or **lane**, otherwise no **building setback** is required;
- (D) Where the **main wall** of a **building** does not contain windows or openings, the **main wall** must be set back a minimum of 3.0 metres from a **side lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, otherwise no **building setback** is required;
- (E) If a **lot** is in a CR Zone, and the zone abuts an O, ON or OR zone or a Residential Zone category or Residential Apartment Zone category, then every **building** on the **lot** in the CR Zone must not penetrate a 45 degree **angular plane** projected:
 - (i) over a shallow **lot**, along the entire required **rear yard setback**, starting at a height of 10.5 metres above the average elevation of the ground along the **rear lot line**; and
 - (ii) over a deep **lot**, along the entire required **rear yard setback**, starting at a height of 7.5 metres above the average elevation of the ground along the **rear lot line**;
- (F) For the purpose of Regulation 40.10.40.70 (4)(E):
 - (i) a shallow **lot** is a **lot** with a **lot depth** less than or equal to that which is prescribed in column B corresponding to the width of the **street** right-of-way on which the **lot** has frontage in column A; and
 - (ii) a deep **lot** is a **lot** with a **lot depth** greater than that which is prescribed in column B corresponding to the width of the **street** right-of-way on which **lot** has frontage in column A:

Width of street right-of-way	Lot depth
(column A)	(column B)
20 metres	32.6 metres
23 metres	36.2 metres
27 metres	41.0 metres

30 metres	44.6 metres
33 metres	48.2 metres
36 metres	51.8 metres

(iii) the specified height above the required **rear yard setback** at which the **angular plane** is to be measured, must be taken from the average elevation of grade along the **rear lot line**; and

(iv) where a **lot** has frontage on a **street** right-of-way that is not listed in column A, the next lowest width of **street** right-of-way in column A will apply.;

(G) the **building** must not penetrate a 45 degrees **angular plane**, measured at a line parallel to and at a height above a **lot line** that abuts a **street** and is not a **rear lot line**, equal to 80% of the width of the **street** right-of-way on which the **lot** has frontage; and

(H) If a **lot** has two or more **lot lines** which abut a **street**, then the width of the widest abutting **street** right-of-way must be taken to apply regulation 40.10.40.70 (4)(G).

(5) Development Standard Set 3 - Building Setbacks

In a CR zone subject to Development Standard Set 3 (SS3), a **building** or **structure** must comply with the following:

(A) the **building** must be set back:

- (i) a minimum of 7.5 metres from the **rear lot line**; or
- (ii) a minimum of 1.5 metres from the **rear lot line** if the **rear lot line** abuts a **lane**; and
- (iii) a minimum of 3.0 metres from a **side lot line** if the **side lot line** abuts a major **street** not shown on the Policy Areas Overlay Map.

(B) Where the **main wall** of a **building** contains windows or openings, the **main wall** must be set back a minimum of 5.5 metres from a **side lot line** that is not adjacent to a **street** or **lane**, otherwise no **building setback** is required.

(C) Where the **main wall** of a **building** does not contain windows or openings, the **main wall** must be set back a minimum of 3.0 metres from a **side lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, otherwise no **building setback** is required.

(D) If a **lot** is in a CR Zone, and the zone abuts an O, ON or OR zone or a Residential Zone category or Residential Apartment Zone category, then every **building** on the **lot** in the CR Zone must not penetrate a 45 degree **angular plane** projected:

- (i) over a shallow **lot**, along the entire required **rear yard setback**, starting at a height of 10.5 metres above the average elevation of the ground along the **rear lot line**; and
- (ii) over a deep **lot**, along the entire required **rear yard setback**, starting at a height of 7.5 metres above the average elevation of the ground along the **rear lot line**.

(E) For the purpose of Regulation 40.10.40.70 (5)(D):

- (i) a shallow **lot** is a **lot** with a **lot depth** less than or equal to that which is prescribed in column B corresponding to the width of the **street** right-of-way on which the **lot** has frontage in column A; and
- (ii) a deep **lot** is a **lot** with a **lot depth** greater than that which is prescribed in column B corresponding to the width of the **street** right-of-way on which **lot** has frontage in column A:

Width of street right-of-way	Lot depth
(column A)	(column B)
20 metres	32.6 metres
23 metres	36.2 metres
27 metres	41.0 metres
30 metres	44.6 metres
33 metres	48.2 metres
36 metres	51.8 metres

(iii) the specified height above the required **rear yard setback** at which the **angular plane** is to be measured, must be taken from the average elevation of grade along the **rear lot line**; and

(iv) where a **lot** has frontage on a **street** right-of-way that is not listed in column A, the next lowest width of **street** right-of-way in column A will apply.

(6) Minimum Building Setback from Front Lot Line for Residential Uses on the First Floor

Despite regulations 40.10.40.70 (1)(A), and 40.10.40.70 (4)(A), for a **building** constructed after the date of enactment of this By-law, any portion of a **building** or **structure** containing **dwelling units** located in the **first floor** of a **building** must be set back:

(A) a minimum of 4.5 metres from the **front lot line**; or

(B) a minimum of 3.0 metres from the **front lot line** provided that the floor level of the **first floor** is located a minimum of 0.9 metres and a maximum of 1.2 metres above the average elevation of grade along the **front lot line**.

(7) Setbacks Below Grade - Development Standard Set 1 and Development Standard Set 2

Despite Regulation 5.10.40.70(2), in a CR zone subject to Development Standard Set 1(SS1) or Development Standard Set 2 (SS2), required **building setback** regulations only apply to the parts of a **building** or **structure** that are above grade.

40.10.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

(A) In the CR zone, if the **building setback** of a **lawfully existing building** or **structure** is more than the maximum **building setback** required by this By-law from a **front lot line**, the existing **building setback** is the maximum **front yard setback** permitted for that **building** or **structure**.

(B) In the CR zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (i) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (ii) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 40.10.40.71 (1) must comply with the respective maximum and minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Required Angular Planes for Lawfully Existing Buildings

In the CR zone, if a **lawfully existing building** or **structure** penetrates an **angular plane** required by this By-law, the **lawfully existing building** or **structure** does not have to comply with that particular **angular plane** requirement.

(4) Required Angular Planes for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 40.10.40.71 (3) must comply with the **angular planes** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

40.10.40.80 Separation

(1) Separation of Building Walls - Development Standard Set 1

For a **lot** in a CR zone, subject to Development Standard Set 1 (SS1), any **main wall** of a **building** must comply with the following:

- (A) where a **main wall** of the **building** has windows and a line projected at a right angle from one of these **main walls** intercepts another **main wall** with windows on the same **lot**, the minimum above ground distance between the **main walls** must be 11.0 metres; and
- (B) where a **main wall** of the **building** has windows facing another **main wall** on the same **lot** which does not have windows and a line projected at a right angle from one of these **main walls** intercepts the other **main wall**, the minimum above ground distance between them must be 5.5 metres.

(2) Separation of Building Walls - Development Standard Set 2 and Development Standard Set 3

For a **lot** in a CR zone, subject to Development Standard Set 2 (SS2) or Development Standard Set 3 (SS3), that portion of the **building** which has a height equal to or less than the width of the right-of-way of the **street** it abuts must comply with the following:

- (A) where a **main wall** of the **building** has windows and a line projected at a right angle from one of these **main walls** intercepts another **main wall** with windows on the same **lot**, the minimum above ground distance between the **main walls** must be 11.0 metres; and
- (B) where a **main wall** of the **building** has windows facing another **main wall** on the same **lot** which does not have windows and a line projected at a right angle from one of these **main walls** intercepts the other **main wall**, the minimum above ground distance between them must be 5.5 metres.

40.10.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In the CR zone, if the separation distance between the **main walls** of **lawfully existing buildings** or **structures** on the same **lot**, or between **main walls** of the same **lawfully existing building** or **structure**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 40.10.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

40.10.50 Yards

40.10.50.10 Landscaping

(1) Landscaping Requirement in CR Development Standard Set 3

In a CR zone:

(A) subject to Development Standard Set 1 (SS1), or Development Standard Set 2 (SS2), no **landscaping** is required; and

(B) subject to Development Standard Set 3 (SS3):

(i) on a **lot** where any portion of a **main wall** of a **building** is set back from the **front lot line** 3.0 metres or greater, a minimum 3.0 metre wide **landscaping** strip must be provided between any **lot line** that abuts a **street** and those portions of a **main wall**; and

(ii) on a **lot** where all portions of the **main walls** of a **building** are set back from the **front lot line** 3.0 metres or less, no **landscaping** is required.

(2) Abutting a Lot in a Residential or Residential Apartment Zone - Fence Requirement

In a CR zone, if a **lot** abuts a **lot** in a Residential Zone category or a Residential Apartment Zone category a fence must be installed along the portion of a **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

(3) Landscaping Requirement When Abutting a Lot in a Residential Zone Category

If a **lot** in a Commercial Residential Zone category abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

40.10.80 Parking

40.10.80.10 Location

(1) Location of Outdoor Surface Parking- SS1 and SS2 Areas

In CR zones subject to Development Standard Set 1 (SS1) or Development Standard Set 2 (SS2), a surface **parking space** must not be located in the **front yard**.

40.10.80.20 Setbacks

(2) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be set back at least 0.5 metres from a **lot line**.

(3) Location of Outdoor Surface Parking- Corner Lots in SS2 Area

On a **corner lot** in a CR zone subject to Development Standard Set 2 (SS2), a **parking space** must be set back at least 7.5 metres from a **lot** in a Residential Zone category, Residential Apartment Zone category or Open Space zone category.

40.10.90 Loading

40.10.90.1 General

(1) Loading Space Options Mixed Use Buildings

In a CR zone, where a **mixed use building** contains a minimum of 30 **dwelling units**, the requirement for a Type 'A' **loading space** or a Type 'B' **loading space** is satisfied by the provision of a Type 'G' **loading space**, referred to in regulation 220.5.1.10(8).

(2) Loading Space Options Mixed Use Buildings

In a CR zone, where a **mixed use building** contains a minimum of 400 **dwelling units**, a Type 'C' **loading space** required for the **dwelling units** is satisfied if a Type 'A', Type 'B' or Type 'C' **loading space**, referred to in regulation 220.5.1.10(8), provided for the non-residential uses in the same **building**.

40.10.90.10 Location

(1) Loading Space Location

A **loading space** must not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

40.10.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 40.10.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 40.10.90.10(1).

40.10.90.40 Access to Loading Space

(1) Access to Loading Space - Restrictions

In a CR Zone:

- (A) where a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**; and
- (B) where a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15, access to a **loading space** must be from the **street** which is not a major **street**.

(2) Loading Restrictions Adjacent to a Lot in a Residential Zone

In a CR zone where a **lot** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, access to the **loading space** must not be through any part of a **lot** in a Residential Zone category or Residential Apartment Zone category.

(3) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** must not have its access through a **main wall** that faces a **street**.

40.10.90.41 Access to Loading Space Exemptions

(1) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 40.10.90.40(3), that **lawfully existing loading space** is exempt from the requirements of regulation 40.10.90.40(3).

40.10.100 Access to Lot

40.10.100.10 Location

(1) Vehicle Access- Restrictions

In a CR zone:

- (A) where a **lot** which abuts a **lane**, **vehicle** access must be from the **lane**;
- (B) where a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15, **vehicle** access must be from the **street** which is not a major **street**;
- (C) in all other cases, only one **vehicle** access is permitted; and
- (D) Regulations (A), (B), and (C), do not apply to restrict the following uses:
 - (i) Public Use; or
 - (ii) **Vehicle Fuel Station** .

(5) Access to Parking Areas Adjacent to a Lot in a Residential Zone

In a CR zone, where a **lot** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, access to a **parking space** must not be through any part of a **lot** in a Residential Zone category or Residential Apartment Zone category.

40.10.150 Waste

40.10.150.1 General

(1) Waste and Recyclable Materials Storage

- (A) In a CR zone, for a **building** constructed after the date of enactment of this By-law, all waste and **recyclable material** must be stored in the **building**, or in a wholly enclosed **ancillary building**;
- (B) where the waste and **recyclable material** is stored in an **ancillary building**, the **ancillary building**:
 - (i) must not be located in a **side yard** that abuts a **street** or in a **front yard**; and
 - (ii) must be located a minimum of:
 - (a) 7.5 metres from a **lot** in a Residential Zone category, Residential Apartment Zone category, or Open Space Zone category; and
 - (b) 1.0 metres from all other **side lot lines** and **rear lot lines**.

Chapter 50 Commercial Residential Employment

50.5 Regulations applying to the Commercial Residential Employment Zone Category

50.5.1 General

50.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 50.5 apply to lands, uses, **buildings** and **structures** in the Commercial Residential Employment zone category.

(2) Interpretation of the Commercial Residential Employment Zone Symbol

The zone symbol on the Zoning By-law Map for Commercial Residential Employment Zone category consists of the letters CRE.

(3) Interpretation of Zone Label

In a Commercial Residential Employment Zone, the letters following the zone symbols have the following meaning:

- (A) a numerical value representing the maximum permitted floor space index of all land uses on a **lot** and that may then be followed by one or both of the following in brackets:
 - (i) the letter 'c' followed by a numerical value indicates the maximum floor space index permitted for

- non-residential uses on a **lot**;
- (ii) the letter 'r' followed by a numerical value indicates the maximum floor space index permitted for residential uses on a **lot**; and
- (iii) the letter 'e' followed by a numerical value indicates the maximum floor space index permitted for employment uses on a **lot**.

50.5.1.20 Restrictions

(1) Use Restrictions on Commercial Residential Employment Lots without Street Frontage

If a **lot** in a Commercial Residential Employment Zone category does not front on a **street** and has its only access from a **lane** or private right-of-way that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, the **lot** must be used for no other purpose than permitted parking.

(5) Living Accommodation in Ancillary Buildings

In a CRE zone, **ancillary buildings** must not be used for living accommodation.

50.5.20 Permitted Uses

50.5.20.1 General

(1) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Commercial Residential Employment Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

(2) Firearm Manufacturing

The making of a firearm or any part of a firearm is not a permitted use under the term of **manufacturing use** in this by-law.

(3) Firearms Manufacturing Interpretation

A gunsmith or **custom workshop** that makes a firearm is considered manufacturing and must comply with the requirements of 50.5.20.1(2) of this by-law.

(4) Firearm Manufacturing for the Entertainment Industry

Despite subsections 50.5.20.1(2) and (3) of this by-law, the making of a firearm or any part of a firearm for use in a motion picture or television show is not deemed to be a **manufacturing use** for the purposes of this by-law.

50.5.40 Principal Building Requirements

50.5.40.10 Height

(1) Determining the Height of Building or Structure in Commercial Residential Employment Zones

In a Commercial Residential Employment Zone category, the height of a **building** or **structure** on a **lot** is measured as the distance between the elevation of the average elevation of grade along the **front lot line**, or in the case of a **corner lot**, the average elevation of grade along all **lot lines** that abut a **street** and the elevation of the highest point of the **building**.

(2) Determining the Height of Principal Structures in Commercial Residential Employment Zones

In a Commercial Residential Employment Zone category, the height of a **structure**, other than a **building**, is measured as the distance between the elevation of the **average grade** around the **structure** and the elevation of the highest point of the **structure**.

(3) Height for Specified Structures on a Building

In the Commercial Residential Employment Zone category, the following **structures**, if located on the roof of a **building**, may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (A) antennae;
- (B) flagpoles; and
- (C) satellite dishes.

(4) Height of Elements for Functional Operation of a Building

In the Commercial Residential Employment Zone category, if located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 50.5.40.10 (5):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(5) Limits on Elements for Functional Operation of a Building

In the Commercial Residential Employment Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 50.5.40.10 (4), they must also comply with the following:

- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the **building's main walls** facing that **street**.

(6) Height of Rooftop Outdoor Recreation, Safety and Wind Protection Elements

In the Commercial Residential Employment Zone category, if located on the roof of a **building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.

(7) Height of Green Roof Elements

If a **building** in a CRE zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed the maximum **building** height by 2.0 metres.

50.5.40.40 Floor Area

(1) Gross Floor Area Calculations for a Non-residential Building in a Commercial Residential Employment Zone Category

In a Commercial Residential Employment Zone category the **gross floor area** of a **non-residential building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) elevator shafts;
- (F) mechanical penthouse; and
- (G) exit stairwells in the **building**.

(2) Floor Space Index Calculation for a Non-residential Building in a Commercial Residential Employment Zone Category

In a Commercial Residential Employment Zone category the floor space index is the result of the **gross floor area** minus the areas of a **non-residential building** listed in 50.5.40.40 (1) divided by the area of the **lot**.

(3) Gross Floor Area Calculations for a Mixed Use Building in a Commercial Residential Employment Zone Category

In a Commercial Residential Employment Zone category the **gross floor area** of a **mixed use building**

- may be reduced by the area used for:
- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
 - (B) loading and bicycle parking at **established grade**;
 - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
 - (E) **amenity space** that is required by this By-law;
 - (F) elevator shafts;
 - (G) garbage and recycling material shafts;
 - (H) mechanical penthouse; and
 - (I) exit stairwells in the **building**.
- (4) Floor Space Index Calculation for a Mixed Use Building in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the floor space index is the result of the **gross floor area** minus the areas of a **mixed use building** listed in 50.5.40.40 (3) divided by the area of the **lot**.
- (5) Gross Floor Area Calculations for an Apartment Building in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the **gross floor area** of an **apartment building** may be reduced by the area used for:
- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
 - (B) loading and bicycle parking at **established grade**;
 - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
 - (E) **amenity space** that is required by this By-law;
 - (F) elevator shafts;
 - (G) garbage and recycling material shafts;
 - (H) mechanical penthouse; and
 - (I) exit stairwells in the **building**.
- (6) Floor Space Index Calculation for an Apartment Building in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the floor space index is the result of the **gross floor area** minus the areas of an **apartment building** listed in 50.5.40.40 (5) divided by the area of the **lot**.
- (7) Gross Floor Area Calculations for a Detached House, Semi-Detached House, Townhouse, Duplex, Triplex, or Fourplex in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the **gross floor area** of a **detached house, semi-detached house, townhouse, duplex, triplex, or fourplex building** may be reduced by the area used for:
- (A) **basement**, unless the elevation of the **established grade** is higher than the average elevation of grade along the rear **main wall** of the **building** by 2.5 metres or more, in which case 50% of the **basement** area is included in the **gross floor area** calculation; and
 - (B) required parking.
- (8) Gross Floor Area Calculations Regarding Attic Space in a Detached House, Semi-Detached House, Townhouse, Duplex, Triplex, or Fourplex in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the **gross floor area** of a **detached house, semi-detached house, townhouse, duplex, triplex, or fourplex building** includes the floor area above the **main wall** located within an area of a **building** such as an attic, if it is accessed by means of a permanent stair case or is habitable space.
- (9) Floor Space Index Calculation for a Detached House, Semi-Detached House, Townhouse, Duplex, Triplex, or Fourplex Building in a Commercial Residential Employment Zone Category
- In a Commercial Residential Employment Zone category the floor space index is the result of the **gross floor area**:
- (A) minus the areas of a **building** listed in 40.5.40.40 (7); and
 - (B) plus the areas of a **building** listed in 40.5.40.40 (8)

divided by the area of the **lot**.

50.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Commercial Residential Employment Zone category, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

50.5.40.60 Permitted Encroachments

(1) Canopies and Awnings

In the Commercial Residential Employment Zone category, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

50.5.40.70 Setbacks

(1) Building or Structure to be Set Back from a Lane

A **building** or **structure** in the Commercial Residential Employment Zone category must be:

- (A) no closer than 3.0 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is not in a Residential Zone category, Residential Apartment Zone category or Open Space Zone category; and
- (B) no closer than 3.5 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is in a Residential Zone category, Residential Apartment Zone category or Open Space Zone category.

50.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Commercial Residential Employment Zone category, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**;
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in 50.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings

Despite 50.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building** or **structure** referred to in 50.5.40.71 (1) is the same minimum setback from the original centreline of the **lane** permitted by 50.5.40.71 (1).

50.5.75 Energy Regulations

50.5.75.1 General

(1) Renewable energy or cogeneration energy device - Location Restriction

In a Commercial Residential Employment zone category a **renewable energy** or **cogeneration energy** device may not be located in a **front yard** or **side yard** that abuts a **street**.

(2) Renewable Energy Device - Height regulations

In a Commercial Residential Employment zone category, if a photovoltaic **solar energy** device or a thermal **solar energy** device is:

(A) located on a **building**;

(i) it must comply with all the minimum **building setback** requirements for a **building**; and

(ii) it must have no part of the device more than 2.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and

(B) ground mounted, the device must comply with all zoning by-law regulations applicable to an **ancillary building** or **structure**.

(3) Wind Energy Device - Building Setbacks

In a Commercial Residential Employment zone category all parts of a **wind energy** device must comply with the minimum **building setback** requirements for a **building** on the **lot** where the device is located.

(4) Wind Energy Device - Height

In a Commercial Residential Employment zone category no part of a **wind energy** device may exceed the maximum height permitted for a **building** by more than:

(A) 3.0 metres if on a **lot** that abuts a **lot** in a Residential Zone category, or Residential Apartment Zone category;

(B) 5.0 metres if the **building** height exceeds 25 metres; or

(C) the maximum height permitted for a **building** or **structure** in all other cases.

(5) Geo-energy Requirements

In a Commercial Residential Employment zone category any above-ground part of a **geo-energy** device must comply with all the requirements of a **building** or **structure** on a **lot** in the zone on which the device is located.

(6) Cogeneration device

In a Commercial Residential Employment zone category a **cogeneration energy** device must be located inside a permitted **building** on the **lot**.

50.5.80 Parking

50.5.80.1 General

(1) Required Parking Space

In the Commercial Residential Employment Zone category, if one or more off-**street parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

(2) Charging for Visitor Parking

In the CRE Zone category, no fee may be charge for a visitor **parking space** for a **residential building**.

50.5.80.10 Location

(1) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

50.5.95 Bicycle Parking

(1) Long Term Bicycle Parking Space Location

If a **lot** is located in a Commercial Residential Employment Zone category, then a long-term **bicycle parking space** must be located:

- (A) outside on grade if they are not required for **dwelling units**;
- (B) on the ground floor of the **building**; or
- (C) in a below grade parking **structure** and must occupy a minimum of 50 percent of the area available for vehicular **parking spaces** and **bicycle parking spaces** at each level of the **building** below grade, commencing with the first level below grade and moving down, in one level increments, until all required **bicycle parking spaces** have been provided.

(2) Bicycle Parking Space - Storage Location

In a Commercial Residential Employment Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** or **mixed use building** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker; or
- (D) an area used for **ancillary** commercial space.

(3) Location Relative to Building Entrance

If a **lot** in a Commercial Residential Employment Zone category contains an **apartment building** or **mixed use building**, then a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **building** on the **lot**.

50.10 Commercial Residential Employment Zone (CRE)

50.10.1 General

50.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 50.10 apply to lands, uses, **buildings** and **structures** in a CRE zone.

(2) Medical Office

For the purposes of the CRE Zone, a medical office includes a medical clinic.

50.10.20 Permitted Uses

50.10.20.10 Permitted Use

(1) Use – CRE Zone

(A) In a CRE zone, the following uses are permitted under the letter 'c':

- Ambulance Depot
- Art Gallery**
- Artist Studio**
- Automated Banking Machine**
- Community Centre**
- Courts of Law
- Custom Workshop**
- Education Use**
- Financial Institution**
- Fire Hall
- Hospital**
- Library
- Medical Office
- Museum**

Office
Park
Passenger Terminal
Performing Arts Studio
Personal Service Shop
Pet Services
Police Station
Post-Secondary School
Production Studio
Religious Education Use
Respite Care Facility
Retail Service
Retail Store
Service Shop
Software Development and Processing
Veterinary Hospital .

(B) In a CRE zone, the following uses are permitted under the letter 'r':

Dwelling Unit in a permitted **building** type
Hospice Care Home
Nursing Home
Religious Residence
Residential Care Home
Retirement Home
Student Residence .

(C) In a CRE zone, the following uses are permitted under the letter 'e':

Beverage Manufacturing
Bindery
Carpenter's Shop
Cold Storage
Computer, Communications, Electronics, or Optical Media Manufacturing
Dry Cleaning or Laundry Plant
Furniture Manufacturing
Industrial Sales and Service Use
Medical Equipment and Supplies Manufacturing
Metal Products Manufacturing
Printing Establishment
Self-storage Warehouse
Warehouse
Wholesaling Use .

50.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – CRE Zone

(1) Use with Conditions – CRE Zone

(A) In a CRE zone, the following uses are permitted under the 'c' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 50.10.20.100:

Amusement Arcade (1,35)
Animal Shelter (10)
Cabaret (2,47)
Club (2)
Day Nursery (30)

Eating Establishment (2,36)
Entertainment Place of Assembly (2,46,47)
Funeral Home (5,39)
Hotel (6)
Laboratory (11)
Nightclub (2,4,38,47)
Outdoor Patio (25)
 Outdoor Sales or Display (49)
Place of Assembly (2,32,47)
Place of Worship (7,40)
Private School (31)
Public School (31)
Public Utility (8)
Public Works Yard (9)
Recreation Use (2,46)
Sports Place of Assembly (46,47)
Take-out Eating Establishment (2)
Transportation Uses (51)
Vehicle Dealership (26)
Vehicle Fuel Station (27)
Vehicle Service Shop (28)
Vehicle Washing Establishment (29)

(B) In a CRE zone, the following uses are permitted under the letter 'r' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 50.10.20.100:

Crisis Care Shelter (43)
Group Home (33)
Municipal Shelter (34)
Private Home Daycare (45)
 Rooming House (48)
Secondary Suite (44)
Seniors Community House (42)
Tourist Home (24)

(C) In a CRE zone, the following uses are permitted under the letter 'e' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 50.10.20.100:

Apparel and Textile Manufacturing (15)
 Clay Product Manufacturing (20, 23)
Cogeneration Energy Production (50)
 Contractor's Establishment (13)
 Food Manufacturing (17)
 Glass Product Manufacturing (19)
 Pharmaceutical and Medicine Manufacturing (20, 21)
 Plastic Product Manufacturing (20,22)
Renewable Energy Production (50)
 Wood Product Manufacturing (18)

50.10.20.30 Ancillary Use

(1) Permitted Ancillary Uses, Buildings and Structures

In the CRE zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

50.10.20.40 Permitted Building Types

(1) Permitted Building Types

In a CRE zone the following **building** types are permitted:

Detached House

Semi-Detached House

Townhouse

Duplex

Triplex

Fourplex

Apartment Building

Mixed Use Building

Non-residential Building.

50.10.20.100 Conditions

(1) Amusement Arcade Condition

In a CRE zone, an **amusement arcade** must not be located:

(A) in a **building** that also contains a **hotel** with less than 100 guest rooms; or

(B) on a **lot** if any part of the **lot** is less than :

- (i) 150 metres from any other **lot** containing an **amusement arcade**; and
- (ii) 300 metres from any **lot** containing a **public school** or **private school**.

(2) Cabaret, Club, Eating Establishment, Entertainment Place of Assembly, Nightclub, Place of Assembly, Recreation Use and Take-out Eating Establishment Condition

In a CRE zone, **cabaret, club, eating establishment, entertainment place of assembly, place of assembly, nightclub, recreation use** and **take-out eating establishment** are permitted uses, provided that the total **interior floor area** of all such uses on a **lot** which is within 6.1 metres of a **lot** in a Residential zone category or Residential Apartment Zone category, does not exceed 400 square metres.

(4) Nightclub Condition

In a CRE zone, a **nightclub** may be permitted if:

(A) the use is located on the **first floor** only;

(B) the **lot** does not abut a **lot** in a Residential Zone or Residential Apartment Zone category;

(C) there is only one **nightclub** in the **building**;

(D) the **front lot line** or **side lot line** of the **lot** does not abut Spadina Avenue; and

(E) if the **lot** is located west of Spadina Avenue:

- (i) the **lot** must have existed on February 14, 2006;
- (ii) The maximum **interior floor area** of a **nightclub** must not exceed 350 square metres;
- (iii) The **nightclub** must be on a **lot** that abuts King Street West, or Richmond Street West, or Adelaide Street West; and
- (iv) the total number of **nightclubs** in the CRE zone west of Spadina Avenue is not more than 14.

(5) Funeral Home Condition

In a CRE zone, a **funeral home** is permitted if it is the only use in the **building**.

(6) Hotel Location in a Building containing Dwelling Units Condition

In a CRE zone, a **hotel** is permitted in a **mixed use building** provided that , no **hotel** room or suite maybe located on the same **storey** as any **dwelling unit**..

(7) Place of Worship Condition

In a CRE zone, a **place of worship** is permitted if the **lot** has frontage on a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15.

(8) Public Utility Condition

In a CRE zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
 - (B) not a water filtration plant;
 - (C) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CRE zone; and
 - (D) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the CRE zone.
- (9) Public Works Yard Condition
In a CRE zone, a **public works yard** is permitted if it is located within an enclosed **building** and there is no **open storage**.
- (10) Animal Shelter Condition
In a CRE zone, an **animal shelter** is permitted if it is the only use in the **building**.
- (11) Laboratory Condition
In a CRE zone, a **laboratory** is permitted if it is not located in a **building** containing a **dwelling unit**.
- (13) Contractor's Establishment Condition
In a CRE zone, a contractor's establishment is permitted if:
- (A) heavy equipment and machinery such as cranes, ploughs, tractors, pile drivers, road making, wrecker's or steel erector's equipment, and **building** and construction material is not stored on the **lot**; and
 - (B) bulk storage of loose materials such as sand, gravel or concrete is not permitted.
- (15) Apparel and Textile Manufacturing Condition
In a CRE zone, apparel and textile manufacturing is permitted if it does not involve the manufacturing of leather products or chemical dyeing of cloth.
- (17) Food Manufacturing Condition
In a CRE zone, only food manufacturing involving fruit and vegetable preserving, speciality food manufacturing and dairy product manufacturing are permitted uses and only if they involve batch processing only.
- (18) Wood Product Manufacturing Condition
In a CRE zone, wood product manufacturing is a permitted use if the use is not a:
- (A) saw mill;
 - (B) planing mill; or
 - (C) wood distillation plant.
- (19) Glass Product Manufacturing Condition
In a CRE zone, glass product manufacturing is a permitted use if the use only involves the manufacture of glass products from purchased glass.
- (20) Not Located in a Building Containing a Dwelling Unit Condition
In a CRE zone, the manufacturing of pharmaceuticals, medicine, plastic, or clay is permitted if the use is not located in a **building** containing a **dwelling unit**.
- (21) Pharmaceutical and Medicine Manufacturing Condition
In a CRE zone, pharmaceutical and medicine manufacturing is permitted if:
- (A) the use only includes assembly or manufacture of previously processed materials; and
 - (B) the use does not include the processing or combining of materials that alter the **structure** of the material.
- (22) Plastic Product Manufacturing Condition
In a CRE zone, a plastic product **manufacturing use** is permitted if:
- (A) it only includes assembly or manufacture of previously processed materials;
 - (B) it does not include the processing or combining of materials that alter the **structure** of the material; and
 - (C) it does not include the manufacture of celluloid or pyroxylin.
- (23) Clay Product Manufacturing Condition

In a CRE zone, a clay product **manufacturing use** is permitted if:

- (A) it is only for the manufacturing of pottery, ceramics and plumbing fixtures; and
- (B) the manufacture of blocks, bricks, beams, pipes, artificial abrasives, clay pit mining and other mining is not permitted.

(24) Tourist Home Condition

In a CRE zone, a **tourist home** must:

- (A) be located in a **townhouse, detached house, or a semi-detached house**; and
- (B) not have **vehicle** access by a mutual **driveway**.

(25) Outdoor Patio Condition

- (A) In a CRE zone, an **outdoor patio** is permitted if it is in combination with the following uses, provided it complies with the requirements found in (B) below:

Amusement Arcade
Cabaret
Club
Eating Establishment
Entertainment Place of Assembly
Nightclub
Place of Assembly
Recreation Use
Sports Place of Assembly
Take-out Eating Establishment.

- (B) In a CRE zone, an **outdoor patio** is permitted in combination with the uses in (A) above provided the **outdoor patio**:
 - (i) has a maximum area the greater of:
 - (a) 30 square metres; or
 - (b) 30% of the **interior floor area** of the **premises** it is associated with;
 - (ii) must not be used to provide entertainment uses such as music and dancing;
 - (iii) is set back a minimum of 30.0 metres from a **lot** in a Residential Zone category or Residential Apartment Zone category;
 - (iv) despite (iii) above, if located above the first **storey** of the **building**, must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in a Residential Zone category or Residential Apartment Zone category; and
 - (v) if on a **lot** which abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, or a **lot** is within 30.0 metres of a **lot** in a Residential Zone category or Residential Apartment Zone category, an **outdoor patio** located in the **rear yard** of the **lot** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**.

(26) Vehicle Dealership Condition

In a CRE zone, a **vehicle dealership** must comply with the specific use regulations in Section 150.90.

(27) Vehicle Fuel Station Condition

In a CRE zone, a **vehicle fuel station** must comply with the specific use regulations in Section 150.92.

(28) Vehicle Service Shop Condition

In a CRE zone, a **vehicle service shop** must comply with the specific use regulations in Section 150.94.

(29) Vehicle Washing Establishment Condition

In a CRE zone, a **vehicle washing establishment** must comply with the specific use regulations in Section 150.96.

(30) Day Nursery Condition

In a CRE zone, a **day nursery** must comply with the specific use regulations in Section 150.45.

(31) School Condition

In a CRE zone, a **public school** and a **private school** must comply with the specific use regulations in Section 150.48.

- (32) Place of Assembly- Banquet Hall Condition
In a CRE zone, a **place of assembly** that is a banquet hall must comply with the specific use regulations in Section 150.98.
- (33) Group Home Condition
In a CRE zone, a **group home** must comply with the specific use regulations in Section 150.15.
- (34) Municipal Shelter Condition
In a CRE zone, a **municipal shelter** must comply with the specific use regulations in Section 150.22.
- (35) Amusement Arcade Condition
In a CRE zone, an **amusement arcade** is permitted if
(A) the **building** has none of the uses permitted under the letter 'r'; in Clause 50.10.20.10 or 50.10.20.20;
(B) the maximum number of **amusement devices** in the **amusement arcade** is 36; and
(C) the minimum **interior floor area** for used for an **amusement arcade** is equal to 6.0 square metres for each **amusement device**.
- (36) Eating Establishment Condition
In a CRE zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.
- (38) Nightclub Condition
In a CRE zone, a **nightclub** must comply with the specific use regulations in Section 150.60.
- (39) Funeral Home Condition
In a CRE zone, a **funeral home** must comply with the specific use regulations in Section 150.120.
- (40) Place of Worship Condition
In a CRE zone, a **place of worship** must comply with the specific use regulations in Section 150.50.
- (42) Seniors Community House Condition
In a CRE zone, a **seniors community house** must comply with the specific use regulations in Section 150.30.
- (43) Crisis Care Shelter Condition
In a CRE zone, a **crisis care shelter** must comply with the specific use regulations in Section 150.20.
- (44) Secondary Suite Condition
In a CRE zone, a **secondary suite** must comply with the specific use regulations in Section 150.10.
- (45) Private Home Daycare Condition
In a CRE zone, a **private home daycare** is permitted provided:
(A) it is located in a **townhouse, detached house**, or a **semi-detached house**; and
(B) any outdoor children's play area is:
(i) fenced; and
(ii) not located in the **front yard** or a **side yard** abutting a **street**.
- (46) Entertainment Place of Assembly, Sports Place of Assembly and Recreation Use- Amusement Device Condition
In a CRE zone, an **entertainment place of assembly**, a **sports place of assembly** or **recreation use** must not have more than 12 **amusement devices** and these devices must not be located in a hallway, lobby or other pedestrian area if the **amusement devices** are in the same **building** as any one of these uses.
- (48) Rooming House Condition
In a CRE zone, a rooming house must comply with the specific use regulations in Section 150.25.
- (49) Outdoor Sales or Displays Condition
In a CRE zone, the outdoor sale or display of goods or commodities is permitted provided:
(A) the use is in combination with another permitted use;
(B) no goods or commodities are placed within 15.0 metres of a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category;

- (C) the cumulative area used for the outdoor sale or display of goods or commodities is not more than 250 square metres;
- (D) the area used for the outdoor sale or display of goods or commodities must not be located on land required for parking, loading, **driveways** or **landscaping**; and
- (E) the storage or warehousing of goods in a **vehicle** is not permitted.

(50) Renewable Energy Production or Cogeneration Energy Production Condition

In a CRE zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(51) Transportation Uses Condition

A **building** or **structure** located on a **lot** in an CRE zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

50.10.40 Principal Building Requirements

50.10.40.1 General

(1) King-Spadina Area- First Floor Elevation Requirement

If a **building** is located on a **lot** in a CRE zone bounded by Queen Street West to the north, Simcoe Street to the east, Front Street West to the south, and Bathurst Street to the west, the elevation of the **first floor** of the **building** must be at or within 0.6 metres above the height of the public sidewalk abutting the site, or, if there is no sidewalk, from the elevation of the **street** abutting the site.

(2) Hotel - Orientation To A Street

In a CRE zone, a **building** must not be used as a **hotel** if another **building** is located between it and the **street**.

(3) Hotel - Orientation To A Street

In a CRE zone, no **building** can be erected between a **building** used as a **hotel** and the **street**.

(4) Building Orientation to a Street – Hotels and Buildings Containing Dwelling Units

In the CRE zone, a **building**, or an addition which is not attached above grade to the existing part of a **building**, is not permitted if:

- (A) it contains **dwelling units**, or contains rooms or suites in a **hotel**, and is in the rear of another **building** or the existing part of the same **building**; or
- (B) it is in front of a **building**, or the existing part of the same **building**, containing **dwelling units**, or containing rooms or suites in a **hotel**, so as to produce the condition of a **building** containing **dwelling units**, or rooms or suites, in the rear of another **building**.

50.10.40.10 Height

(3) Maximum Permitted Height

In a CRE zone, the maximum height of a **building** or **structure** on a **lot** is the numerical value, in metres, as shown on the Height Overlay Map found in Section 995.5.

(4) Heritage Building Volume Permission Beyond Height Limit

In a CRE zone, a **lot** comprising a listed or designated **heritage site** may be permitted to exceed the maximum height limit, if:

- (A) the **lot** is subject to an agreement pursuant to section 37 of the Planning Act, authorizing the increase in height in exchange for the conservation of all or part of a heritage **building** located on the **lot**;
- (B) the additional height is not greater than 20% of the maximum height limit identified on the Height Overlay Map;
- (C) the part of the **building** exceeding the maximum height limit identified on the Height Overlay Map, must have a maximum total volume not exceeding the sum of the values calculated in (i), (ii), (iii), and (iv):
 - (i) if the façade of the heritage **building** facing a **street** is conserved, the **building** volume above the height limit is 6 times the area (length times height) of the portion of the façade that is conserved;

- (ii) if there is no construction above the heritage **building**, the **building** volume above the height limit is equal to 1.5 times the volume of that part of the heritage **building** being retained beyond a depth of 3.0 metres from the façade of the heritage **building** facing a **street**;
 - (iii) if there is construction above a portion of the heritage **building** retained, the **building** volume above the height limit is equal to one times the volume of that part of the heritage **building** being retained beyond a depth of 3.0 metres from the façade of the heritage **building** facing a **street**;
 - (iv) if there is an above grade separation between the heritage **building** and the adjacent **buildings** or **structures** on the same **lot**, the **building** volume above the height limit is equal to the volume of such space calculated as follows:
 - (a) the height of the conserved heritage **building**;
 - (b) by the distance between the conserved heritage **building** and the adjacent **building** or **structure** measured at right angles from the heritage **building**; and
 - (c) by the length of the portion of the conserved heritage **building** if a line projected at a right angle from the heritage **building** face intercepts the adjacent **building** or **structure** on the same **lot**.
- (D) Any permitted **building** volume exceeding the maximum height limit identified on the Height Overlay Map:
- (i) must comply with **angular plane** requirements, if applicable, as set out in a Section 900.12 Exception pertaining to Prevailing Section 12(2)260 of former City of Toronto By-law 438-86; and
 - (ii) if there are no applicable **angular plane** requirements as set out in (i) above, must not be closer to a **lot line** than a distance equal to the existing set back of all portions of the **main walls** of the highest **storey** facing the same **lot line** and located below the maximum height limit, plus 3.0 metres, except if the wall forms a party wall with another **building** on another **lot**.
- (E) For the purposes of determining the measurements of the conserved heritage **building** as set out in (C) (ii), (iii), and (iv), the dimensions described are measured between the exterior faces of the exterior **main walls** and between the interior surface of the ceiling of the uppermost **storey** and the surface of the **first floor** of the conserved heritage **building**.
- (F) The **building** elements described in regulations 50.5.40.10 (3), 50.5.40.10 (4), 50.5.40.10(5), and 50.5.40.10 (6) are measured from the additional height determined in the above regulations as if it was the maximum height limit identified on the Height Overlay Map.
- (5) Height Exemption- Mechanical Elements in King-Spadina Area
- In a CRE zone, if a **building** is located in the area bounded by Queen Street West to the north, Simcoe Street to the east, Front Street West to the south, and Bathurst Street to the west, such **building** may have a height of 5.0 metres above the maximum height limit identified on the Height Overlay Map, if:
- (A) all stair towers, elevator shafts, and mechanical equipment are enclosed; and
 - (B) the additional 5.0 metre height permitted by this provision is within the applicable **angular plane** for the **lot** in the CRE zone.

50.10.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the CRE zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 50.10.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

50.10.40.30 Building Depth

(1) Maximum Building Depth

In a CRE zone, where a **lot** abuts a **street**, no portion of a **building** may be set back more than 50.0 metres from a **lot line** that abuts a **street**.

50.10.40.31 Building Depth Exemptions

(1) Permitted Building Depth for Lawfully Existing Buildings

In the CRE zone, if the **building depth** of a **lawfully existing building** or **structure** is greater than the maximum **building depth** permitted by this By-law, that **building depth** is the permitted maximum **building depth** for that **lawfully existing building** or **structure** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 50.10.40.31(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

50.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space Requirement for Buildings with 20 or more Dwelling Units

In a CRE zone, if a **building** has 20 or more **dwelling units**, **amenity space** must be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

- (A) a minimum of 2.0 metres for each **dwelling unit** is indoor **amenity space**;
- (B) a minimum of 40.0 square metres is outdoor **amenity space**
in a location adjoining or directly accessible to the indoor **amenity space**; and
- (C) a maximum of 25% of the outdoor component may be in the form of a **green roof**.

50.10.40.51 Decks, Platforms and Amenities Exemptions

(1) Required Amenity Space for Lawfully Existing Buildings containing 20 or more dwelling units

In a CRE zone, if a **lawfully existing building** or **structure** containing 20 or more **dwelling units** has not provided the **amenity space** required by this By-law, the **lawfully existing building** or **structure** does not have to comply with that particular **amenity space** requirement.

50.10.40.60 Permitted Encroachments

(1) Permitted Encroachments- Decks, Porches and Balconies

In a CRE zone a platform with no **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **building**, may encroach into a required **building setback** for the **building** as follows:

- (A) a platform with a finished floor no higher than the **first floor** of the **building** may encroach into the required **building setback** 2.5 metres or 50% of the required **building setback** if it is no closer to a **lot line** than 0.3 metres; and
- (B) a platform with a finished floor that is higher than the **first floor** of the **building** may encroach into the required **building setback** 1.5 metres.

(2) Permitted Encroachments- Canopies and Awnings

In a CRE zone a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform meeting the requirements of regulation 50.10.40.60 (1), may encroach into a required **building setback** for the **building** as follows:

- (A) when above a platform meeting the requirements of regulation 50.10.40.60 (1), the roof, canopy, awning or similar **structure** may encroach into the **building setback** to the same extent as the platform it is covering; and
- (B) when not covering such a platform, the canopy, awning or similar **structure** may encroach into a required **building setback** as follows:
 - (i) in a **front yard** that does not abut a **street** or a **rear yard**, the lesser of 2.5 metres or 50% of the applicable required yard setback, if it is no closer to a **side lot line** than the required **side yard setback**;
 - (ii) in a **side yard** that does not abut a **street**, a maximum of 1.5 metres, if it is at least 0.3 metres from the **side lot lines**; and
 - (iii) in a **front yard** or **side yard** that abuts a **street**, in compliance with Regulation 50.5.40.60(1).

(3) Permitted Encroachments- Exterior Stairs, Access Ramp and Elevating Device

In a CRE zone:

- (A) exterior stairs providing access to a **building** or **structure** may encroach into a required **building setback**, if the stairs:
 - (i) are no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building** or **structure**;
 - (ii) are no wider than 2.0 metres; and
 - (iii) are no closer to a **lot line** than 0.3 metres.
 - (B) an uncovered ramp providing access to a **building** or **structure** may encroach into a required **building setback**, if that the ramp is:
 - (i) no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) no closer to a **lot line** than 0.3 metres; and
 - (C) an elevating device providing access to a **building** or **structure** may encroach into a required **building setback**, if the elevating device:
 - (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is no closer to a **lot line** than 0.3 metres.
- (4) Permitted Encroachments- Exterior Main Wall Surface
 In a CRE zone cladding added to the original exterior surface of the **main wall** of a **building**, may encroach into a required **building setback** a maximum of 0.15 metres, if the **building** is at least 5 years old.
- (5) Permitted Encroachments- Architectural Features
 In a CRE zone:
- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a **building** may encroach into a required **building setback** a maximum of 1.0 metres, if it is no closer to a **lot line** than 0.3 metres.
 - (B) a chimney breast, on a **building**, may encroach into a required **building setback** a maximum of 0.6 metres, if it:
 - (i) is no wider than 2.0 metres; and
 - (ii) is no closer to a **lot line** than 0.3 metres.
- (6) Permitted Encroachments- Window Projections
 In a CRE zone, a bay window, box window, or other window projection from a **main wall** of a **building**, which increases floor area or enclosed space but does not touch the ground, may encroach:
- (A) into a required **front yard setback** or **rear yard setback** a maximum of 0.75 metres, if these features in total do not occupy more than 65% of the width of the front **main wall** or rear **main wall** at each **storey**; and
 - (B) into a required **side yard setback** a maximum of 0.6 metres, if these features
 - (i) in total do not occupy more than 30% of the width of the side **main wall** at each **storey**; and
 - (ii) are no closer to the **side lot line** than 0.6 metres.
- (7) Permitted Encroachments- Equipment
 In a CRE zone, on a **building**, wall mounted equipment may encroach into a required **building setback** as follows, if they are no closer to the **lot line** than 0.3 metres:
- (A) an air conditioner may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres, if it is not located above the **first floor**;
 - (B) a satellite dish may encroach into a required **building setback** a maximum of 0.9 metres;
 - (C) an antennae or pole used to hold an antennae may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.9 metres; and
 - (D) a vent or pipe may encroach into a required **rear yard setback** or **side yard setback** a maximum of 0.6 metres.
- (9) Permitted Encroachments for Particular Building Setbacks
 In a CRE zone, the encroachments permitted in regulations 50.10.40.60 (1), 50.10.40.60 (2), 50.10.40.60 (5), and 50.10.40.60 (6) are only permitted to encroach into the following required **building setbacks**:
- (A) a **side yard setback** and **rear yard setback** as set out in regulation 50.10.40.70 (1);
 - (B) a required **building setback** from a **lot** in a Residential Zone category or Residential Apartment Zone

- category set out in regulation 50.10.40.70 (2); and
- (C) a separation distance between exterior **main walls** of **buildings** as set out in regulation 50.10.40.80 (1).

50.10.40.70 Setbacks

(1) Side Yard Setback and Rear Yard Setback

In a CRE zone, the minimum **building setback** from a **side lot line** or **rear lot line** is 7.5 metres, excluding any part of the **building** or **structure** that is less than 25.0 metres from a **lot line** abutting a **street** or **park**.

(2) Building Setback from a Lot in a Residential Zone

In a CRE zone, a **building** or **structure**, any part of which has a height greater than 4.0 metres, must be set back at least 3.0 metres from any **lot line** that abuts a **lot** that is entirely within a Residential Zone category or Residential Apartment Zone category.

(3) Building Setback from a Lane

In a CRE zone where a **lot** abuts a **lane**, the minimum **building setback** from a **side lot line** or **rear lot line** that abuts the **lane** is 1.5 metres, excluding any part of the **building** or **structure** that is less than 25.0 metres from a **lot line** abutting a **street** or **park**.

(4) Heritage building - Setback of new construction above a heritage building

In a CRE zone, where a **lot** contains a conserved heritage **building**, any portion of a **building** which exceeds the height of the conserved heritage **building**, whether constructed as an addition above the conserved heritage **building** or as a separate **building** on the same **lot**, must be set back from a **lot line** that abuts a **street** a distance equal to the existing setback of all portions of the **main walls** of the conserved heritage **building** facing a **lot line** that abuts a **street**, plus 3.0 metres.

(5) Building Setback for Upper Building Level Facing A Street

In a CRE zone, the minimum setback from the **main wall** of a **building** or **structure** that faces a **lot line** that abuts a **street** is:

- (A) 3.0 metres for the portion of the **building** or **structure** which exceeds a height of 20.0 metres; or
- (B) 3.0 metres for the portion of the **building** or **structure** which exceeds a height of 16.0 metres in the case of a **lot** that fronts King Street East.

(6) Setbacks Below Grade

Despite Regulation 5.10.40.70(2), in a CRE zone, required **building setback** regulations only apply to the parts of a **building** or **structure** that are above grade.

50.10.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the CRE zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (B) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 50.10.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

50.10.40.80 Separation

(1) Distance Between External Walls of Buildings

In a CRE zone, if a **building** has **main walls** facing each other or facing the **main walls** of another

building on the same **lot** and a line projected at a right angle from one of these **main walls** intercepts the other **main wall**, the minimum above ground distance between them is 11.0 metres.

(2) Distance Between Windows of Buildings in King-Spadina

In a CRE zone bounded by Queen Street West to the north, Simcoe Street to the east, Front Street West to the south, and Bathurst Street to the west, if a **building** has windows facing each other, and a line projected at a right angle from one of these windows intercepts the other window, the minimum above ground distance between them is 15.0 metres.

(3) Distance Between Windows of Buildings in King-Spadina

In a CRE zone bounded by Queen Street West to the north, Simcoe Street to the east, Front Street West to the south, and Bathurst Street to the west, if a **building** has windows, the minimum above ground distance between them and another **main wall** without windows or a **lot line** that does not abut a **street** or **park** is 7.5 metres.

50.10.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In the CRE zone, if the separation distance between the **main walls** of **lawfully existing buildings** or **structures** on the same **lot**, or between **main walls** of the same **lawfully existing building** or **structure**, is less than the minimum separation distance between **main walls** required by this By-law, the existing separation distance is the permitted minimum separation distance for those **main walls**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 50.10.40.81 (1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

50.10.50 Yards

50.10.50.10 Landscaping

(1) Landscaping Requirement When Abutting a Lot in a Residential Zone Category

If a **lot** in a Commercial Residential Zone category abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

(2) Abutting a Lot in a Residential or Residential Apartment Zone - Fence Requirement

In a CRE zone, if a **lot** abuts a **lot** in a Residential Zone category or a Residential Apartment Zone category a fence must be installed along the portion of a **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category.

50.10.80 Parking

50.10.80.1 General

(1) Outdoor Parking Restriction

In a CRE zone, an outdoor parking area containing more than 3 **parking spaces** must be fenced if it is located in a yard that abuts a **street, lane** or a **lot** in a Residential Zone category or Residential Apartment Zone category, excluding the portions used for access.

(2) CRE Zone Above Grade Parking Building or Structure Restriction

In a CRE zone, the parking or storing of **vehicles** in an above-grade **building** or **structure** is permitted, if:

(A) it is in combination with another permitted use in the **building** or **structure**; and

(B) any portion of the **building** or **structure** facing a **street** and less than 4.0 metres above the elevation of that **lot line** abutting the **street**, must contain permitted uses other than the parking or storing of **vehicles**, to a minimum depth of 10.0 metres from the **main wall**, along the entire length of the **main**

wall, except for **vehicle** access.

(3) CRE Zone Parking Space Allocation Mixed Use Building

In a CRE zone, if a **building** contains both residential and non-residential uses and has less than 25 **dwelling units**, a minimum of one-third (1/3) of the total **parking spaces** required for all the uses in the **building** must be available to all occupants of or visitors to the **building**, without in any way assigning any of those **parking spaces** for exclusive use.

50.10.80.10 Location

(1) CRE Zone Parking Restriction

In a CRE zone, no **vehicle** is to be parked or stored in the **front yard**, at or above the natural level of the ground.

50.10.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

50.10.90 Loading

50.10.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

50.10.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 50.10.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 50.10.90.10(1).

50.10.90.40 Access to Loading Space

(1) Access to Loading Space - Restrictions

In a CRE Zone:

- (A) where a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**; and
- (B) where a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15, access to a **loading space** must be from the **street** which is not a major **street**.

(2) Loading Restrictions Adjacent to a Lot in a Residential Zone

In a CRE zone, where a **lot** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, access to the **loading space** must not be through any part of a **lot** in a Residential Zone category or Residential Apartment Zone category.

(3) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** must not have its access through a **main wall** that faces a **street**.

50.10.90.41 Access to Loading Space Exemptions

(1) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 50.10.90.40(3), that **lawfully existing loading space** is exempt from the requirements of regulation 50.10.90.40(3).

50.10.100 Access to Lot

50.10.100.10 Location

(2) Access to Parking Areas Adjacent to a Lot in a Residential Zone

If a **lot** in a CRE zone abuts a **lot** in a Residential Zone category or Residential Apartment Zone category:

- (A) access to a **parking space** may not be through any part of a **lot** in a Residential Zone category or Residential Apartment Zone category; and
- (B) a **parking space** must be set back at least 1.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

50.10.150 Waste

50.10.150.1 General

(1) Waste and Recyclable Materials Storage

- (A) In a CR zone, for a **building** constructed after the date of enactment of this By-law, all waste and **recyclable material** must be stored a wholly enclosed **building**;
- (B) where the waste and **recyclable material** is stored in an **ancillary building**, the **ancillary building**:
 - (i) must not be located in a **side yard** that abuts a **street** or in a **front yard**; and
 - (ii) must be located a minimum of:
 - (a) 7.5 metres from a **lot** in a Residential Zone category, Residential Apartment Zone category or Open Space Zone category; and
 - (b) 1.0 metres from all other **side lot lines** and **rear lot lines**.

Chapter 60 Employment Industrial

60.5 Regulations applying to the Employment - Industrial Zone Category

60.5.1 General

60.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 60.5 apply to lands, uses, **buildings** and **structures** in the Employment Industrial Zone category.

60.5.1.20 Restrictions

(1) Access to Non-Residential Uses when Adjacent to a Lot in the Residential Zone Category or Residential Apartment Zone Category- Restriction on Sole Access from a Lane or Shared Private Right-of-Way

If a **lot** in the Employment Industrial Zone category does not front on a **street** and has its only access from a **lane** or private right-of-way that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, the **lot** may only be used for parking.

60.5.20 Permitted Uses

60.5.20.1 General

(1) Firearm Manufacturing

The making of a firearm or any part of a firearm is not a permitted use under the term of **manufacturing use** in this by-law.

(2) Firearms Manufacturing Interpretation

A gunsmith or **custom workshop** that makes a firearm is considered a **manufacturing use** and must comply with the requirements of 60.5.20.1(1) of this by-law.

(3) Firearm Manufacturing for the Entertainment Industry

Despite subsections 60.5.20.1(1) and (2) of this by-law, the making of a firearm or any part of a firearm for use in a motion picture or television show is not deemed to be a **manufacturing use** for the purposes of this by-law.

60.5.30 Lot Requirements

60.5.30.1 General

(1) Employment Industrial Lands Abutting Highway 400 and Highway 404

On a **lot** in the Employment Industrial Zone Category abutting Highway 400 or Highway 404:

- (A) The **lot line** and the yard that abut either of these highways will be the **front lot line** and **front yard**;
- (B) all **front lot line** and **front yard** regulations will apply to the **lot line** and yard abutting these Highways for the zone in which it is located.
- (C) loading, parking and are permitted in a yard that abuts any other **street**;
- (D) **open storage** is permitted in a yard that abuts any other **street** provided the conditions for **open storage** are fulfilled for the zone in which it is located.

60.5.40 Principal Building Requirements

60.5.40.1 General

(1) Access Restrictions if Lot is Separated from Residential Lots by a Lane or a Narrow Street

If the **rear lot line** or **side lot line** of a **lot** in the Employment Industrial Zone category is separated from a **lot** in a Residential Zone category or Residential Apartment Zone category, by a **lane** or **street** that has a right-of-way width of less than 12.0 metres, pedestrian access may not be from that **lane** or **street**, to any entrance to the **building** other than:

- (A) a service entrance, or
- (B) an entrance or exit required by federal or provincial regulations.

60.5.40.10 Height

(1) Determining the Height of Buildings in the Employment Industrial Zone Category

In the Employment Industrial Zone category, the height of a **building** is measured as the distance between the **average grade** along the **front lot line** and the highest point of the **building**.

(2) Determining the Height of Structures in Employment Industrial Zones

In the Employment Industrial Zone category, the height of a **structure** is measured as the distance between the **average grade** around the **structure** and the elevation of the highest point of the **structure**.

(3) Height of Structures - Chimney Stacks, Scrubbers and Pollution Abatement Equipment

In the Employment Industrial Zone category:

- (A) the following **structures** may exceed the permitted **building** height:
 - (i) free-standing or roof-top chimney stacks;
 - (ii) scrubbers; or
 - (iii) other similar equipment for the purpose of pollution abatement.

(B) the following **structures**, if located on the roof of a **building**, may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (i) antennae;
- (ii) flagpoles; and
- (iii) satellite dishes.

(4) Height of Elements for Functional Operation of a Building

In the Employment Industrial Zone category, if located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 60.5.40.10 (5):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(5) Limits on Elements for Functional Operation of a Building

In the Employment Industrial Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 60.5.40.10 (4), they must also comply with the following:

- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.

(6) Height of Rooftop Outdoor Recreation, Safety and Wind Protection

In the Employment Industrial Zone category, if located on the roof of a **building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.

60.5.40.40 Floor Area

(1) Gross Floor Area Calculations for a Non-residential Building in a Employment Industrial Zone Category

In a Employment Industrial Zone category the **gross floor area** of a **building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below **established grade**;
- (B) loading and bicycle parking at **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) voids at the level of each floor involving a **manufacturing use**;
- (E) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (F) elevator shafts, ventilation duct, utility shafts;
- (G) utility areas, catwalks, service platforms and mechanical penthouse; and
- (H) exit stairwells and escalators in the **building**.

(2) Floor Space Index Calculation in the Employment Industrial Zone Category

In a Employment Industrial Zone category the floor space index is the result of the **gross floor area** minus the areas of a **non-residential building** listed in 60.5.40.40 (1) divided by the area of the **lot**.

60.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Employment Zone category, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

60.5.40.60 Permitted Projections

(1) Canopies and Awnings

In the Employment Industrial Zone category, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

60.5.40.70 Setbacks

(1) Building or Structure to be Set Back from a Lane

A **building** or **structure** in the Employment Industrial Zone category must be:

- (A) no closer than 3.0 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is not in a Residential Zone category or Open Space Zone category; and
- (B) no closer than 3.5 metres from the original centreline of a **lane** if the **lot** abutting the other side of the **lane** is in a Residential Zone category or Open Space Zone category.

60.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Employment Zone category, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**;
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in 60.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings in Relation to a Lane

Despite 60.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building** or **structure** referred to in 60.5.40.70 (1) is the same minimum setback from the original centreline of the **lane** permitted by 60.5.40.70 (1).

60.5.50 Yards

60.5.50.10 Landscaping

(1) Fencing Requirement When Abutting a Lot in a Residential Zone Category or Residential Apartment Zone Category

If a **lot** in the Employment Industrial Zone category abuts a **lot** in the Residential Zone category or the Residential Apartment Zone category, a fence must be installed along the part of the **lot line** that abuts the **lot** in the Residential Zone category or the Residential Apartment Zone category.

(2) Landscaping Requirement when Abutting a Lot in a Residential Zone Category or Residential Apartment Zone Category

If a **lot** in the Employment Industrial Zone category, abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, a **landscape** strip with a minimum width of 7.5 metres must be maintained adjacent to and running the full length of the part of the **lot line** that abuts the **lot** in the Residential Zone category or Residential Apartment Zone category.

60.5.75 Energy Regulations

60.5.75.1 General

(1) Renewable Energy Device - Location Restriction

In the Employment Industrial Zone category, a **renewable energy** device may not be located in a **front yard** or **side yard** that abuts a **street**.

(2) Renewable Energy Device - Height regulations

In the Employment Industrial Zone category, if a photovoltaic **solar energy** device or a thermal **solar energy** device is:

(A) located on a **building**;

(i) it must comply with all the minimum **building setback** requirements for a **building**; and

(ii) it must have no part of the device more than 3.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and

(B) ground mounted, the device must comply with all regulations applicable to a **building** or **structure**.

(3) Wind Energy Device - Building Setbacks

In the Employment Industrial Zone category all parts of a **wind energy** device must comply with the minimum **building setback** requirements for a **building** on the **lot** where the device is located.

(4) Wind Energy Device - Height

In the Employment Industrial Zone category no part of a **wind energy** device may exceed the maximum height permitted for a **building** by more than :

(A) 3.0 metres if:

(i) it is located on a **lot** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category; or

(ii) the **building** is less than 15.0 metres in height; and

(B) 20.0 metres in all other cases.

(5) Geo-energy Device Requirements

In the Employment Zone category any above-ground part of a **geo-energy** device must comply with all the requirements of a **building** or **structure** on a **lot** in the zone in which the device is located.

(6) Cogeneration Device

In the Employment Industrial Zone category a **cogeneration energy** device may be located outside of a **building** on the **lot** if:

(A) it is not located in a **street yard**; and

(B) it complies with the minimum **building setback** requirements for a **building**.

60.5.80 Parking

60.5.80.1 General

(1) Calculation of Parking Space Rates for Manufacturing Uses

For the purpose of calculating the number of required **parking spaces** for a **manufacturing use** on a **lot** in an Employment Zone category, the **gross floor area** of a **building** used for **manufacturing use**, does not include the floor area used for the following:

(A) **Vehicle** parking;

(B) bicycle parking;

(C) loading;

(D) a **drive aisle** used to access a **parking space** or **loading space**;

(E) storage rooms or washrooms located in the **basement**;

(F) voids at the level of each floor involving a **manufacturing use**;

(G) shower facilities that are required by this By-law for required **bicycle parking spaces**;

(H) elevator shafts, ventilation duct, utility shafts;

(I) utility areas, catwalks, service platforms and mechanical penthouse; and

(J) exit stairwells and escalators in the **building**.

(2) Required Parking Space

In the Employment Industrial Zone category, if one or more off-**street parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

60.5.80.10 Location

(1) Parking in Street Yard

In the Employment Industrial Zone category a required **parking space** is permitted within the **street yard**, if:

- (A) the **parking space** is a minimum of 3.0 metres from the **front lot line** and **side lot lines**; and
- (B) the **parking space** is at a right angle to the **driveway** that provides access from the **street** to an area used for parking.

(2) Location of Parking Spaces

In the Employment Industrial Zone category a **parking space** may be located:

- (A) in a **front yard** or a **side yard** that abuts a **street**, if there are no more than 5 **parking spaces** for the first 15.0 metres of **main wall** length and thereafter 2 **parking spaces** for each additional 15.0 metres of **main wall**, abutting the yard containing the **parking spaces**;
- (B) in a **side yard** that does not abut a **street**; and
- (C) in a **rear yard**.

(3) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

60.5.80.11 Location Exemptions

(1) Existing Required Parking Space Located Off-Site

Despite 60.5.80.10.(3), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

(2) Parking Location – Front Yard and Side Yard Parking Exemption

If a **lawfully existing building** has **lawfully existing parking spaces** in the **front yard** or **side yard**, the requirements of 60.5.80.10 do not apply to those **lawfully existing parking spaces**.

60.5.80.20 Setbacks

(3) Building Setback from Lot in the Residential Zone category or Residential Apartment Zone category

If a **lot** in the Employment Industrial Zone category abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, a **parking space** and **drive aisle** must be set back at least 7.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

60.5.80.40 Access to Parking Space

(1) Drive Aisle Width

Within a parking area of a **lot** in the Employment Industrial Zone category the following **drive aisle** widths apply:

- (A) if the centreline of a **parking space** is at an interior angle of 70 to 90 degrees to the centreline of the **drive aisle** providing access, the minimum width for a one or two **lane drive aisle** is 6.0 metres;
- (B) if the centreline of a **parking space** is at an interior angle from 50 to less than 70 degrees to the centreline of the **drive aisle** providing access, the minimum width for a **drive aisle** is 5.5 metres for

each **lane**;

- (C) if the centreline of a **parking space** is at an interior angle of less than 50 degrees from the centreline of the **drive aisle** providing access, the minimum width for a **drive aisle** is 4.0 metres for each **lane**.

60.5.90 Loading

60.5.90.1 General

(1) Calculation of Loading Space Rates for Manufacturing Uses

For the purpose of calculating the number of required **parking spaces** for a **manufacturing use** on a **lot** in an Employment Zone category, the **gross floor area** of a **building** used for **manufacturing use**, does not include the floor area used for the following:

- (A) **Vehicle** parking;
- (B) bicycle parking;
- (C) loading;
- (D) a **drive aisle** used to access a **parking space** or **loading space**;
- (E) storage rooms or washrooms located in the **basement**;
- (F) voids at the level of each floor involving a **manufacturing use**;
- (G) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (H) elevator shafts, ventilation duct, utility shafts;
- (I) utility areas, catwalks, service platforms and mechanical penthouse; and
- (J) exit stairwells and escalators in the **building**.

60.5.95 Bicycle Parking

(1) Location Relative to Building Entrance

In the Employment Zone Category a short-term **bicycle parking space** must not be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

(2) Long Term Bicycle Parking Space Location

If a **lot** is located in the Employment Zone category, then a long-term **bicycle parking space** must be located:

- (A) outside on grade;
- (B) on the ground floor of the **building**; or
- (C) in a below grade parking **structure** and must occupy a minimum of 50 percent of the area available for vehicular **parking spaces** and **bicycle parking spaces** at each level of the **building** below grade, commencing with the first level below grade and moving down, in one level increments, until all required **bicycle parking spaces** have been provided.

60.5.100 Access to Lot

60.5.100.1 General

(1) Driveway Widths

In the Employment Industrial Zone category any portion of the **driveway** providing access to the **lot** from a **street** must have:

- (A) a minimum width of 6.0 metres; and
- (B) a maximum width of 11.0 metres.

60.5.100.10 Location

(2) Driveway Access Through a Landscaped Area

In the Employment Industrial Zone category a **driveway** providing direct access from a **street** or **lane**

may cross a required **landscaped** area if the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

(6) Access to Loading Restrictions Adjacent to a Lot in a Residential Zone Category or Residential Apartment Zone Category

If a **lot** in the Employment Industrial Zone category abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, vehicular access to the **loading space** it may not be through any part of a **lot** in the Residential Zone category or Residential Apartment Zone category.

(8) Access Location if Abutting a Lot in the Residential Zone Category or Residential Apartment Zone Category

If a **lot** in the Employment Industrial Zone category abuts a **lot** in the Residential Zone category or Residential Apartment Zone category, access to the **lot** may not be through any part of a **lot** in the Residential Zone category or Residential Apartment Zone category.

60.10 Employment Light Industrial Zone (EL)

60.10.1 General

60.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 60.10 apply to lands, uses, **buildings** and **structures** in an EL zone.

(3) Interpretation of the Employment Light Industrial Zone Label

In an EL zone:

- (A) The zone symbol on the Zoning By-law Map for Employment Light Industrial Zones consists of the letters EL indicating the primary land use permitted in the respective zone. and
- (B) The numerical value following the zone symbol represents the maximum permitted floor space index of all land uses on the **lot**.

60.10.20 Permitted Uses

60.10.20.1 General

(1) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Employment Light Industrial Zone on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

(2) Sorting Activities in an Enclosed Building

In an EL zone, the separating or sorting of **recyclable materials** associated with a use must take place only within a wholly enclosed **building**.

60.10.20.10 Permitted Use

(1) Use – EL Zone

In the EL zone, the following uses are permitted:

Ambulance Depot

Artist Studio

Automated Banking Machine

Bindery
 Carpenter's Shop
 Cold Storage
Custom Workshop
 Dry Cleaning or Laundry Plant
Financial Institution
 Fire Hall
Industrial Sales and Service Use
Laboratory
Park
Performing Arts Studio
 Police Station
Production Studio
Self-storage Warehouse
Service Shop
Warehouse
Wholesaling Use .

60.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – EL Zone

In the EL zone, the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.10.20.100:

Apparel and Textile Manufacturing (8)
 Beverage Manufacturing (8)
Cogeneration Energy Production (17)
Contractor's Establishment (7)
Eating Establishment (5,14)
 Food Manufacturing (8, 10)
 Furniture Manufacturing (8)
 Metal Products Manufacturing (8)
 Office (3)
Open Storage (12)
 Plastic Product Manufacturing (8)
 Printing Establishment (8)
Public Utility (18)
Recreation Use (1)
Renewable Energy Production (17)
Retail Store (5)
Software Development and Processing (2)
Take-out Eating Establishment (5,16)
Transportation Uses (19)

60.10.20.100 Conditions

(1) Recreation Use Condition

In an EL zone, a golf driving range is a permitted **Recreation Use** if:

- (A) the **lot** is a minimum of 70 metres from a **lot** in a Residential Zone category; and
- (B) there is a fence between the use and all **lot lines**.

(2) Software Development and Processing Condition

In an EL zone, **software development and processing** is a permitted use if the **interior floor area** on a

lot does not exceed 5,000 square metres.

(3) Office Condition

In an EL zone, office is a permitted use if the **interior floor area** on the **lot** is the lesser of:

- (A) 5,000 square metres; or
- (B) an area equal to the maximum permitted floor space index for the **lot**.

(5) Retail Store, Eating Establishment and Take-out Eating Establishment Condition

In an EL zone, a **retail store, eating establishment** and **take-out eating establishment** is only permitted if:

- (A) it is in conjunction with a permitted **manufacturing use**;
- (B) the total cumulative **interior floor area** on a **lot** used for a **retail store, eating establishment, or take-out eating establishment**, individually or in combination, does not exceed 20% of the total existing **gross floor area** of the permitted **manufacturing use**; and
- (C) the **retail store, eating establishment or take-out eating establishment** individually or in combination on a **lot** is separated from the permitted **manufacturing use** by a floor-to-ceiling partition wall to prevent public access from these uses.

(7) Contractor's Establishment Condition

In an EL zone, a **contractor's establishment** is permitted on a **lot** if heavy equipment such as cranes, ploughs, tractors, pile drivers, road making, wrecker's or steel erector's equipment is not stored on the **lot**.

(8) Manufacturing Use - Interior Floor Area Condition

In an EL zone, a printing establishment or a **manufacturing use** listed in Clause 60.10.20.20 is permitted if the total **interior floor area** of all **manufacturing uses** on the **lot** is the lesser of:

- (A) 5,000 square metres; or
- (B) an area equal to the maximum permitted floor space index for the **lot**.

(10) Food Manufacturing Condition

In an EL zone, food manufacturing involving the processing, packaging or baking of foods other than meats, fish, fowl, or dairy products is permitted. Other forms of cooking, brewing, or pickling of foods are not permitted.

(12) Open Storage Condition

(A) In an EL zone, **open storage** is permitted if it is in conjunction with a permitted **manufacturing use** and:

- (i) it is on a **lot** that does not abut a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (ii) it is not located in the **front yard** of the **lot**;
- (iii) it is located a minimum of 7.5 metres from any **lot line**;
- (iv) it is not more than 10% of the **lot area**;
- (v) it is not more than the maximum permitted height of a **building** on the **lot**; and
- (vi) the area used for **open storage** is fenced.

(B) In an EL zone, **open storage** may contain **recyclable material** and waste.

(14) Eating Establishment Condition

In an EL zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.

(16) Take-out Eating Establishment Condition

In an EL zone, a **take-out eating establishment** must comply with the specific use regulations in Section 150.100.

(17) Renewable Energy Production or Cogeneration Energy Production Condition

In a EL zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(18) Public Utility Condition

In an EL zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the EL zone; and
- (C) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the EL zone.

(19) Transportation Uses Condition

A **building** or **structure** located on a **lot** in an EL zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

60.10.30 Lot Requirements

60.10.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in a EL zone

In an EL zone, the minimum **lot frontage** is 15.0 metres.

60.10.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In an EL zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 60.10.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

60.10.40 Principal Building Requirements

60.10.40.10 Height

(2) Maximum Permitted Height - EL Zone

In an EL zone, if a **lot** is in an area that:

- (A) has a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres; or
- (B) has no numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is 18.5 metres.

(3) Height of Buildings and Structures - Green Roof

If a **building** in an EL zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres

60.10.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In an EL zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.10.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

60.10.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In an EL zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

60.10.40.70 Setbacks

(1) Minimum Front Yard Setback for Lots in an EL Zone

In an EL zone, the minimum **building** or **structure** setback from a **front lot line** is 6.0 metres.

(2) Minimum Side Yard Setback for Lots in an EL Zone

In an EL zone, the minimum **building** or **structure** setback from a **side lot line**:

(A) that does not abut a **street**, is:

- (i) 3.0 metres if the **lot frontage** is less than 30.0 metres;
- (ii) 4.5 metres if the **lot frontage** is from 30.0 metres to less than 60.0 metres; and
- (iii) 6.0 metres in all other cases; and

(B) that abuts a **street**, is 6.0 metres.

(4) Minimum Rear Yard Setback for Lots in an EL Zone

In an EL zone, the minimum **building** or **structure** setback from a **rear lot line** is 7.5 metres.

(5) Minimum Building Setback for Lots in an EL Zone abutting the Residential Zone Category or Residential Apartment Zone Category

In an EL zone, the minimum **building** or **structure** setback from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category is 15.0 metres.

60.10.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In an EL zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.10.40.71 (1) may be set back from a **front lot line**, **rear lot line** or any **side lot line** to the same extent as the **main walls** of the **lawfully existing building** or be authorized by a Section 45 Planning Act minor variance.

(3) Building Setback Exemptions for Loading at Railway Tracks in an EL zone

Despite regulations 60.10.40.70 (2) and (4), in an EL zone, a **building** or **structure** used for loading or unloading of railway cars requires no **building setback** from a **side lot line** or **rear lot line** that abuts the railway right-of-way.

60.10.50 Yards

60.10.50.10 Landscaping

(2) Soft Landscaping- Street Lot Line Requirement

In an EL zone, any **lot line** abutting a **street** must have a minimum of 3.0 metre wide strip of **soft landscaping** along the entire length of the **lot line**, excluding lands used for **driveways** and walkways.

60.10.60 Ancillary Buildings and Structures

60.10.60.1 General

(1) Ancillary Building and Structure - Compliance

In an EL Zone, **ancillary buildings** and **structures** must comply with the **building** and **structure** regulations of this zone.

60.10.60.10 Location

(1) Location of Buildings or Structures Used for the Purpose of a Gatehouse, Scale, Weigh-house, Fire Pump House or Other Security Purpose in an EL Zone

In an EL zone a **building** or **structure** used for the purpose of a gatehouse, scale, weigh-house, fire pump house or other security purpose is:

- (A) permitted within the **front yard**; and
- (B) not subject to the minimum **front yard**, **side yard** and **rear yard building setback** regulations.

60.10.80 Parking

60.10.80.1 General

(1) Applicable Parking Rate - Retail Store, Eating Establishment, and Take-out Eating Establishment

In an EL zone, the **parking space** requirement for a **retail store**, **eating establishment**, and **take-out eating establishment**, in conjunction with a **manufacturing use**, is calculated at the same rate as the permitted **manufacturing use** located on the **lot**.

60.10.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

60.10.90 Loading

60.10.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

60.10.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 60.10.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 60.10.90.10(1).

60.10.90.40 Access to Loading Space

(1) Access to Loading Space on a Lot in an EL Zone

In an EL zone:

- (A) if a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**;
- (B) if a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** identified on the Policy Areas Overlay Map, access to a **loading space** must be from the **street** which is not a major **street**; and
- (C) if a **lot** is not a **lot** described in (A) or (B), access to a **loading space** may be from the **street** on which the **lot** fronts.

(2) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** may not have its access through a **main wall** that faces a **street**.

60.10.90.41 Access to Loading Space Exemptions

(1) Existing Access to Loading Space Exemption for Buildings on Lots in an EL Zone

In an EL zone, if an existing **building** on a **lot** on the date of the enactment of this By-law has a **lawful** access to a **loading space** that does not comply with regulation 60.10.90.40 (1) or article 220.5.20, the access may remain.

(2) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 60.10.90.40(2), that **lawfully existing loading space** is exempt from the requirements of regulation 60.10.90.40(2).

60.20 Employment Industrial Zone (E)

60.20.1 General

60.20.1.10 Interpretation

(1) Application of This Section

The regulations in Section 60.20 apply to lands, uses, **buildings** and **structures** in an E zone.

(2) Interpretation of the Employment Industrial Zone Label

The zone symbol on the Zoning By-law Map for employment industrial zones consists of the letters E indicating the primary land use permitted in the respective zone and the numerical value following the zone symbol represents the maximum permitted floor space index of all land uses on the **lot**.

60.20.20 Permitted Uses

60.20.20.1 General

(2) Sorting Activities in an Enclosed Building

In an E zone, the separating or sorting of **recyclable materials** associated with a use must take place only within a wholly enclosed **building**.

60.20.20.10 Permitted Use

(1) Use – E Zone

In the E zone, the following uses are permitted:

Ambulance Depot

Animal Shelter

Artist Studio

Automated Banking Machine

Bindery

Building Supply Yards

Carpenter's Shop
 Cold Storage
Contractor's Establishment
Custom Workshop
 Dry Cleaning or Laundry Plant
Financial Institution
 Fire Hall
Industrial Sales and Service Use
Kennel
Laboratory
Park
Performing Arts Studio
Pet Services
 Police Station
 Printing Establishment
Production Studio
Public Works Yard
Recreation Use
Service Shop
Software Development and Processing
Warehouse
Wholesaling Use

Manufacturing Use if it is not one of the following:

- 1) Abattoir, Slaughterhouse or Rendering of Animals Factory;
- 2) Ammunition, Firearms or Fireworks Factory;
- 3) Asphalt Plant;
- 4) Cement Plant, or Concrete Batching Plant;
- 5) Crude Petroleum Oil or Coal Refinery;
- 6) Explosives Factory;
- 7) **Industrial Gas Manufacturing;**
- 8) Large Scale Smelting or Foundry Operations for the Primary Processing of Metals;
- 9) **Pesticide or Fertilizer Manufacturing;**
- 10) **Petrochemical Manufacturing;**
- 11) Primary Processing of Gypsum;
- 12) Primary Processing of Limestone;
- 13) Primary Processing of Oil-based Paints, Oil-based Coatings or Adhesives;
- 14) Pulp Mill, using pulpwood or other vegetable fibres;
- 15) **Resin, Natural or Synthetic Rubber Manufacturing;**
- 16) Tannery .

60.20.20 Permitted Use - with Conditions

(1) Use with Conditions – E Zone

In the E zone, the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.20.20.100:

Cogeneration Energy Production (26)
Drive Through Facility (5,21)
Eating Establishment (3,19)
Education Use (7)
 Metal Factory involving Forging and Stamping (25)
 Office (2)
Open Storage (10)

- Public Utility** (27)
- Recovery Facility** (8)
- Renewable Energy Production** (26)
- Retail Service** (3)
- Retail Store** (4)
- Shipping Terminal** (11)
- Take-out Eating Establishment** (3,20)
- Transportation Uses** (28)
- Vehicle Depot** (6)
- Vehicle Fuel Station** (16)
- Vehicle Repair Shop** (23)
- Vehicle Service Shop** (17)
- Vehicle Washing Establishment** (18)

60.20.20.100 Conditions

(2) Office Condition

In an E zone, office is a permitted use if the maximum **interior floor area** on a **lot** used for office is the lesser of an area equal to:

- (A) a floor space index of 0.5; or
- (B) the floor space index shown on the Zoning Map.

(3) Eating Establishment, or Take-out Eating Establishment and Retail Service Condition

In an E zone, the total cumulative **interior floor area** on a **lot** used for an **eating establishment, take-out eating establishment** and **retail service** may not individually or in combination exceed the greater of:

- (A) 300 square metres; or
- (B) 10% of the total **gross floor area** of the **buildings** on the **lot** to a maximum of 500 square metres.

(4) Retail Store Condition

- (A) In an E zone, a **retail store** is permitted in conjunction with a permitted **manufacturing use** if:
 - (i) the **interior floor area** devoted to a **retail store** does not exceed 20% of the total **interior floor area** of the **manufacturing use** on the **lot**; and
 - (ii) the **retail store** on a **lot** is separated by a floor-to-ceiling partition wall from the **manufacturing use** to prevent public access.
- (B) In an E zone, a **retail store** is permitted in conjunction with a **vehicle fuel station** if:
 - (i) the **retail store** is limited to a convenience store only;
 - (ii) the total **interior floor area** devoted to the **vehicle fuel station, retail store, eating establishment** or takeout **eating establishment** does not exceed 300 square metres; and
 - (iii) the convenience store may only remain on the **lot** as long as the **vehicle fuel station** use exists.
- (C) For the purposes of this condition, a convenience store means a **premises** which sells products such as engine oil, washer fluid, road salt, packaged or canned food products, newspapers and magazines.

(5) Drive Through Facility Condition

In an E zone, a **drive through facility** is permitted if:

- (A) it is in association with another permitted use in an E zone; and
- (B) the **lot** has frontage on a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15.

(6) Vehicle Depot Condition

In an E zone, a **lot** containing a **vehicle depot** must be a minimum of 70 metres from a **lot** in a Residential Zone category or a Residential Apartment Zone category.

(7) Education Use Condition

In an E zone, **education use** is a permitted use if:

- (A) the use only involves technical and trade skills development for the use and operation of manufacturing equipment and machinery;
 - (B) the maximum floor space index cannot exceed the lesser of:
 - (i) 0.5; or
 - (ii) the maximum permitted floor space index shown on the Zoning Map.
- (8) Recovery Facility Condition
- In an E zone, a **recovery facility** is a permitted use if:
- (A) it is not one or a combination of the following:
 - (i) an asphalt **recovery facility**;
 - (ii) a concrete **recovery facility**;
 - (iii) a heavy metal **recovery facility** (arsenic, lead, mercury and cadmium);
 - (iv) a hazardous chemical **recovery facility**;
 - (v) a petrochemical **recovery facility**;
 - (vi) an industrial gas **recovery facility**;
 - (vii) a rubber **recovery facility**; and
 - (viii) an asbestos **recovery facility**;
 - (B) it is located a minimum of 70 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
 - (C) the separating or sorting of materials only takes place within a wholly enclosed **building**.
- (10) Open Storage Condition
- (A) In an E zone, **open storage** is permitted if it is in conjunction with a permitted **manufacturing use** and:
 - (i) it is on a **lot** that does not abut a **lot** in the Residential Zone category or the Residential Apartment Zone category;
 - (ii) it is not located in the **front yard** of the **lot**;
 - (iii) it is located a minimum of 7.5 metres from any **lot line**;
 - (iv) it is not more than 30% of the **lot area**;
 - (v) it is not more than the maximum permitted height of a **building** on the **lot**; and
 - (vi) the area used for **open storage** is fenced.
 - (B) In an E zone, **open storage** may contain **recyclable material** and waste.
- (11) Shipping Terminal Condition
- In an E zone, a **shipping terminal** is permitted if the **lot** is a minimum of 70 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category.
- (16) Vehicle Fuel Station Condition
- In an E zone, a **vehicle fuel station** must comply with the specific use regulations in Section 150.92.
- (17) Vehicle Service Shop Condition
- In an E zone, a **vehicle service shop** must comply with the specific use regulations in Section 150.94.
- (18) Vehicle Washing Establishment Condition
- In an E zone, a **vehicle washing establishment** must comply with the specific use regulations in Section 150.96.
- (19) Eating Establishment Condition
- In an E zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.
- (20) Take-out Eating Establishment Condition
- In an E zone, a **take-out eating establishment** must comply with the specific use regulations in Section 150.100.
- (21) Drive Through Facility Condition
- In an E zone, a **drive through facility** must comply with the specific use regulations in Section 150.80.
- (23) Vehicle Repair Shop Condition

In an E zone, a **lot** containing a **vehicle repair shop** must be a minimum of 100 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category.

(25) Metal Factory involving Forging and Stamping Condition

In an E zone, a **lot** containing a metal factory that involves forging or stamping of metal must be a minimum of 70.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category.

(26) Renewable Energy Production or Cogeneration Energy Production Condition

In an E zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(27) Public Utility Condition

In an E zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) an electrical transformer station that complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the E zone; and
- (C) a natural gas regulator station that complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the E zone.

(28) Transportation Uses

A **building** or **structure** located on a **lot** in an E zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

60.20.30 Lot Requirements

60.20.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in an E zone

In an E zone, the minimum **lot frontage** is 20.0 metres.

60.20.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In an E zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in 60.20.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

60.20.40 Principal Building Requirements

60.20.40.10 Height

(1) Maximum Permitted Height - E Zone

In an E zone, if a **lot** is in an area that:

- (A) has a numerical value shown on the Height Overlay Map, the maximum height of any **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres; or
- (B) has no numerical value shown on the Height Overlay Map, the maximum height of a permitted office **building**, or portion of a **building** used for office on the **lot** is 20.0 metres and for all other permitted uses no height applies.

(2) Height of Buildings and Structures - Green Roof

If a **building** in an E zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres

60.20.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In an E zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in 60.20.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

60.20.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In an E zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

60.20.40.70 Setbacks

(1) Minimum Front Yard Setback for Lots in an E Zone

In an E zone, the minimum **building** or **structure** setback from a **front lot line** is 3.0 metres.

(2) Minimum Side Yard Setback for Lots in an E Zone

In an E zone, the minimum **building** or **structure** setback from a **side lot line** is 3.0 metres.

(4) Minimum Rear Yard Setback for Lots in an E Zone

In an E zone, the minimum **building** or **structure** setback from a **rear lot line** is 7.5 metres.

(5) Minimum Building Setback for Lots in an E Zone abutting a Residential Zone Category or Residential Apartment Zone Category

In an E zone, the minimum **building** or **structure** setback from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category is 15.0 metres.

60.20.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In an E zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.20.40.71 (1) may be set back from a **front lot line**, **rear lot line** or any **side lot line** to the same extent as the **main walls** of the **lawfully existing building** or be authorized by a Section 45 Planning Act minor variance.

(3) Building Setback Exemptions for Loading at Railway Tracks in an E zone

Despite regulations 60.20.40.70 (2) and (4), in an E zone, a **building** or **structure** used for loading or unloading of railway cars requires no **building setback** from a **side lot line** or **rear lot line** that abuts the railway right-of-way.

60.20.50 Yards

60.20.50.10 Landscaping

(2) Soft Landscaping- Street Lot Line Requirement

In an E zone, any **lot line** abutting a **street** must have a minimum of 3.0 metre wide strip of **soft landscaping** along the entire length of the **lot line**, excluding land used for **driveways** and walkways.

60.20.60 Ancillary Buildings and Structures

60.20.60.1 General

(1) Ancillary Building and Structure - Compliance

In an E zone, **ancillary buildings** and **structures** must comply with the **building** and **structure** regulations of this zone.

60.20.60.10 Location

(1) Location of Buildings or Structures Used for the Purpose of a Gatehouse, Scale, Weigh-house, Fire Pump House or Other Security Purpose in an E Zone

In an E zone a **building** or **structure** used for the purpose of a gatehouse, scale, weigh-house, fire pump house or other security purpose is:

- (A) permitted within the **front yard**; and
- (B) not subject to the minimum **front yard**, **side yard** and **rear yard building setback** regulations.

60.20.80 Parking

60.20.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

60.20.90 Loading

60.20.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

60.20.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 60.20.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 60.20.90.10(1).

60.20.90.40 Access to Loading Space

(1) Access to Loading Space on a Lot in an E Zone

In an E zone:

- (A) if a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**;
- (B) if a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** identified on the Policy Areas Overlay Map, access to a **loading space** must be from the **street** which is not a major **street**; and
- (C) if a **lot** is not a **lot** described in (A) or (B), access to a **loading space** may be from the **street** on which the **lot** fronts.

(2) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** may not have its access through a **main wall** that faces a **street**.

60.20.90.41 Access to Loading Space Exemptions

(1) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 60.20.90.40(2), that **lawfully existing loading space** is exempt from the requirements of regulation 60.20.90.40(2).

60.30 Employment Heavy Industrial Zone (EH)

60.30.1 General

60.30.1.10 Interpretation

(1) Interpretation of the Employment Heavy Industrial Zone Label

The zone symbol on the Zoning By-law Map for employment heavy industrial zones consists of the letters EH indicating the primary land use permitted in the respective zone and the numerical value following the zone symbol represents the maximum permitted floor space index of all land uses on the **lot**.

(2) Application of This Section

The regulations in Section 60.30 apply to lands, uses, **buildings** and **structures** in an EH zone.

60.30.20 Permitted Uses

60.30.20.10 Permitted Use

(1) Use – EH Zone

In the EH zone, the following uses are permitted:

Ambulance Depot

Animal Shelter

Bindery

Building Supply Yards

Carpenter's Shop

Chemical Materials Storage

Cold Storage

Contractor's Establishment

Custom Workshop

Dry Cleaning or Laundry Plant

Fire Hall

Fuel Storage

Industrial Sales and Service Use

Laboratory

Police Station

Public Utility
Public Works Yard
Recovery Facility
Service Shop
Shipping Terminal
Vehicle Depot
Vehicle Repair Shop
Warehouse
Waste Transfer Station

Manufacturing Use, if it is not one of the following:

- 1) Ammunition, Firearms or Fireworks Factory;
- 2) Crude Petroleum Oil or Coal Refinery;
- 3) Explosives Factory;
- 4) Tannery.

60.30.20.20 Permitted Use - with Conditions

(1) Use with Conditions – EH Zone

In the EH zone, the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.30.20.100:

Cogeneration Energy Production (10)
Open Storage (1)
Outside Operations (2)
Propane Transfer, Handling and Storage Facility (9)
Renewable Energy Production (10)
Transportation Use (12)
Vehicle Service Shop (5)

60.30.20.100 Conditions

(1) Open Storage Condition

- (A) In an EH zone **open storage** is permitted on a **lot** if:
- (i) it does not encroach into the required **building** or **structure** setbacks for the **lot**;
 - (ii) it is fenced; and
- (B) In the EH zone **open storage** may contain **recyclable material** or waste.

(2) Outside Operations Condition

- In an EH zone outside operations associated with a permitted **manufacturing use** is permitted on a **lot** if:
- (A) it does not encroach into the required **building** or **structure** setbacks for the **lot**; and
- (B) the area used for outside operations is fenced.

(5) Vehicle Service Shop Condition

In an EH zone, a **vehicle service shop** must comply with the specific use regulations in Section 150.94.

(9) Propane Transfer, Handling and Storage Facility Condition

In an EH zone:

- (A) a propane transfer, handling and storage facility pertains to facilities which transfer, handle, or store propane in quantities equal to or greater than 5,000 U.S. Water Gallons (USWG) on the **lot**;
- (B) a propane transfer, handling and storage facility is permitted if the use is on a **lot** that is located a minimum of 500 metres from a **lot** that is in a Residential zone category, Residential Apartment zone category, Commercial zone category, Commercial Residential zone category, Commercial Residential Employment zone category, Institutional zone category, or Open Space zone category; and
- (C) a **manufacturing use** permitted in the EH zone that involves propane in the manufacturing process,

or in the operation of equipment or **vehicles** is not subject to (B).

(10) Renewable Energy Production or Cogeneration Energy Production Condition

In a EH zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(12) Transportation Use Condition

A **building** or **structure** located on a **lot** in an EH zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

60.30.30 Lot Requirements

60.30.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in an EH zone

In an EH zone, the minimum **lot frontage** is 30.0 metres.

60.30.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In an EH zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 60.30.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

60.30.40 Principal Building Requirements

60.30.40.10 Height

(1) Maximum Permitted Height - EH Zone

If a **lot** in an EH zone is in an area that:

(A) has no numerical value shown on the Height Overlay Map, the maximum height of a permitted office **building**, or portion of a **building** used for office on the **lot** is 20.0 metres and for all other permitted uses no height applies; or

(B) has a numerical value shown on the Height Overlay Map, the maximum height of any **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Green Roof

If a **building** in an EH zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed the **building** height by 2.0 metres.

60.30.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In an EH zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.30.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

60.30.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In an EH zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

60.30.40.70 Setbacks

(1) Minimum Front Yard Setback for Lots in an EH Zone

In an EH zone, the minimum **building** or **structure** setback from a **front lot line** is 3.0 metres.

(2) Minimum Side Yard Setback for Lots in an EH Zone

In an EH zone, the minimum **building** or **structure** setback from a **side lot line** is 3.0 metres.

(4) Minimum Rear Yard Setback for Lots in an EH Zone

In an EH zone, the minimum **building** or **structure** setback from a **rear lot line** is 7.5 metres.

(5) Minimum Building Setback for Lots in an EH Zone abutting the Residential Zone Category or the Residential Apartment Zone Category

In an EH zone, the minimum **building** or **structure** setback from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category is 15.0 metres.

60.30.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In an EH zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;
- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that **building** or **structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building** or **structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.30.40.71 (1) may be set back from a **front lot line**, **rear lot line** or any **side lot line** to the same extent as the **main walls** of the **lawfully existing building** or be authorized by a Section 45 Planning Act minor variance.

(3) Building Setback Exemptions for Loading at Railway Tracks in an EH zone

Despite regulations 60.30.40.70 (2) and (4), in an EH zone, a **building** or **structure** used for loading or unloading of railway cars at railway tracks requires no **building setback** from a **side lot line** or **rear lot line** that abuts the railway right-of-way.

60.30.60 Ancillary Buildings and Structures

60.30.60.1 General

(1) Ancillary Building and Structure - Compliance

In an EH zone, **ancillary buildings** and **structures** must comply with the **building** and **structure** regulations of this zone.

60.30.90 Loading

60.30.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in any yard that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category.

60.40 Employment Industrial Office Zone (EO)

60.40.1 General

60.40.1.10 Interpretation

(1) Interpretation of Employment Industrial Office Zone Label

In an EO Zone:

- (A) the zone symbol on the Zoning By-law Map for employment industrial office zones consists of the letters EO indicating the primary land use permitted in the respective zone;
- (B) the numerical value following the zone symbol represents the maximum permitted floor space index of all land uses on the **lot**; and
- (C) the letters and numbers in brackets following the zone symbol have the following meaning:
 - (i) the letter 'e' refers to employment industrial uses permitted on the **lot** and numerical value indicates the maximum floor space index permitted for employment uses on the **lot**; and
 - (ii) the letter 'o' refers to non-employment industrial uses permitted on the **lot** and the numerical value indicates the maximum floor space index permitted for residential uses on the **lot**.

(2) Medical Office

For the purposes of the EO Zone, a medical office includes a medical clinic.

(3) Application of This Section

The regulations in Section 60.40 apply to lands, uses, **buildings** and **structures** in an EO zone.

60.40.20 Permitted Uses

60.40.20.1 General

(1) Sorting Activities in an Enclosed Building

In an EO zone, the separating or sorting of **recyclable materials** associated with a use must take place only within a wholly enclosed **building**.

60.40.20.10 Permitted Use

(1) Use – EO Zone

In an EO zone:

- (A) the following uses are permitted under the letter 'e':

Animal Shelter

Artist Studio

Bindery

Carpenter's Shop

Cold Storage

Custom Workshop

Dry Cleaning or Laundry Plant

Furniture Manufacturing

Industrial Sales and Service Use

Laboratory

Medical Equipment and Supplies Manufacturing
Printing Establishment
Production Studio
Self-storage Warehouse
Service Shop
Veterinary Hospital
Warehouse
Wholesaling Use .

(B) the following uses are permitted under the letter 'o':

Art Gallery
Automated Banking Machine
Club
Community Centre
Financial Institution
Library
Medical Office
Museum
Office
Park
Passenger Terminal
Performing Arts Studio
Recreation Use
Software Development and Processing .

60.40.20.20 Permitted Use - with Conditions

(1) Use with Conditions – EO Zone

In an EO zone:

(A) the following uses are permitted under the letter 'e' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.40.20.100:

Apparel and Textile Manufacturing (3)
Beverage Manufacturing (3)
Clay Product Manufacturing (3)
Cogeneration Energy Production (24)
Computer, Communications, Electronics, or Optical Media Manufacturing (3)
Contractor's Establishment (2)
Food Manufacturing (3)
Metal Products Manufacturing (3)
Open Storage (13)
Pharmaceutical and Medicine Manufacturing (3)
Plastic Product Manufacturing (3)
Public Utility (25)
Renewable Energy Production (24)
Transportation Product and **Vehicle** Manufacturing (3)
Transportation Use (26)

(B) the following uses are permitted under the letter 'o' if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.40.20.100:

Drive Through Facility (10,18)
Eating Establishment (6,16, 20)
Hotel (5)
Municipal Shelter (4)

- Outdoor Patio** (14)
- Personal Service Shop** (6)
- Place of Assembly** (11,19)
- Public Parking** (8,9)
- Retail Service** (6)
- Retail Store** (6, 23)
- Take-out Eating Establishment** (6,17, 20)
- Vehicle Fuel Station** (21)

60.40.20.100 Conditions

(2) Contractor's Establishment Condition

In an EO zone, a **contractor's establishment** is permitted on a **lot** if heavy equipment, such as cranes, ploughs, tractors, pile drivers, road making, wrecker's or steel erector's equipment, is not stored on the **lot**.

(3) Manufacturing Use- Interior Floor Area Condition

In an EO zone, a **manufacturing use** listed in Clause 60.40.20.20 is permitted if the maximum **interior floor area** of all **manufacturing uses** on the **lot** is not more than the lesser of:

- (A) 5,000 square metres; or
- (B) the maximum permitted floor space index for the **lot** associated with the 'e'.

(4) Municipal Shelter

In an EO zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

(5) Hotel Condition

In an EO zone, a **hotel** is permitted if the **lot** fronts a major **street** shown on the Policy Areas Overlay Map found in Section 995.15.

(6) Retail Service, Retail Store, Personal Service Shop, Eating Establishment or Take-out Eating Establishment Condition

In an EO zone, **retail service, retail store, personal service shop, eating establishment, or take-out eating establishment** are permitted uses if the total cumulative **interior floor area** on a **lot** used for these uses do not individually or in combination exceed the greater of:

- (A) 300 square metres; or
- (B) 10% of the total **gross floor area** of the **buildings** on the **lot** to a maximum of 500 square metres.

(8) Public Parking- Abutting a Lot in a Residential Zone Category or the Residential Apartment Zone Category Condition

In an EO zone, if a **lot** used for **public parking** abuts a **lot** in the Residential Zone category or Residential Apartment Zone category:

- (A) access to the **public parking** must not be through any part of a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (B) any part of a **lot line** abutting a **lot** in the Residential Zone category or Residential Apartment Zone category must be fenced; and
- (C) an area used for the parking or storage of a **vehicle** must be at least 3.0 metres from a **lot line** that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category.

(9) Public Parking- Attendant Shelter Condition

In an EO zone, on a **lot** used for **public parking**, one **building** or **structure** for parking attendants is permitted if it:

- (A) has a maximum height of 4.0 metres, including all mechanical equipment;
- (B) has a maximum **interior floor area** of 5.0 square metres; and
- (C) is at least 6.0 metres from a **lot line** abutting a **street**.

(10) Drive Through Facility Condition

In an EO zone, a **drive through facility** is permitted if:

- (A) the use is in conjunction with another permitted use in an EO zone; and

- (B) the **lot** has frontage on a major **street** as shown on the Policy Areas Overlay Map found in Section 995.15.
- (11) Place of Assembly Condition
 In an EO zone, a **place of assembly** is permitted on a **lot** that has an 'o' floor space index value of 2.0 or greater.
- (13) Open Storage Condition
 In an EO zone:
 (A) **open storage** is permitted if it is in conjunction with a permitted use and it is:
 (i) not located in a yard that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;
 (ii) not more than 10% of the **lot area**;
 (iii) set back a minimum of 7.5 metres from all **lot lines**; and
 (iv) fenced.
 (B) In an EO zone, **open storage** may contain **recyclable material** and waste.
- (14) Outdoor Patio Condition
 In an EO zone, an **outdoor patio** is permitted if it is in combination with another permitted use and provided the **outdoor patio**:
 (A) is no closer to a **lot line** than the minimum **building setback** required for the **building** from that **lot line**;
 (B) does not occupying more than 20% of the **front yard**;
 (C) is not located on land required for parking, loading, **driveways** or **landscaping**;
 (D) has a maximum area the greater of:
 (i) 30 square metres; or
 (ii) 30% of the **interior floor area** of the **premises** it is associated with;
 (E) must not be used to provide entertainment uses such as performances, music and dancing;
 (F) is set back a minimum of 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
 (G) despite (F) above, if located above the first **storey** of the **building**, must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or Residential Apartment Zone category; and
 (H) if on a **lot** which abuts a **lot** in the Residential Zone category or the Residential Apartment Zone category, or a **lot** is within 10.0 metres of a **lot** in a Residential Zone category or Residential Apartment Zone category, an **outdoor patio** located in the **rear yard** of the **lot** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**.
- (16) Eating Establishment Condition
 In an EO zone, an **eating establishment** must comply with the specific use regulations in Section 150.100.
- (17) Take-out Eating Establishment Condition
 In an EO zone, a **take-out eating establishment** must comply with the specific use regulations in Section 150.100.
- (18) Drive Through Facility Condition
 In an EO zone, a **drive through facility** must comply with the specific use regulations in Section 150.80.
- (19) Place of Assembly- Banquet Hall Condition
 In an EO zone, a **place of assembly** that is a banquet hall must comply with the specific use regulations in Section 150.98.
- (20) Eating Establishment and Take-out eating Establishment- Amusement Device Condition
 In an EO zone, an **eating establishment** or **take-out eating establishment** with an **interior floor area** of at least 130 square metres may have a maximum of 2 **amusement devices**.
- (21) Vehicle Fuel Station Condition
 In an EO zone, a **vehicle fuel station** must comply with the specific use regulations in Section 150.92.
- (23) Retail Store Condition

- (A) In an EO zone, **retail store** is a permitted use in conjunction with a permitted **manufacturing use** if:
 - (i) the **interior floor area** used for a **retail store** does not exceed 20% of the total **gross floor area** existing on the **lot**; and
 - (ii) a **retail store** on a **lot** must be separated by a floor-to-ceiling partition wall from the permitted **manufacturing use** to prevent public access.
- (B) In an EO zone, a **retail store** is permitted in conjunction with a **vehicle fuel station** if:
 - (i) the **retail store** is limited to a convenience store only;
 - (ii) the total interior floor are devoted to the **vehicle fuel station, retail store, eating establishment** or takeout **eating establishment** does not exceed 300 square metres; and
 - (iii) the convenience store may only remain on the **lot** as long as the **vehicle fuel station** use exists.
- (C) For the purposes of this condition, a convenience store means **premises** which sells products such as engine oil, washer fluid, road salt, packaged or canned food products, newspapers and magazines.

(24) Renewable Energy Production or Cogeneration Energy Production Condition

In an EO zone, **renewable energy** production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(25) Public Utility Condition

In an EO zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the EO zone; and
- (C) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the EO zone.

(26) Transportation Use Condition

A **building** or **structure** located on a **lot** in an EO zone and used for the purpose of a **transportation use** must comply with all applicable regulations for a **building** on that **lot**.

60.40.30 Lot Requirements

60.40.30.20 Lot Frontage

(1) Minimum Lot Frontage for Lots in a EO zone

In an EO zone, the minimum **lot frontage** is 30.0 metres.

60.40.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In an EO zone, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 60.40.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

60.40.40 Principal Building Requirements

60.40.40.10 Height

(1) Maximum Permitted Height - EO Zone

If a **lot** in an EO zone is in an area that:

- (A) has no numerical value shown on the Height Overlay Map, the maximum height of a **building** or

structure on the **lot** is 30.0 metres; and

(B) has a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Green Roof

If a **building** in an EO zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres

60.40.40.11 Lot Area Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In an EO zone, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings -- Height

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 60.40.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

60.40.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In an EO zone, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings** or **structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings** or **structures** on that **lot**.

60.40.40.70 Setbacks

(1) Minimum Front Yard Setback for Lots in an EO Zone

In an EO zone, the minimum **building** or **structure** setback from a **front lot line** is 9.0 metres.

(2) Minimum Side Yard Setback for Lots in an EO Zone

In an EO zone, the minimum **building** or **structure** setback from a **side lot line**:

(A) that does not abut a **street**, is:

- (i) 4.5 metres, if the **lot frontage** is less than 60.0 metres;
- (ii) 6.0 metres in all other cases; and

(B) that abuts a **street**, is 9.0 metres.

(4) Minimum Rear Yard Setback for Lots in an EO Zone

In an EO zone, the minimum **building** or **structure** setback from a **rear lot line** is 7.5 metres.

(5) Minimum Building Setback for Lots in an EO Zone abutting the Residential Zone Category or the Residential Apartment Zone Category

In an EO zone, the minimum **building** or **structure** setback from a **lot line** that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category is 15.0 metres.

60.40.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In an EO zone, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

(A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;

(B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that

building or structure; or

(C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building or structure**.

(2) Required Setbacks for Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in regulation 60.40.40.71(1) may be set back from a **front lot line**, **rear lot line** or any **side lot line** to the same extent as the **main walls** of the **lawfully existing building** or be authorized by a Section 45 Planning Act minor variance.

(3) Building Setback Exemptions for Loading at Railway Tracks in an EO zone

Despite regulations 60.40.40.70 (2) and (4), in an EO zone a **building or structure** used for loading or unloading of railway cars requires no **building setback** from a **side lot line** or **rear lot line** that abuts the railway right-of-way.

60.40.50 Yards

60.40.50.10 Landscaping

(2) Soft Landscaping- Street Lot Line Requirement

In an EO zone, any **lot line** abutting a **street** must have a minimum of 3.0 metre wide strip of **soft landscaping** along the entire length of the **lot line**, exclusive of **driveways** and walkways.

60.40.60 Ancillary Buildings and Structures

60.40.60.1 General

(1) Ancillary Buildings and Structures - Compliance

In an EO zone, **ancillary buildings** and **structures** must comply with the **building** and **structure** regulations of this zone.

60.40.60.10 Location

(1) Location of Buildings or Structures Used for the Purpose of a Gatehouse, Scale, Weigh-house, Fire Pump House or Other Security Purpose in an EO Zone

In an EO zone a **building** or **structure** used for the purpose of a gatehouse, scale, weigh-house, fire pump house or other security purpose is:

(A) permitted within the **front yard**; and

(B) not subject to the minimum **front yard**, **side yard** and **rear yard building setback** regulations.

60.40.80 Parking

60.40.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

60.40.90 Loading

60.40.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

(A) a **front yard**;

- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category.

60.40.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 60.40.90.10(1), a **lawfully existing loading space** is exempt from the requirements of regulation 60.40.90.10(1).

60.40.90.40 Access to Loading Space

(1) Access to Loading Space on a Lot in an EO Zone

In an EO zone:

- (A) if a **lot** abuts a **lane**, access to a **loading space** must be from the **lane**;
- (B) if a **corner lot** does not abut a **lane** and it has at least one **lot line** abutting a **street** which is not a major **street** identified on the Policy Areas Overlay Map, access to a **loading space** must be from the **street** which is not a major **street**; and
- (C) if a **lot** is not a **lot** described in (A) or (B), access to a **loading space** may be from the **street** on which the **lot** fronts.

(2) Access Through a Main Wall to a Loading Space

A **loading space** located in a **building** may not have its access through a **main wall** that faces a **street**.

60.40.90.41 Access to Loading Space Exemptions

(1) Access Through a Main Wall to a Loading Space Exemption

If a **lawfully existing building** has a **loading space** access in a **main wall** that does not comply with the **loading space** location requirements of regulation 60.20.90.40(2), that **lawfully existing loading space** is exempt from the requirements of regulation 60.20.90.40(2).

(2) Existing Access to Loading Space Exemption for Buildings on Lots in an EO Zone

In an EO zone, if an existing **building** on a **lot** on the date of the enactment of this By-law has a **lawful** access to a **loading space** that does not comply with regulation 60.40.90.40 (1), the access may remain.

Chapter 80 Institutional

80.5 Regulations applying to the Institutional Zone Category

80.5.1 General

80.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 80.5 apply to all lands, uses, **buildings** and **structures** in the Institutional Zone category.

(2) Interpretation of the Institutional Zone Symbol

The zone symbol on the Zoning By-law Map for zones in the Institutional Zone category consists of the letters I, IE, IH, IS, and IPW, indicating the primary land use permitted in the respective zone.

(3) Interpretation of the Zone Label

In the Institutional Zone Category, the number following the zone symbols indicates the maximum floor space index (FSI) permitted on a **lot**.

80.5.20 Permitted Uses

80.5.20.1 General

(1) Existing School

A **lawful public school** or **private school** existing on a **lot** in the Institutional Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **public school** or **private school building** must comply with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **public school** or **private school** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

(2) Existing Place of Worship

A **lawful place of worship** existing on a **lot** in the Institutional Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **place of worship building** must comply with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **place of worship** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.50 and the applicable requirements for the zone in which the **lot** is located.

80.5.30 Lot Requirements

80.5.30.11 Lot Area Exemptions

(1) Permitted Lot Area for Lawfully Existing Lots

In the Institutional Zone category, if the **lawful lot area** of an existing **lot** is less than the minimum **lot area** required by this By-law, that **lawful lot area** is the permitted minimum **lot area** for that **lot**.

(2) Additions to Lawfully Existing Buildings

In the Institutional Zone category, an addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in 80.5.30.11 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

80.5.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the Institutional Zone category, if the **lawful lot frontage** of an existing **lot** is less than the minimum **lot frontage** required by this By-law, that **lawful lot frontage** is the permitted minimum **lot frontage** for that **lot**.

(2) Additions to Lawfully Existing Buildings

In the Institutional Zone category, an addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in 80.5.30.21 (1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

80.5.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the Institutional Zone category, if the area of a **lot** covered by **lawfully existing buildings** or **structures** is greater than the maximum **lot coverage** permitted by this By-law, the percentage of the **lot**

covered by those **lawfully existing buildings** or **structures** is the maximum permitted **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

In the Institutional Zone category, an addition or extension to **lawfully existing buildings** or **structures** referred to in 80.5.30.41(1) must comply with all other applicable regulations of this By-law or be authorized by a Section 45 Planning Act minor variance.

80.5.40 Principal Building Requirements

80.5.40.1 General

(1) Application of this Article

The regulations in Article 80.5.40 apply to **buildings** and **structures** in the Institutional Zone category.

80.5.40.10 Height

(1) Determining the Height of a Building

In the Institutional Zone category, the height of a **building** or **structure** is measured as the distance between the average elevation of the grade along the **front lot line** and the elevation of the highest point of the **building** or **structure**.

(2) Height of Buildings and Structures - Exemptions for Specified Structures on a Building

If located on the roof of a **building**, the following **structures** may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres:

- (A) antennae;
- (B) flagpoles; and
- (C) satellite dishes.

(3) Height of Buildings and Structures - Exemptions for Functional Operation of a Building

If located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to regulation 5.10.40.10(5):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(4) Height of Buildings and Structures - Limits on Exempted Elements for Functional Operation of a Building

If equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 80.5.40.10(3), they must also comply with the following:

- (A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and
- (B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.

(5) Height of Buildings and Structures - Exemptions for Rooftop Outdoor Recreation, Safety and Wind Protection

If located on the roof of a **building** with a height greater than 15.0 metres, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of all **main walls**.

80.5.40.11 Height Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the Institutional Zone category, if the **lawful** height of a **lawfully existing building or structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building or structure**.

(2) Additions to Lawfully Existing Buildings -- Height

In the Institutional Zone category, an addition or extension to a **lawfully existing building or structure** referred to in 80.5.40.11(1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

80.5.40.40 Floor Area

(1) Gross Floor Area Calculations

In the Institutional Zone category the **gross floor area** of a **building** may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below grade;
- (B) loading and bicycle parking at grade;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower facilities that are required by this By-law for required **bicycle parking spaces**;
- (E) elevator shafts;
- (F) mechanical penthouse; and
- (G) exit stairwells in the **building**.

(2) Floor Space Index Calculation for a Building

In the Institutional Zone category the floor space index is the result of the **gross floor area** minus the areas of a **building** listed in 80.5.40.40 (1) divided by the area of the **lot**.

80.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Institutional Zone category, if the **gross floor area** of **lawfully existing buildings or structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by this By-law, the floor space index resulting from those **lawfully existing buildings or structures** on that **lot** is the maximum permitted floor space index for those **lawfully existing buildings or structures** on that **lot**.

80.5.40.60 Permitted Encroachments

(1) Canopies and Awnings

Despite regulation 5.10.40.70(1) and (2), a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

80.5.40.70 Setbacks

(1) Building Setback from a Lane

A **building or structure** in the Institutional Zone category must be no closer than 2.5 metres from the original centreline of a **lane**.

80.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Institutional Zone category, if the **building setback** of a **lawfully existing building or structure** is less than the minimum **building setback** required by this By-law from:

- (A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that existing **building or structure**;

- (B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that existing **building** or **structure**; or
- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that existing **building** or **structure**.

(2) Additions to Lawfully Existing Buildings

In the Institutional Zone category, an addition or extension to a **lawfully existing building** or **structure** referred to in 80.5.40.71(1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings

Despite 80.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building** or **structure** referred to in 80.5.40.71 (1) is the same minimum setback from the original centreline of the **lane** permitted by 80.5.40.71 (1.)

80.5.50 Yards

80.5.50.10 Landscaping

(1) Landscaping Requirement When Abutting a Lot in a Residential Zone Category

If a **lot** in an Institutional Zone category abuts a **lot** in a Residential Zone category, a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category.

80.5.60 Ancillary Buildings and Structures

80.5.60.10 Location

(1) Ancillary Building Location Restriction

An **ancillary building** or **structure** may not be located in a **front yard** in the Institutional Zone category.

80.5.60.20 Setbacks

(1) Separation of Building from a Lot in a Residential Category and Residential Apartment Zone Category

In an Institutional Zone category, an **ancillary building** with a height of more than 4.0 metres, must be set back from a **side lot line** and **rear lot line** at least one-half the height of the **ancillary building** and in no case is it set back less than 3.0 metres, if the **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

80.5.60.40 Height

(1) Height of Ancillary Buildings and Structures

In the Institutional Zone category, the height of an **ancillary building** or **structure** is the distance between **average grade** and the elevation of the highest point of the **building** or **structure**.

80.5.75 Energy Regulations

80.5.75.1 General

(1) Renewable energy or cogeneration energy device - Location restriction

In an Institutional Zone category, a device producing **renewable energy** or **cogeneration energy** may not be in a **front yard** or **side yard** that abuts a **street**.

(2) Renewable Energy Device - Height regulations

In an Institutional Zone category, if a photovoltaic **solar energy** device or a thermal **solar energy** device

is:

- (A) located on a **building**;
 - (i) it must comply with all the minimum **building setback** requirements for a **building**; and
 - (ii) it must have no part of the device more than 2.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and
 - (B) ground mounted, the device must comply with all zoning by-law regulations applicable to a **building** or **structure**.
- (3) Wind Energy Device - Building Setbacks
In an Institutional Zone category, all parts of **wind energy** device must comply with the minimum **building setback** requirements for a **building**.
- (4) Wind Energy Device - Height Restriction
In an Institutional Zone category, no part of the **wind energy** device may exceed the maximum height permitted for a **building** by more than:
 - (A) 3.0 metres if:
 - (i) the **wind energy** device is on a **lot** that abuts a **lot** in a Residential Zone category; or
 - (ii) the **building** is less than 25 metres in height;
 - (B) 5.0 metres in all other cases.
- (5) Geo-energy Requirements
In an Institutional Zone category, any above-ground part of a **geo-energy** device must comply with the all the requirements of an **ancillary building** or **structure** on a **lot** in the zone.
- (6) Cogeneration Device
In an Institutional Zone category, a **cogeneration energy** device may only be located inside a **building**.

80.5.80 Parking

80.5.80.1 General

- (1) Required Parking Space
In the Institutional Zone category, if one or more off-**street parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

80.5.80.10 Location

- (1) Location of Required Parking Spaces
A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.
- (2) Off-Site Parking
Despite 80.5.80.10(1), in an Institutional Zone category a required **parking space** may be located on an abutting **lot** if the zoning for that **lot** is the same as the **lot** for which the parking is required.

80.5.80.30 Separation

- (1) Parking Separation from lot line
In an Institutional Zone category, an area used for the parking or storage of 3 or more **vehicles** must be separated by a minimum 1.5 metres wide strip of **soft landscaping** from a **lot line** that abuts a **street** or **lane**.
- (2) Parking Restriction When Abutting Residential
If a **lot** in an Institutional Zone category abuts a **lot** in a Residential Zone category, an area used for the parking or storage of 3 or more **vehicles** may be located in a **rear yard** or **side yard** if a fence is constructed along the part of the **lot line** that abuts the **lot** in the Residential Zone category.

80.5.80.40 Access to Parking Space

(1) Drive Aisle Widths

In an Institutional Zone category, within a parking area the following **drive aisle** widths apply:

- (A) if the centreline of a **parking space** is at an (interior) angle of 70 to 90 degrees to the centreline of the **drive aisle** providing access, the minimum width for that one or two **lane drive aisle** is 6.0 metres;
- (B) if the centreline of a **parking space** is at an (interior) angle from 50 to less than 70 degrees to the centreline of the **drive aisle** providing access, the minimum width for that **drive aisle** is 5.5 metres for each **lane**; and
- (C) if the centreline of a **parking space** is at an (interior) angle of less than 50 degrees from the centreline of the **drive aisle** providing access, the minimum width for that **drive aisle** is 4.0 metres for each **lane**.

80.5.95 Bicycle Parking

(1) Location Relative to Building Entrance

In the Institutional Zone Category a short-term **bicycle parking space** must not be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

(2) Long Term Bicycle Parking Space Location

If a **lot** is located in a Institutional Zone category, then a long-term **bicycle parking space** must be located:

- (A) outside on grade;
- (B) on the ground floor of the **building**; or
- (C) in a below grade parking **structure** and must occupy a minimum of 50 percent of the area available for vehicular **parking spaces** and **bicycle parking spaces** at each level of the **building** below grade, commencing with the first level below grade and moving down, in one level increments, until all required **bicycle parking spaces** have been provided.

(3) Bicycle Parking Space - Storage Location

In a Institutional Zone category, a long-term **bicycle parking space** may not be located:

- (A) in a **dwelling unit** or **bed-sitting room**;
- (B) on a balcony; or
- (C) in a storage locker.

80.5.100 Access to Lot

80.5.100.10 Location

(1) Access to Non-Residential Uses when Adjacent to a Lot in a Residential Zone Category - Restriction on Sole Access from a Lane or Shared Private Right-of-Way

A **lot** in an Institutional Zone category may only be used for parking for a use on an adjacent **lot**, if it does not front on a **street** and has its only access from a **lane** or private right-of-way that abuts a **lot** in a Residential Zone category.

(2) Driveway Access to a Lot - Landscape Area Exemption

In an Institutional Zone category, a **driveway** providing direct access from a **street** or **lane** may cross a required **landscaped** area if the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

(3) Access to Parking Areas Adjacent to a Lot in a Residential Zone Category

If a **lot** in a Institutional Zone category abuts a **lot** in a Residential Zone category :

- (A) access to a **parking space** may not be through any part of a **lot** in a Residential Zone category;
- (B) any part of a **lot line** abutting a **lot** in a Residential Zone category must be fenced; and
- (C) a **parking space** may not be within 1.5 metres to a **lot line** that abuts a **lot** in a Residential Zone category.

(4) Loading Restrictions Adjacent to a Lot in a Residential Zone Category

An **ancillary loading space** is permitted on a **lot** in a Institutional Zone category that abuts a **lot** in a Residential Zone category if:

- (A) access to the **loading space** is not across any part of a **lot** in a Residential Zone category; and
- (B) any part of a **lot line** abutting a **lot** in a Residential Zone category is fenced.

80.10 Institutional General Zone (I)

80.10.1 General

80.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 80.10 apply to lands, uses, **buildings** and **structures** in an I zone.

(2) Medical Office

For the purposes of the I Zone, a medical office includes a medical clinic.

80.10.20 Permitted Uses

80.10.20.10 Permitted Use

(1) Permitted Use

The following uses are permitted if they comply with all the regulations in an I zone:

Art Gallery

Club

Community Centre

Hospice Care Home

Library

Medical Office

Museum

Nursing Home

Park

Recreation Use

Religious Education Use

Religious Residence

Respite Care Facility

Retirement Home .

80.10.20.20 Permitted Use - with Conditions

(1) Permitted Use with Conditions

The following uses are permitted in an I zone, if they comply with the specific conditions set out for each use in Clause 80.10.20.100 and the applicable regulations in Chapter 150 Specific Use Regulations:

Ambulance Depot (16)

Automated Banking Machine (10)

Cogeneration Energy Production (21)

Crisis Care Shelter (12)

Day Nursery (6)

Drive Through Facility

Eating Establishment (2)(7)

Financial Institution (3)

Fire Hall (17)

- Group Home** (13)
 - Municipal Shelter** (14)
 - Personal Service Shop** (4)
 - Place of Assembly** (5)
 - Place of Worship** (15)
 - Police Station (18)
 - Private School** (9)
 - Public Parking** (1)(8)
 - Public School** (9)
 - Public Utility** (19)
 - Renewable Energy** Production (21)
 - Residential Care Home** (13)
 - Retail Store** (2)
 - Student Residence** (11)
 - Take-out Eating Establishment** (2)(7)
 - Transportation and Municipally Owned **Public Parking** (20)
- (#) The number after the listed use is the condition number reference in Clause 80.10.20.100

80.10.20.30 Ancillary Use

(1) Permitted Ancillary Uses, buildings and Structures

In an Institutional Zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

80.10.20.100 Conditions

(1) Public Parking Abutting a Lot in a Residential Zone Category

If a **lot** in an I zone is used for **Public Parking** and the **lot** abuts a **lot** in a Residential Zone category:

(A) access to the **Public Parking** use may not be through any part of a **lot** in a Residential Zone category; and

(B) the requirements of Clause 80.5.80.30 apply.

(2) Retail Store, Eating Establishment and Take-out Eating Establishment - Condition

In an I zone:

(A) the **interior floor area** for each **retail store** and each **eating establishment** may not be more than 465 square metres; and

(B) the total cumulative **interior floor area** used for all **retail stores** and **eating establishments** on a **lot**, may not be more than 0.3 times the area of the **lot**.

(3) Financial Institution - Condition

A **financial institution** use is permitted in an I zone if it is not more than 250 square metres in **gross floor area**.

(4) Personal Service Shop - Condition

A **personal service shop** use is permitted in an I zone if it is not more than 250 square metres in **gross floor area**.

(5) Place of Assembly - Condition

A **place of assembly** is permitted in an I zone if the **Interior Floor Area** is not more than the lesser of:

(A) 4000 square metres; or

(B) 75% of the ground floor area of the **building**.

(6) Day Nursery - Condition

A **day nursery** use is permitted in an I zone if it is located entirely below the second floor.

(7) Size Restriction on Eating Establishments Near or Abutting a Residential Lot

If a **lot** in an I zone is within 6.1 metres of a **lot** in a Residential Zone category, the total **interior floor area** of all **Eating Establishments** and **Take-out Eating Establishments** is not to exceed 400 square metres.

(8) Public Parking - Attendant Shelter

Public Parking in an I zone may have one **ancillary building** for parking attendants with:

- (A) a maximum height of 4.0 metres, including all mechanical equipment;
- (B) a maximum **gross floor area** of 5.0 square metres; and
- (C) a minimum **building setback** of 6.0 metres from any **lot line** abutting a **street**.

(9) Public School or Private School

In an I zone, a **public school** and **private school** must also comply with the applicable requirements of Section 150.48.

(10) Automated Banking Machine

In an I zone, an **automated banking machine** must be located in a building

(11) Student Residence Condition

A **student residence** is permitted on a **lot** in an I zone, if the **building** is operated by the **Public School** or **Private School** on the same **lot**.

(12) Crisis Care Shelter

In an I zone, a **Crisis Care Shelter** must comply with the applicable requirements of Section 150.20.

(13) Group Home

In an I zone, a **Group Home** and **Residential Care Home** must also comply with the applicable requirements of Section 150.15.

(14) Municipal Shelter

In an I zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

(15) Place of Worship

In an I zone, a **Place of Worship** must comply with the applicable requirements of the zone and with the applicable requirements of Section 150.50.

(16) Ambulance Depot

If an ambulance depot is located on a **lot** in the Institutional Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(17) Fire Hall

If a fire hall is located on a **lot** in the Institutional Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(18) Police Station

If a police station is located on a **lot** in the Institutional Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a major **street** that intersects with a **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(19) Public Utility

A **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not a water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the Institutional zone;

(E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the Institutional zone.

(20) Transportation Use

In the Institutional Zone, a **building** or **structure** used for a public **transportation use** must comply with all applicable regulations for a **building** on that **lot** for the zone in which the **lot** is located.

(21) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

80.10.30 Lot Requirements

80.10.30.20 Lot Frontage

(1) Lot Frontage

In an I zone, the minimum **lot frontage** is 20.0 metres

80.10.30.40 Lot Coverage

(1) Lot Coverage

If an I zone does not contain a specific 'cv'-value, the maximum **lot coverage** permitted is 35%.

80.10.40 Principal Building Requirements

80.10.40.10 Height

(1) Height of Building or Structure

If a **lot** in a I zone is in an area that has:

(A) no numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is 15.0 metres; and

(B) a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Height Exemption for Specified Structures

If a **building** in an I zone has a **green roof**, a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres.

80.10.40.40 Floor Area

(1) Floor Space Index Limitation

If an I zone does not contain a specific 'd'-value, the maximum floor space index permitted is 1.0.

80.10.40.41 Floor Area Exemptions

(1) Floor Space Index Limitation Exemption

In the Institutional Zone category, if the **gross floor area** of **lawfully existing buildings** or **structures** on a **lot** results in a floor space index greater than the maximum floor space index permitted by regulation 80.10.40.40(1) then regulation 80.5.40.41(1) applies.

80.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space Requirement

In an I zone, if a permitted use is located in a **building** and the use contains a **dwelling unit** or **bed-sitting room**, a minimum of 0.9 square metres of **amenity space** must be provided for each **dwelling unit** and **bed-sitting room** and a minimum of 75% of the **amenity space** must be in a **building**.

80.10.40.60 Permitted Encroachments

(1) Canopy Encroachments

If a canopy or awning on a **building** in an I zone is less than 5.0 metres above the level of the ground directly below it, it may encroach into a required **building setback** a maximum of 4.0 metres.

(2) Permitted Encroachments- Exterior Stairs, Access Ramp and Elevating Device

In an I zone:

- (A) exterior stairs providing access to a **building** or **structure** may encroach into a required **building setback**, if the stairs:
 - (i) are no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the **building** or **structure**;
 - (ii) are no wider than 2.0 metres; and
 - (iii) are no closer to a **lot line** than 0.3 metres.
- (B) an uncovered ramp providing access to a **building** or **structure** may encroach into a required **building setback**, if that the ramp:
 - (i) is no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) is no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) is no closer to a **lot line** than 0.3 metres.
- (C) an elevating device providing access to a **building** or **structure** may encroach into a required **building setback**, if that the elevating device:
 - (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is no closer to a **lot line** than 0.3 metres.

(3) Permitted Encroachments - Required Angular Planes

In a I zone, a **building** or **structure** may not encroach into an **angular plane** required by this By-law.

80.10.40.70 Setbacks

(1) Building Setback Policy Areas 1 to 3

If a **lot** in an Institutional Zone is also located in Policy Area 1 (PA-1), Policy Area 2 (PA-2) or Policy Area 3 (PA-3), a **building** or **structure** on that **lot** must be set back:

- (A) not more than 3.0 metres from a **front lot line**;
- (B) a minimum of 5.5 metres from a **side lot line** that does not abut a **street** or **lane** if the **main wall** of a **building** facing the **side lot line** contains windows;
- (C) 3.0 metres from a **rear lot line** or **side lot line** that abuts a **lot** in a Residential Zone category; and
- (D) in all other cases, no **building setback** is required.

(2) Building Setback in other than Policy Areas 1 to 3

If a **lot** in an Institutional Zone is not located in Policy Area 1 (PA-1), Policy Area 2 (PA-2) or Policy Area 3 (PA-3), a **building** or **structure** on that **lot** must be set back from a **lot line** a distance equal to one half the height of the **building**.

80.10.50 Yards

80.10.50.10 Landscaping

(1) Front Yard Landscaping

In an I zone, the entire **front yard** not used for **driveway** access must be **landscaped** and a minimum of

75 percent of the **front yard landscaped** area must be **soft landscaping**.

(2) Soft Landscaping Requirement

In an I zone, a minimum of 50 % of the area of the **lot** must be used for **soft landscaping**.

80.10.50.30 Outdoor Storage / Outdoor Activity

(1) Restriction on Outside storage

No outside storage is permitted in an I zone.

80.10.80 Parking

80.10.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

80.10.90 Loading

80.10.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

(A) a **front yard**;

(B) a **side yard** abutting a **street**; or

(C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

80.10.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing loading space** in a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 80.10.90.10(1), that **lawfully existing loading space** is exempt from the requirements of regulation 80.10.90.10(1).

80.10.150 Waste

80.10.150.1 General

(1) Waste Storage

In an I zone, a **building** containing waste material or **recyclable material** may not be located in a **side yard** that abuts a **street** or in a **front yard**.

(2) Storage of Waste

In an I zone, all waste must be stored in a wholly enclosed **building** and must be a minimum of :

(A) 7.5 metres from a **lot** in a Residential Zone category, or open space zone category; and

(B) 1.0 metres from all other **side lot lines** and **rear lot lines**.

80.20 Institutional Hospital Zone (IH)

80.20.1 General

80.20.1.10 Interpretation

(1) Application of This Section

The regulations in Section 80.20 apply to lands, uses, **buildings** and **structures** in an IH zone.

80.20.20 Permitted Uses

80.20.20.10 Permitted Use

(1) Permitted Use

The following uses are permitted if they comply with all the regulations in an IH zone:

Hospice Care Home
Hospital
Park .

80.20.20.20 Permitted Use - with Conditions

(1) Permitted Use with Conditions

The following uses are permitted in an IH zone, if they comply with the specific conditions set out for each use in Clause 80.20.20.100 and the applicable regulations in Chapter 150 Specific Use Regulations:

Ambulance Depot (12)
Automated Banking Machine (3)
Cogeneration Energy Production (17)
Crisis Care Shelter (8)
Day Nursery (7)
Eating Establishment (4,11)
Education Use (12)
Financial Institution (5)
Fire Hall (13)
Laboratory (9)
Municipal Shelter (18)
Nursing Home (1)
Office (2)
Personal Service Shop (4,11)
Police Station (14)
Public Parking (6, 10)
Public Utility (15)
Renewable Energy Production (17)
Respite Care Facility (1)
Retail Store (4,11)
Retirement Home (1)
Student Residence (1)
Take-out Eating Establishment (4,11)
Transportation Use (16)

(#) The number after the listed use is the condition number reference in Clause 80.20.20.100

80.20.20.30 Ancillary Use

(1) Permitted Ancillary Uses, buildings and Structures

In an Institutional **Hospital** Zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

80.20.20.100 Conditions

- (1) Nursing Home, Retirement Home, Student Residence, Respite Care Facility Condition

A **nursing home, retirement home, student residence, or respite care facility** is permitted on a **lot** in an IH zone, if the **building** is operated by or on behalf of a **Hospital**.
- (2) Office Condition

An office is permitted on a **lot** in an IH zone, if the **building** in which it is located is operated by or on behalf of a **Hospital**.
- (3) Automated Banking Machine Condition

An **automated banking machine** in an IH zone, must be located within the main **building** containing the **Hospital**.
- (4) Retail Store, Personal Service Shop and Eating Establishment Condition

A **retail store, personal service shop or eating establishment** is permitted in an IH zone if:

 - (A) these uses are located in the same **building** as the **hospital**;
 - (B) the **interior floor area** for each **retail store, personal service shop or eating establishment** is no more than 150 square metres;
 - (C) the total cumulative **interior floor area** used for all **retail stores, personal service shops and eating establishments**, is no more than 30% of the ground floor area of the **building**; and
 - (D) subsections (B) and (C) above do not apply to an **ancillary** cafeteria.
- (5) Financial Institution Condition

A **financial institution** is permitted in an IH zone if:

 - (A) it is located in a **building** containing a **Hospital**; and
 - (B) the **interior floor area** of the **financial institution** is no more than 150 square metres.
- (6) Public Parking - Attendant Shelter

A **lot** used for **public parking** in an IH zone may have one **ancillary building** for parking attendants with:

 - (A) a maximum height of 4.0 metres, including all mechanical equipment;
 - (B) a maximum **gross floor area** of 5.0 square metres; and
 - (C) a minimum **building setback** of 6.0 metres from any **lot line** abutting a **street**.
- (7) Day Nursery Condition

An **day nursery** is permitted on a **lot** in an IH zone, if it is located in a **building** that also contains a **hospital**.
- (8) Crisis Care Shelter Condition

A **crisis care shelter** is permitted on a **lot** in an IH zone, if the **lot** has a minimum permitted floor space index of 7.0 or larger.
- (9) Laboratory Condition

A **laboratory** is permitted on a **lot** in an IH zone if:

 - (A) it is operated by, or is in association with, a **Hospital**; or
 - (B) the research is limited to (human) medical or health sciences.
- (10) Public Parking Abutting a Lot in a Residential Zone Category

If a **lot** in an IH zone is used for **public parking** and the **lot** abuts a **lot** in a Residential Zone category:

 - (A) access to the **public parking** use may not be through any part of a **lot** in a Residential Zone category; and
 - (B) the requirements of Clause 80.5.80.30 apply.
- (11) Size Restriction on Eating Establishments Near or Abutting a Residential Lot

If a **lot** in an IH zone is within 6.1 metres of a **lot** in a Residential Zone category, then access to a **retail store, personal service shop, eating establishment or take-out eating establishment** must be only from inside the **building**.
- (12) Ambulance Depot

If an ambulance depot is located on a **lot** in a Institutional **Hospital** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(13) Fire Hall

If a fire hall is located on a **lot** in the Institutional **Hospital** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(14) Police Station

If a police station is located on a **lot** in a Institutional **Hospital** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a major **street** that intersects with a **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(15) Public Utility

In the Institutional **Hospital** Zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not a water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IH zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IH zone.

(16) Transportation Use

In the Institutional **Hospital** Zone, a **building** or **structure** used for a public **transportation use** must comply with all applicable regulations for a **building** on that **lot** for the zone in which the **lot** is located.

(17) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(18) Municipal Shelter

In an IH zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

80.20.30 Lot Requirements

80.20.30.20 Lot Frontage

(1) Minimum Lot Frontage

The minimum required **lot frontage** in an IH zone is 30 metres.

80.20.40 Principal Building Requirements

80.20.40.10 Height

(1) Height of Buildings and Structures - Height Exemption for Specified Structures

If a **building** in an IH zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres

80.20.40.40 Floor Area

(1) Maximum Gross Floor Area

If an IH zone does not contain a specific 'd'-value, the maximum **gross floor area** permitted on the **lot** is equal to a floor space index value of 1.0.

80.20.40.60 Permitted Encroachments

(1) Helicopter Landing Pad

In an IH zone, if a permitted helicopter landing pad is located on the roof of a **building** used as a **hospital**, the landing pad may encroach a maximum of (3.0) metres above the maximum **building** height if, the highest element of the landing pad is also no more than (3.0) metres above the finished surface level of the roof on which the landing pad is located.

(2) Permitted Encroachments into Required Yards - Access Ramp and Elevating Device

In an IH zone:

- (A) An uncovered ramp providing barrier-free access to a **building** or **structure** may encroach into a required **building setback** if it:
- (i) has a length no more than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the **building** or **structure**;
 - (ii) has a maximum width of 1.5 metres for each sloped segment of the ramp; and
 - (iii) is at least 0.6 metres to a **lot line**.
- (B) An elevating device providing barrier-free access to a **building** or **structure** may be located in a required **building setback**, if it:
- (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 6.0 square metres; and
 - (iii) is at least 0.6 metres from a **lot line**.

(3) Canopy Encroachments

If a canopy or awning on a **building** in an IH zone is less than 5.0 metres above the level of the ground directly below it, it may encroach into a required **building setback** a maximum of 4.0 metres.

(4) Permitted Encroachments into Required Yards - Canopies and Awnings

In an IH zone, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** for a **building** a maximum of 2.5 metres if:

- (A) it is more than 5.0 metres above the level of the ground directly below it; and
- (B) it is at least 0.6 metres from a **lot line**.

80.20.40.70 Setbacks

(1) Minimum Front Yard Setback in an IH Zone

The minimum **front yard setback** for a **lot** in an IH zone is:

- (A) zero metres if the **lot** is in the Policy Area 1 (PA1); and
- (B) 7.5 metres in all other cases.

(2) Rear Yard Setback - Institutional Use

In an IH zone, the minimum **rear yard setback** is:

- (A) the greater of 7.5 metres and 0.5 times the height of the **building**, if the **rear lot line** abuts a **lot** in a Residential Zone category; and
- (B) 7.5 metres in all other cases.

(3) Side Yard Setback - Institutional Uses

The minimum **side yard setback** for a **lot** in an IH zone is:

- (A) if the **lot** is located in Policy Area 1 (PA1):
- (i) zero metres if the **side lot line** does not abut a **lot** in a Residential Zone category; and
 - (ii) the greater of 7.5 metres and 0.5 times the height of the **building**, if the **side lot line** abuts a **lot** in a Residential Zone category; and
- (B) if the **lot** is not located in the Policy Area 1 (PA1):
- (i) 7.5 metres if the **side lot line** abuts a **street**; and

(ii) in all other cases, the greater of 7.5 metres and 0.5 times the height of the **building**.

80.20.60 Ancillary Buildings and Structures

80.20.60.1 General

(1) Lot Coverage Ancillary Buildings

In an IH zone, the maximum **lot coverage** for **ancillary buildings** and **structures** is 15% of the **lot area**.

80.20.60.20 Setbacks

(1) Ancillary Building or Structure to be Set Back

In an IH zone an **ancillary building** or **structure** may be no closer to a **side lot line** or **rear lot line**, that does not abut a **street**, than the greater of 1.5 metres or one-half the height of the **ancillary building** or **structure**.

(2) Building Setback from a Street

In an IH zone, no part of an **ancillary building** or **structure** may be closer to a **lot line** that abuts a **street** than any **main wall** of the **building** on the **lot**.

80.20.80 Parking

80.20.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

(2) Parking Spaces to be Set Back from Residential

In the IH zone, an area used for the parking or storage of **vehicles** must be set back a minimum of 7.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category.

80.20.90 Loading

80.20.90.10 Location

(1) Loading Space Location

A **loading space** may not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

80.20.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing loading space** in a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 80.20.90.10(1), that **lawfully existing loading space** is exempt from the requirements of regulation 80.20.90.10(1).

80.20.150 Waste

80.20.150.1 General

(1) Storage of Waste

In an IH zone, all waste must be stored in a whole enclosed **building** and must be a minimum of 7.5 metres from a **lot** in a Residential Zone category, or open space zone category.

(2) Waste Storage

An **ancillary building** containing waste material or **recyclable material** may not be in a **side yard** that abuts a **street** or in a **front yard**.

80.30 Institutional Education Zone (IE)

80.30.1 General

80.30.1.10 Interpretation

(1) Application of This Section

The regulations in Section 80.30 apply to lands, uses, **buildings** and **structures** in an IE zone.

80.30.20 Permitted Uses

80.30.20.10 Permitted Use

(1) Permitted Use

The following uses are permitted if they comply with all the regulations in an IE zone:

Art Gallery

Automated Banking Machine

Club

Library

Museum

Outdoor Post-Secondary **Education uses**

Park

Performing Arts Studio

Place of Assembly

Place of Worship

Post-Secondary School

Production Studio

Recreation Use

Religious Education Use

Student Residence .

80.30.20.20 Permitted Use - with Conditions

(1) Permitted Use with Conditions

The following uses are permitted in an IE zone, if they comply with the specific conditions set out for each use in Clause 80.30.20.100 and in Chapter 150 Specific Use Regulations:

Ambulance Depot (14)

Cogeneration Energy Production (19)

Community Centre (10)

Day Nursery (9)

Eating Establishment (4)(13)

Entertainment Place of Assembly (7)

Financial Institution (5)

Fire Station (15)

Laboratory (11)

- Municipal Shelter** (20)
- Office (3)
- Personal Service Shop** (6)
- Police Station (16)
- Public Parking** (1)(12)
- Public Utility** (17)
- Renewable Energy** Production (19)
- Retail Store** (8)
- Software Development and Processing** (2)
- Sports Place of Assembly** (7)
- Take-out Eating Establishment** (4)(13)
- Transportation Use** (18)

(#) The number after the listed use is the condition number reference in Clause 80.30.20.100

80.30.20.30 Ancillary Use

(1) Permitted Ancillary Uses, buildings and Structures

In an Institutional Education Zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

80.30.20.100 Conditions

(1) Public Parking - Attendant Shelter

A **lot** used for **Public Parking** in an IE zone may have one **ancillary building** for parking attendants with:

- (A) a maximum height of 4.0 metres, including all mechanical equipment;
- (B) a maximum **gross floor area** of 5.0 square metres; and
- (C) a minimum **building setback** of 6.0 metres from any **lot line** abutting a **street**.

(2) Software Development and Processing Condition

A **software development and processing** use is permitted in an IE zone, if it is operated by, or is in association with, an educational institution.

(3) Office Condition

An office is permitted in an IE zone if it is in association with an educational institution.

(4) Eating Establishment and Take-out Eating Establishment Condition

An **eating establishment** or **take-out eating establishment** is permitted in an IE zone if it is no more than 1,000 square metres in **gross floor area**.

(5) Financial Institution Condition

A **financial institution** is permitted in an IE zone if it is no more than 500 square metres in **gross floor area**.

(6) Personal Service Shop Condition

A **personal service shop** is permitted in an IE zone if it is no more than 500 square metres in **gross floor area**.

(7) Entertainment Place of Assembly and Sports Place of Assembly Condition

A **place of assembly**, entertainment or **place of assembly**, sports is permitted in an IE zone if it is operated by, or is in association with, an educational institution.

(8) Retail Store Condition

A **retail store** is permitted in an IE zone if it is no more than 500 square metres in **interior floor area**.

(9) Day Nursery Condition

A **day nursery** is permitted in an IE zone if it is **ancillary** to the educational institution and is no more

than 500 square metres in **interior floor area**.

(10) Community Centre Condition

A **community centre** is permitted in an IE zone if it is operated by an educational institution and is no more than 5000 square metres in **gross floor area**.

(11) Laboratory Condition

A **laboratory** is permitted in an IE zone if it is operated by, or is in association with, an educational institution.

(12) Public Parking Abutting a Lot in a Residential Zone Category

In an IE zone, if a **lot** is used for **Public Parking** and the **lot** abuts a **lot** in a Residential Zone category:

(A) access to the **Public Parking** may not be through any part of a **lot** in a Residential Zone category; and

(B) the requirements of Clause 80.5.80.30 apply.

(13) Size Restriction on Eating Establishments Near or Abutting a Residential Lot

Despite regulations to the contrary, if a **lot** in an IE zone is within 6.1 metres of a **lot** in a Residential Zone category, the total **interior floor area** of all **eating establishments** and **take-out eating establishments** on a **lot** in the Institutional zone, is not to exceed 400 square metres.

(14) Ambulance Depot

If an ambulance depot is located on a **lot** in a Institutional Educational Zone, the **lot** must:

(A) front on a major **street** shown on the Policy Areas Overlay Map; or

(B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(15) Fire Hall

If a fire hall is located on a **lot** in a Institutional Educational Zone, the **lot** must:

(A) front on a major **street** shown on the Policy Areas Overlay Map; or

(B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(16) Police Station

If a police station is located on a **lot** in a Institutional Educational Zone, the **lot** must:

(A) front on a major **street** shown on the Policy Areas Overlay Map; or

(B) front on a major **street** that intersects with a **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(17) Public Utility

In the Institutional Education Zone, a **public utility** is permitted if it is:

(A) not a sewage treatment plant;

(B) not a water filtration plant;

(C) not a water reservoir;

(D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IE zone; and

(E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IE zone.

(18) Transportation Use

In the Institutional Education Zone, a **building** or **structure** used for a public **transportation use** must comply with all applicable regulations for a **building** on that **lot** for the zone in which the **lot** is located.

(19) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(20) Municipal Shelter

In an IE zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

80.30.30 Lot Requirements

80.30.30.20 Lot Frontage

(1) Lot Frontage Requirement

The minimum **lot frontage** in an IE zone is 20.0 metres.

80.30.30.40 Lot Coverage

(1) Lot Coverage Limitation

In an IE zone the maximum **lot coverage** is 35%.

80.30.40 Principal Building Requirements

80.30.40.10 Height

(1) Height Limitations

If a **lot** in a IE zone is in an area that has:

- (A) no numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is 13.0 metres; or
- (B) a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Height Exemption for Specified Structures

If a **building** in an IE zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 2.0 metres

80.30.40.70 Setbacks

(1) Building Setback requirements

In an IE zone the minimum **building setback** from a **lot line** is a distance equal to one half the height of the **building**.

80.30.40.80 Separation

(1) Separation Between Buildings

If two or more **buildings** are on a **lot** in an IE zone, the minimum separation between all **main walls** of any two **buildings** is a distance that is the greater of:

- (A) 20 metres; or
- (B) one half the total height of the two **buildings**.

80.30.60 Ancillary Buildings and Structures

80.30.60.20 Setbacks

(1) Ancillary Building or Structure to be Set Back from a Street

In an IE zone, no part of an **ancillary building** or **structure** may be closer to a **lot line** that abuts a **street** than any **main wall** of a **building**.

80.30.80 Parking

80.30.80.10 Location

(1) Location Of Parking Spaces

An area on a **lot** in an IE zone used for the parking or storage of **vehicles** may not be located in a **front yard**.

80.30.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

80.30.90 Loading

80.30.90.10 Location

(1) Loading Space Location Exemption

A **loading space** may not be located in:

- (A) a **front yard**;
- (B) a **side yard** abutting a **street**; or
- (C) any yard that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

80.30.90.11 Location Exemptions

(1) Loading Space Location Exemption

If a **lawfully existing loading space** in a **lawfully existing building** does not comply with the **loading space** location requirements of regulation 80.30.90.10(1), that **lawfully existing loading space** is exempt from the requirements of regulation 80.30.90.10(1).

80.30.150 Waste

80.30.150.1 General

(1) Storage of Waste

In an IE zone all waste must be stored in a wholly enclosed **building** and must be a minimum of 7.5 metres from a **lot** in a Residential Zone category, or open space zone category.

(2) Waste Storage

In an IE zone a **building** containing waste material or **recyclable material** may not be located in a **side yard** that abuts a **street** or in a **front yard**.

80.40 Institutional School Zone (IS)

80.40.1 General

80.40.1.10 Interpretation

(1) Application of This Section

The regulations in Section 80.40 apply to lands, uses, **buildings** and **structures** in an IS zone.

80.40.20 Permitted Uses

80.40.20.10 Permitted Use

(1) Permitted Use

The following uses are permitted if they comply with all the regulations in an IS zone:

Park
Private School
Public School
Recreation Use .

80.40.20.20 Permitted Use - with Conditions

(1) Permitted Use with Conditions

The following uses are permitted in an IS zone, if they comply with the specific conditions set out for each use in Clause 80.40.20.100:

Adult Education School (5)
Ambulance Depot (6)
Cogeneration Energy Production (10)
Community Centre (2)
Day Nursery (1)
Fire Station (7)
Library (3)
Municipal Shelter (11)
Police Station (8)
Public Utility (9)
Renewable Energy Production (11)
Student Residence (4)

(#) The number after the listed use is the condition number reference in Clause 80.40.20.100

80.40.20.30 Ancillary Use

(1) Permitted Ancillary Uses, buildings and Structures

In an Institutional School Zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

80.40.20.100 Conditions

(1) Day Nursery Condition

A **day nursery** is permitted on a **lot** in an IS zone if:

- (A) it is located in a **building** that also contains a **private school** or, a **public school**; and
- (B) the area used as a **Day Nursery** is no more than 40% of the **first floor** area of the **building** on the **lot**.

(2) Community Centre Condition

A **Community Centre** is permitted on a **lot** in an IS zone if:

- (A) the **lot** fronts an a major **street** shown on the Policy Areas Overlay Map; and
- (B) the **gross floor area** is no greater than 2000 square metres.

(3) Library Condition

A Library is permitted on a **lot** in an IS zone if:

- (A) it is operated by or on behalf of the City of Toronto; and
- (B) the **lot** fronts an a major **street** shown on the Policy Areas Overlay Map; and
- (C) the **gross floor area** is no greater than 1500 square metres.

(4) Student Residence Condition

A **student residence** is permitted on a **lot** in an IS zone, if the **building** is operated by the **Public**

School or Private School on the same lot.

(5) Adult Education

An Adult Education School is permitted if it is located in a **building** used for a **private school** or **public school** or it is located in a **building** originally constructed as a **private school** or **public school** and the Adult Education School is funded by the provincial or federal government for the delivery of:

- (A) adult English or French as a second language (ESL/FSL) courses delivered by district school boards;
- (B) literacy and basic skills programming delivered by community agencies or district school boards;
- (C) credit courses for adults delivered by district school boards;
- (D) continuing education programs, including general interest courses, delivered by district school boards;
- (E) adult Native language programs delivered by district school boards; or
- (F) citizenship preparation programs delivered by district school boards.

(6) Ambulance Depot

If an ambulance depot is located on a **lot** in an Institutional School Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(7) Fire Hall

If a fire hall is located on a **lot** in an Institutional School Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(8) Police Station

If a police station is located on a **lot** in the Institutional School Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a major **street** that intersects with a **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(9) Public Utility

In an Institutional School Zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not a water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IS zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IS zone.

(10) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(11) Municipal Shelter

In an IS zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

80.40.30 Lot Requirements

80.40.30.10 Lot Area

(1) Lot Area

In an IS zone the minimum required **lot area** is 900 square metres.

80.40.30.20 Lot Frontage

(1) Minimum Lot Frontage

In an IS zone the minimum required **lot frontage** is 30.0 metres.

80.40.30.40 Lot Coverage

(1) School - Lot Coverage

In an IS zone, the maximum **lot coverage** is:

- (A) 35% for the main school **building**; and
- (B) 55% for all **buildings**.

80.40.40 Principal Building Requirements

80.40.40.10 Height

(1) School - Height

If a **lot** in a IS zone is in an area that has:

- (A) no numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is 14.0 metres; and
- (B) a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Height Exemption for Specified Structures

If a **building** in an IS zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 1.2 metres

80.40.40.40 Floor Area

(1) Floor Area

In an IS zone the maximum **gross floor area** of all **buildings** may be no more than 70% of the area of the **lot**.

80.40.40.70 Setbacks

(1) Schools - Minimum Building Setbacks

In an IS zone, the following **building setbacks** apply:

- (A) 7.5 metres from a **lot line** that abuts a **street**;
- (B) 7.5 metres from a **rear lot line**; and
- (C) 3.0 metres from a **side lot line**.

80.40.50 Yards

80.40.50.10 Landscaping

(1) Landscaping When Lot Contains a School

In an IS zone, a **lot** containing a **Public School** or a **Private School** must comply with the following:

- (A) a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along all **side lot line** and **rear lot lines**; and
- (B) with the exception of areas used for play, **driveways**, parking, loading, student drop-off and pick-up, a minimum 3.0 metre wide strip of land must be provided along all **lot lines** abutting a **street** and used for only **soft landscaping**.

80.40.60 Ancillary Buildings and Structures

80.40.60.1 General

(1) Ancillary Portable Classroom Buildings - Coverage

In an IS zone, in addition to the **lot coverage** permitted by regulation 80.40.30.40. (1), **ancillary** portable classroom **buildings** are permitted if the **lot area** covered by all **ancillary** portable classroom **buildings** is no more than 50 percent of the **lot area** covered by the **building**.

80.40.60.10 Location

(1) Ancillary Portable Classroom Buildings - Location

In an IS zone, an **ancillary** portable classroom **building** may not be located in a **front yard**.

80.40.60.20 Setbacks

(1) Ancillary Building or Structure to be Set Back from a Street

In an IS zone, no part of an **ancillary building** or **structure** may be located closer to a **lot line** that abuts a **street** than the **building** on the **lot**.

(2) Ancillary Portable Classroom Buildings to be Set Back

In an IS zone, an **ancillary** portable classroom **building** must be set back from a **side lot line** or **rear lot line** a distance equal to:

- (A) 7.5 metres if the **lot line** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category; and
- (B) one-half the height of the **ancillary building** in all other cases.

80.40.60.40 Height

(1) Ancillary Portable Classroom Buildings - Height

In an IS zone, an **ancillary** portable classroom **building** must be less than 4.0 metres in height.

(2) Height of Ancillary Buildings and Structure

In the Institutional School Zone (IS), the height of an **ancillary building** or **structure** is measured as the distance between **average grade** and the highest point of the **building** or **structure**.

80.40.80 Parking

80.40.80.1 General

(1) School Parking Lots

In an IS Zone:

- (A) An area used for the parking or storage of **vehicles** must be separated from any **lot line** that does not abut a **street** or **lane** by a minimum 1.5 metre wide strip of land used only for **soft landscaping**.
- (B) if an area used for the parking or storage of **vehicles**, is located in a yard that abuts a **lot** in a Residential Zone category, a fence must be constructed along the entire portion of the **lot line** that abuts the residential **lot**.

80.40.80.10 Location

(1) Parking Space Location

In an IS zone, a **parking space** must be located entirely on the **lot** and only in a **side yard** or **rear yard**.

80.40.80.20 Setbacks

(1) Parking Area to be Set Back

In an IS zone, an area used for the parking or storage of **vehicles** must be set back a minimum of 1.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category.

(2) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

80.40.80.40 Access to Parking Space

(1) Access to Parking Space

In an IS zone, access to a **parking space** may not be through any **lot** located in a Residential Zone category or Residential Apartment Zone category.

80.40.90 Loading

80.40.90.1 General

(1) School - Pick-Up / Drop-Off Areas

In an IS zone, a vehicular student pick-up and drop-off area must be provided on the same **lot** as the **public school** or a **private school**.

80.40.90.10 Location

(1) Loading Space

In an IS zone, if a **loading space** is provided, the **loading space** must be located entirely on the **lot** and only in a **side yard** or **rear yard** that does not abut a **lot** in a Residential Zone category or Residential Apartment Zone category.

80.40.90.40 Access to Loading Space

(1) Access to a Loading Space

In an IS zone, access to a **loading space** may not be through any **lot** located in a Residential Zone category or Residential Apartment Zone category.

80.40.100 Access to Lot

80.40.100.10 Location

(1) School - Pick-Up / Drop-Off Areas

In an IS Zone, a **lot** may not be used for a **Public School** or **Private School** or **day nursery** unless an area for **vehicles** to pick-up and drop-off students is also provided.

80.40.150 Waste

80.40.150.1 General

(1) Storage of Waste

In an IS zone all waste must be stored in a wholly enclosed **building** and must be a minimum of 7.5 metres from a **lot** in a Residential Zone category, or open space zone category.

80.50 Institutional Place of Worship Zone (IPW)

80.50.1 General

80.50.1.10 Interpretation

(1) Application of This Section

The regulations in Section 80.50 apply to lands, uses, **buildings** and **structures** in an IPW zone.

80.50.20 Permitted Uses

80.50.20.10 Permitted Use

(1) Permitted Use

The following uses are permitted if they comply with all the regulations in an IPW zone:

Park

Place of Worship

Religious Education Use

Religious Residence .

80.50.20.20 Permitted Use - with Conditions

(1) Permitted Use with Conditions

The following uses are permitted in an IPW zone, if they comply with the specific conditions set out for each use in Clause 80.50.20.100 and the applicable section in Chapter 150 - Specific Use Regulations:

Ambulance Depot (8)

Cogeneration Energy Production (12)

Community Centre (3)

Day Nursery (1)

Dwelling Unit (7)

Fire Station (9)

Library (4)

Municipal Shelter (5)

Place of Assembly (2)

Police Station (10)

Public Utility (11)

Renewable Energy Production (12)

Retail Store (6)

(#) The number after the listed use is the condition number reference in Clause 80.50.20.100

80.50.20.30 Ancillary Use

(1) Permitted Ancillary Uses, buildings and Structures

In an Institutional **Place of Worship** Zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

80.50.20.100 Conditions

(1) Day Nursery Condition

A **day nursery** is permitted on a **lot** in an IPW zone if:

(A) it is located in a **building** containing a **place of worship**; and

(B) it is no more than 50% of the **first floor** area of the **building**.

(2) Place of Assembly

A **place of assembly** may be permitted on a **lot** in an IPW zone, if the **lot** has a minimum floor space index value of 6.0 or greater.

(3) Community Centre Use Condition

A **community centre** is permitted on a **lot** in an IPW zone if:

- (A) the **lot** fronts on a major **street** shown on the Policy Areas Overlay Map; and
- (B) the **gross floor area** of the **building** is no greater than 1000 square metres.

(4) Library Condition

A Library is permitted on a **lot** in an IPW zone if:

- (A) the **lot** fronts a major **street** shown on the Policy Areas Overlay Map; and
- (B) the **gross floor area** of the **building** is no greater than 200 square metres.

(5) Municipal Shelter Condition

In an IPW zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

(6) Ancillary Retail Store

In an IPW zone, the maximum **interior floor area** for an **ancillary retail store** is the lesser of:

- (A) 5 percent of the **interior floor area** of the worship area; or
- (B) 25 square metres.

(7) Ancillary Dwelling Unit Condition

In an IPW zone, a **place of worship** may contain one **ancillary dwelling unit**, if:

- (A) the **lot** abuts a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category or Institutional Zone category; and
- (B) the **dwelling unit** does not have a **gross floor area** of more than 250 square metres.

(8) Ambulance Depot

If an ambulance depot is located on a **lot** in an Institutional **Place of Worship** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(9) Fire Hall

If a fire hall is located on a **lot** in an Institutional **Place of Worship** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(10) Police Station

If a police station is located on a **lot** in the Institutional **Place of Worship** Zone, the **lot** must:

- (A) front on a major **street** shown on the Policy Areas Overlay Map; or
- (B) front on a **street** that intersects with a major **street** shown on the Policy Areas Overlay Map and not be more than 250 metres from that intersection.

(11) Public Utility

In an Institutional **Place of Worship** Zone, a **public utility** is permitted if it is:

- (A) not a sewage treatment plant;
- (B) not a water filtration plant;
- (C) not a water reservoir;
- (D) an electrical transformer station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IPW zone; and
- (E) a natural gas regulator station that is enclosed by walls and complies with the **lot coverage**, minimum **building setback** and maximum **building** height for the IPW zone.

(12) Renewable Energy Production or Cogeneration Energy Production

Renewable energy production or **cogeneration energy** production is permitted if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws,

statutes and regulations.

80.50.30 Lot Requirements

80.50.30.20 Lot Frontage

(1) Minimum Lot Frontage

The minimum **lot frontage** required in an IPW Zone is 20 metres.

80.50.30.40 Lot Coverage

(1) Maximum Lot Coverage

The maximum **lot coverage** in an IPW zone is 40 percent.

80.50.40 Principal Building Requirements

80.50.40.10 Height

(1) Height of Building

If a **lot** in a IPW zone is in an area that has:

- (A) no numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is 15.0 metres; or
- (B) a numerical value shown on the Height Overlay Map, the maximum height of a **building** or **structure** on the **lot** is the numerical value shown on the Height Overlay Map, in metres.

(2) Height of Buildings and Structures - Height Exemption for Specified Structures

If a **building** in an IPW zone has a **green roof**, then a parapet wall used for wind protection for the **green roof** may exceed that maximum **building** height by 1.2 metres.

80.50.40.40 Floor Area

(1) Default Floor Space Index When None Assigned

In an IPW zone, if the zone symbol is not followed by a numerical value, the maximum **gross floor area** permitted of the **lot** is equal to 0.8 times the area of the **lot**.

80.50.40.60 Permitted Encroachments

(1) Encroachments into a Front Yard or Side Yard Abutting a Street

In an IPW zone, an uncovered terrace, an open or roofed porch, or a canopy, may encroach into a **front yard** or a **side yard** abutting a **street**, if no part of it is more than 2.0 metres from the **main wall**.

80.50.40.70 Setbacks

(1) Minimum Building Setback From a Street

In an IPW zone the minimum **building setback** from a **lot line** that abuts a **street** is:

- (A) 3.0 metres if the **street** is a major **street** shown on the Policy Areas Overlay Map; and
- (B) for all other **streets**, the greater of:
 - (i) 7.5 metres; or
 - (ii) a distance equal to half the height of the **building**.

(5) Minimum Side Yard Setback

In an IPW zone, the minimum **building setback** from a **side lot line** that does not abut a **street** is the

greater of:

- (A) 3.0 metres; or
- (B) the distance equal to half the height of the **building**.

(6) Side Yard Setback from a Street

In an IPW zone the minimum **building setback** from a **side lot line** that abuts a **street** is the greater of:

- (A) 6.0 metres; or
- (B) the distance equal to half the height of the **building**.

(10) Minimum Rear Yard Setback

In an IPW zone the minimum **rear yard setback** is the greater of:

- (A) 7.5 metres; or
- (B) the distance equal to half the height of the **building**.

80.50.40.200 Exemptions

(1) Building Setback Exemptions for Existing Building

In an IPW zone, if a **building** used as a **place of worship**, was **lawfully existing** and the **building** is set back from a **side lot line** or **rear lot line** less than required by this By-law, those actual existing **building setbacks** are the minimum required **building setbacks** from the respective **lot lines** for that **lawfully existing building** and any addition to that **building** must comply with the **building setback** requirements of this By-law.

(2) Building Height Exemption

In an IPW zone, a minaret, steeple or similar architectural element on a **place of worship building**, may exceed the height of the **building** by 40%, if the area of the minaret, steeple or similar architectural element is no more than 30.0 square metres.

(3) Existing Building Height Exemptions

If on the date of the enactment of this By-law, an existing **place of worship** is located on a **lot** in compliance with the former by-law and the **lot** is now located in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, and the **building** has a minaret, steeple or similar architectural element in compliance with the applicable former zoning by-law or by a Section 45 Planning Act minor variance, and that architectural feature exceeds the maximum height permitted by this By-law, then the maximum height for that architectural feature is its height as it existed on the date of the enactment of this By-law.

80.50.50 Yards

80.50.50.10 Landscaping

(1) Front Yard Landscaping

Despite regulation 5.10.50.10 (1), in an IPW zone, all parts of the **front yard** not used for **driveway** access to the **lot** must be **landscaped** and a minimum of 75 percent of the **landscaped** area must be **soft landscaping**.

(5) Abutting a Residential Zone Category or Residential Apartment Zone Category

If a **lot** in an IPW zone abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only for **soft landscaping**, must be maintained along the entire length of the common boundary.

80.50.60 Ancillary Buildings and Structures

80.50.60.1 General

(1) Lot coverage - Ancillary Buildings and Structures

In an IPW zone, no more than 15% of the **lot** may be covered by **ancillary buildings** and **structures**.

80.50.60.20 Setbacks

(1) Ancillary Building or Structure to be Set Back from the Street

In an IPW zone, no part of an **ancillary building** or **structure** may be closer to a **lot line** that abuts a **street** than the main **building** on the **lot**.

(2) Side Yard Setback and Rear Yard Setback - Ancillary Buildings and Structures

In an IPW zone, an **ancillary building** and **structure** must be set back from a **rear lot line** or **side lot line** the greater of:

(A) 1.5 metres; or

(B) one-half the height of the **ancillary building** or **structure**.

80.50.60.40 Height

(1) Height of Ancillary Buildings and Structures

In the Institutional **Place of Worship** Zone (IPW), the height of an **ancillary building** or **structure** is the distance between **average grade** and the highest point of the **building** or **structure**.

80.50.80 Parking

80.50.80.10 Location

(1) Parking Space Location Restriction

In an IPW zone, a **parking space** may not be located in a **front yard**.

80.50.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

80.50.80.40 Access to Parking Space

(1) Access to Parking Space

In an IPW zone, access to a **parking space** may not be through any **lot** in a Residential Zone category or Residential Apartment Zone category.

80.50.150 Waste

80.50.150.1 General

(1) Waste Storage

In an IPW Zone the storage of waste or **recyclable material** must be in a wholly enclosed **building**.

Chapter 90 Open Space

90.5 Regulations applying to the Open Space Zone Category

90.5.1 General

90.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 90.5 apply to all lands, uses, **buildings** and **structures** in the Open Space Zone Category.

(2) Interpretation of the Open Space Zone Symbol

The zone symbol on the Zoning By-law Map for open space zones consists of the letters O, ON, OR, OG, OM or OC, indicating the primary land use permitted in the respective zone.

90.5.20 Permitted Uses

90.5.20.1 General

(1) Existing School

A **lawful public school** or **private school** existing on a **lot** in the Open Space Zone category on the date of the enactment of this by-law, is permitted on that **lot**, and:

(A) any expansion or addition to the **public school** or **private school building** must comply with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and

(B) the existing **public school** or **private school** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

90.5.40 Principal Building Requirements

90.5.40.10 Height

(1) Determining the Height of Buildings or Structures

In the Open Space Zone category the height of a **building** or **structure** is measured as the distance between the elevation of the **average grade** and the elevation of the highest point of the **building** or **structure**.

(2) Height -- for Specified Structures

In the Open Space Zone category, the following **structures**, if located on the roof of a **building**, may exceed the maximum height permitted for that **building** by a maximum of:

(A) 1.5 metres for

- (i) parapets for a **green roof**, and
- (ii) weather vanes; or

(B) 5.0 metres for

- (i) antennae,
- (ii) flagpoles, and
- (iii) satellite dishes.

(3) Height -- for Functional Operation of a Building

In the Open Space Zone category, if located on the roof of a **building**, the following may exceed the maximum height permitted for that **building** by a maximum of 5.0 metres, subject to 90.5.40.10 (4):

(A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;

(B) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and

(C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(4) Height -- Horizontal Limits on Elements for Functional Operation of a Building

In the Open Space Zone category, if equipment, **structures** or parts of a **building** exceed the maximum **building** height, as permitted by 90.5.40.10 (3), they must also comply with the following:

(A) the total area of all these elements together must not cover more than 30% of the area of the roof, measured horizontally; and

(B) for any of these elements located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to that **street**, must not exceed 20% of the width of the building's **main walls** facing that **street**.

(5) Height -- for Rooftop Outdoor Recreation, Safety and Wind Protection

In the Open Space Zone category, if located on the roof of a **building**, unenclosed **structures** providing safety or wind protection to rooftop recreational uses may exceed the maximum height permitted for that **building** by a maximum of 3.0 metres, if such **structures** are located no closer than 2.0 metres from the interior face of any **main wall**.

90.5.40.11 Height Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the Open Space Zone category, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in 90.5.40.11 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Alterations to the Roof of Lawfully Existing Buildings

Any alteration to the roof of a **lawfully existing building** referred to in 90.5.40.11 (1) may be up to the maximum height permitted in 90.5.40.11 (1).

90.5.40.41 Floor Area Exemptions

(1) Permitted Gross Floor Area for Lawfully Existing Buildings

In the Open Space Zone category, if the **lawful gross floor area** of **lawfully existing buildings** or **structures** is greater than the maximum **gross floor area** permitted by this By-law, that **lawful gross floor area** is the permitted maximum **gross floor area** for those **lawfully existing buildings** or **structures**.

90.5.40.60 Permitted Encroachments

(1) Canopies and Awnings

In the Open Space Zone category, a canopy, awning or similar **structure**, with or without structural support, may encroach into a required **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 5.0 metres above the elevation of the finished grade immediately below it.

90.5.40.70 Setbacks

(1) Building or Structure to be Set Back from a Lane

A **building** or **structure** in the Open Space Zone category must be no closer than 2.5 metres from the original centreline of a **lane**.

90.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings

In the Open Space Zone category, if the **building setback** of a **lawfully existing building** or **structure** is less than the minimum **building setback** required by this By-law from:

(A) a **front lot line**, the existing **building setback** is the minimum **front yard setback** permitted for that **building** or **structure**;

(B) a **rear lot line**, the existing **building setback** is the minimum **rear yard setback** permitted for that

building or structure;

- (C) a **side lot line**, the existing **building setback** is the minimum **side yard setback** permitted for that **building or structure**; and
- (D) a **lane**, the existing setback from the original centreline of the **lane** is the minimum setback from the original centreline of the **lane** permitted for that **building or structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building or structure** referred to in 90.5.40.71 (1) must comply with the minimum **building setbacks** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Additions Above Lawfully Existing Buildings

Despite 90.5.40.71 (2), the minimum setback from the original centreline of a **lane** for any addition or extension above a **lawfully existing building or structure** referred to in 90.5.40.71 (1) is the same minimum setback from the original centreline of the **lane** permitted by 90.5.40.71 (1).

90.5.60 Ancillary Buildings and Structures

90.5.60.20 Setbacks

(1) Parts of an Ancillary Building or Structure to which a Required Building Setback Applies

In the Open Space Zone category, required **building setback** regulations apply to all parts of an **ancillary building or structure** above and below grade, excluding footings.

(2) Ancillary Building or Structure to be Set Back from a Lane

An **ancillary building or structure** in the Open Space Zone category must be no closer than 2.5 metres from the original centreline of a **lane**.

90.5.60.40 Height

(1) Determining the Height of Ancillary Buildings or Structures

In the Open Space Zone category the height of an **ancillary building or structure** is measured as the distance between the elevation of the **average grade** and the elevation of the highest point on the **ancillary building or structure**.

90.5.60.41 Height Exemptions

(1) Permitted Height for Lawfully Existing Ancillary Buildings or Structures

In the Open Space Zone category, if the **lawful** height of a **lawfully existing ancillary building or structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing ancillary building or structure**.

(2) Additions to Lawfully Existing Ancillary Buildings or Structures

Any addition or extension to a **lawfully existing ancillary building or structure** referred to in 90.5.60.41 (1) must comply with the maximum height permitted by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Alterations to the Roof of Lawfully Existing Ancillary Buildings

Any alteration to the roof of a **lawfully existing ancillary building** referred to in 90.5.60.41 (1) may be up to the maximum height permitted in 90.5.60.41 (1).

90.5.60.51 Floor Area Exemptions

(1) Permitted Gross Floor Area for Lawfully Existing Ancillary Buildings or Structures

In the Open Space Zone category, if the **lawful gross floor area** of **lawfully existing ancillary buildings or structures** is greater than the maximum **gross floor area** permitted by this By-law, that **lawful gross floor area** is the permitted maximum **gross floor area** for those **lawfully existing ancillary**

buildings or structures.

90.5.75 Energy Regulations

90.5.75.1 General

(1) Renewable Energy or Cogeneration Energy Device - Location Restriction

In the Open Space Zone category, a device used to produce **renewable energy** or **cogeneration energy** if located on the ground, must not be located closer to a **lot line**, than the greater of:

- (A) 10 metres;
- (B) the minimum required **building setback** for a **building** on the **lot**; or
- (C) a distance, equal to the height of the device, measured between the elevation of the ground at its base to the elevation of the highest part of the device.

(2) Renewable Energy Device - Height Regulations

In the Open Space Zone category, if a photovoltaic energy device or a thermal **solar energy** device is:

- (A) located on a **building**,
 - (i) it must comply with all the minimum **building setback** requirements for a **building**, and
 - (ii) no part of the device is to be more than 3.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; or
- (B) ground mounted, no part of the device is to be more than 5.0 metres above the level of **average grade** at the base of the device.

(3) Wind Energy Device - Building Setbacks

In the Open Space Zone category, no part of a **wind energy** device is to be closer to a **lot line** than the greater of:

- (A) the minimum **building setback** requirements for a **building** on the **lot** where the device is located; or
- (B) a distance equal to two times the height of the device, measured between the elevation of the ground at its base to the elevation of the highest part of the device.

(4) Wind Energy Device - Height

In the Open Space Zone category, no part of a **wind energy** device is to be greater than 15.0 metres above the elevation of the ground at the base of the device.

(5) Geo-energy Requirements

In the Open Space Zone category, any above ground part of a **geo-energy** device on a **lot** must comply with all the requirements for a **building** on the **lot** where the device is located, but the device must be at least 10.0 metres from any **lot line**.

(6) Cogeneration Device

In the Open Space Zone category, a **cogeneration energy** device must be located inside a permitted **building**.

90.5.80 Parking

90.5.80.1 General

(1) Required Parking Space

In the Open Space Zone category, if one or more off-**street parking spaces** is to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

90.5.80.10 Location

(2) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

90.10 Open Space Zone (O)

90.10.1 General

90.10.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.10 apply to lands, **buildings** and **structures** in an O zone.

90.10.20 Permitted Uses

90.10.20.10 Permitted Use

(1) Use – O Zone

The following uses are permitted in an O zone:

Park

Public Utility

Transportation Use .

90.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – O Zone

The following uses are permitted in an O zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.10.20.100:

Club (1)

Cogeneration Energy Production (2)

Education Use (1)

Recreation Use (1)

Renewable Energy Production (2)

90.10.20.30 Ancillary Use

(1) Ancillary Use -- O Zone

In an O zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.10.20.100 Conditions

(1) Club, Education Use or Recreation Use

A **club**, an **education use** or a **recreation use** is permitted in an O zone, if it is not in a **building**.

(2) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an O zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

90.10.60 Ancillary Buildings and Structures

90.10.60.1 General

(1) Application of this Article

The regulations in Article 90.10.60 apply to **ancillary buildings** or **structures** in an O zone.

90.10.60.20 Setbacks

(1) Building Setbacks for Ancillary Buildings or Structures

For an **ancillary building** or **structure** in an O zone, the minimum setback from a **front lot line**, **rear lot line** and **side lot line** is:

- (A) 1.5 metres, if its height is 2.0 metres or less; and
- (B) 3.0 metres, if its height is greater than 2.0 metres.

90.10.60.40 Height

(1) Maximum Height of Ancillary Buildings or Structures

The maximum height of an **ancillary building** or **structure** in an O zone is 4.0 metres.

90.10.60.50 Floor Area

(1) Maximum Floor Area of Ancillary Buildings or Structures

In an O zone, the maximum **gross floor area** of an **ancillary building** or **structure**, other than swimming pools or other **structures** used to hold water, is 50.0 square metres.

90.20 Open Space - Natural Zone (ON)

90.20.1 General

90.20.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.20 apply to lands, **buildings** and **structures** in an ON zone.

90.20.20 Permitted Uses

90.20.20.10 Permitted Use

(1) Use – ON Zone

The following uses are permitted in an ON zone:

Ambulance Depot

Agricultural Use

Fire Hall

Park

Police Station

Public Utility

Transportation Use .

90.20.20.20 Permitted Use - with Conditions

(1) Use with Conditions – ON Zone

The following uses are permitted in an ON zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.20.20.100:

Club (1)

Cogeneration Energy Production (2)
Education Use (1)
Entertainment Place of Assembly (1)
Place of Assembly (1)
Recreation Use (1)
Renewable Energy Production (2)
Retail Store (3)
Stable (4)

90.20.20.30 Ancillary Use

(1) Ancillary Use – ON Zone

In an ON zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.20.20.100 Conditions

(1) Club, Education Use, Entertainment Place of Assembly, Place of Assembly, or Recreation Use

A **club**, an **education use**, an **entertainment place of assembly**, a **place of assembly**, or a **recreation use** is permitted in an ON zone, if:

- (A) it is not in a wholly enclosed **building**; and
- (B) the use is together with a **park** or an **agricultural use**.

(2) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an ON zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(3) Retail Store

A **retail store** is permitted in an ON zone if it:

- (A) is not in a wholly enclosed **building**; and
- (B) is **ancillary** to an **agricultural use** on the same **lot**.

(4) Stable

A **stable** is permitted in an ON zone if it is together with a **park** or an **agricultural use**.

90.20.40 Principal Building Requirements

90.20.40.1 General

(1) Application of this Article

The regulations in Article 90.20.40 apply to **buildings** or **structures** in an ON zone, except for conservation works, **public utilities** and **transportation uses**.

90.20.40.10 Height

(1) Maximum Height

The maximum height for a **building** or **structure** on a **lot** in an ON zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 15.0 metres.

90.20.40.40 Floor Area

(1) Maximum Gross Floor Area

The maximum **gross floor area** for any one **building** or **structure** in an ON zone is 500 square metres.

90.20.40.70 Setbacks

(1) Building Setbacks

In an ON zone, the minimum **building setback** from a **front lot line**, **rear lot line** and **side lot line** is 3.0 metres.

90.20.60 Ancillary Buildings and Structures

90.20.60.1 General

(1) Application of this Article

The regulations in Article 90.20.60 apply to **ancillary buildings** or **structures** in an ON zone, except for conservation works, **public utilities** and **transportation uses**.

90.20.60.20 Setbacks

(1) Building Setbacks for Ancillary Buildings or Structures

For an **ancillary building** or **structure** in an ON zone, the minimum setback from a **front lot line**, **rear lot line** and **side lot line** is 3.0 metres.

90.20.60.40 Height

(1) Maximum Height of Ancillary Buildings or Structures

The maximum height of an **ancillary building** or **structure** in an ON zone is 15.0 metres.

90.20.60.50 Floor Area

(1) Maximum Floor Area of Ancillary Buildings or Structures

The maximum **gross floor area** for any one **ancillary building** or **structure** in an ON zone is 500 square metres.

90.30 Open Space - Recreation Zone (OR)

90.30.1 General

90.30.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.30 apply to lands, **buildings** and **structures** in an OR zone.

90.30.20 Permitted Uses

90.30.20.10 Permitted Use

(1) Use – OR Zone

The following uses are permitted in an OR zone:
Ambulance Depot

Art Gallery
Community Centre
Day Nursery
Entertainment Place of Assembly
Fire Hall
Library
Museum
Park
Place of Assembly
Police Station
Public Utility
Recreation Use
Sports Place of Assembly
Transportation Use .

90.30.20.20 Permitted Use - with Conditions

(1) Use with Conditions – OR Zone

The following uses are permitted in an OR zone, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.30.20.100:

Amusement Arcade (1)
Club (1)
Cogeneration Energy Production (2)
Eating Establishment (3)
Education Use (1)
Municipal Shelter (4)
Outdoor Patio (5)
Personal Service Shop (3)
Public Works Yard (6)
Renewable Energy Production (2)
Retail Store (3)
Service Shop (3)
Stable (1)
Take-out Eating Establishment (3)

90.30.20.30 Ancillary Use

(1) Ancillary Use – OR Zone

In an OR zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.30.20.100 Conditions

(1) Amusement Arcade, Club, Education Use, or Stable

An **amusement arcade**, a **club**, an **education use**, or a **stable** is permitted in an OR zone if it is together with a use permitted in regulation 90.30.20.10 (1).

(2) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an OR zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(3) Eating Establishment, Personal Service Shop, Retail Store, Service Shop, or Take-out Eating Establishment

An **eating establishment**, a **personal service shop**, a **retail store**, a **service shop**, or a **take-out eating establishment** is permitted in an OR zone, if:

- (A) the **interior floor area** of the use, is greater than 500 square metres; and
- (B) the use is together with a use permitted in regulation 90.30.20.10 (1).

(4) Municipal Shelter

In an OR zone, a **Municipal Shelter** must comply with the applicable requirements of Section 150.22.

(5) Outdoor Patio

An **outdoor patio** is permitted in an OR zone, if when used with an **eating establishment**:

- (A) it is at least 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
- (B) despite (A) above, if the **outdoor patio** is located above the first **storey** of the **building**, it must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or the Residential Apartment Zone category.

(6) Public Works Yard

A **public works yard** is permitted in an OR zone, if:

- (A) it is **ancillary** to a **park** or **recreation use**; and
- (B) **open storage** areas are fenced.

90.30.40 Principal Building Requirements

90.30.40.1 General

(1) Application of this Article

The regulations in Article 90.30.40 apply to **buildings** or **structures** in an OR zone.

90.30.40.10 Height

(1) Maximum Height

The maximum height for a **building** or **structure** on a **lot** in an OR zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 15.0 metres.

90.30.40.70 Setbacks

(1) Front Yard Setbacks

In an OR zone, if a **lot** is located:

- (A) beside one **lot** that has an existing **building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **building**, the minimum required **front yard setback** is the existing **front yard setback** of that **building** on the abutting **lot**; or
- (B) between two abutting **lots**, each with an existing **building** fronting on the same **street** and located, in whole or in part, 15.0 metres or less from the subject **building**, the minimum required **front yard setback** is the average of the existing **front yard setbacks** of those **buildings** on the abutting **lots**; and
- (C) in all other cases the minimum **front yard setback** is 6.0 metres.

(2) Side Yard Setback and Rear Yard Setback

In an OR zone, the minimum **side yard setback** and **rear yard setback** is:

- (A) a distance equal to the height of the **building** to a maximum of 15 metres, if a **lot** abuts a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
- (B) 3.0 metres in all other cases.

90.30.60 Ancillary Buildings and Structures

90.30.60.1 General

(1) Application of this Article

The regulations in Article 90.30.60 apply to **ancillary buildings** or **structures** in an OR zone.

90.30.60.20 Setbacks

(1) Yard Setbacks for Ancillary Buildings or Structures

For an **ancillary building** or **structure** in an OR zone, the minimum setback from a **front lot line**, **rear lot line** and **side lot line** is:

- (A) 1.5 metres, if its
 - (i) height is 2.0 metres or less, and
 - (ii) **gross floor area** is 50.0 square metres or less; or
- (B) 3.0 metres, in all other cases.

90.30.60.40 Height

(1) Maximum Height of Ancillary Buildings or Structures

The maximum height of an **ancillary building** or **structure** in an OR zone is 6.0 metres.

90.30.60.50 Floor Area

(1) Maximum Floor Area of Ancillary Buildings or Structures

The total maximum **gross floor area** of all **ancillary buildings** or **structures** on a **lot** in an OR zone is the greater of:

- (A) 500 square metres; or
- (B) 5% of the **lot area**.

90.40 Open Space - Golf Course Zone (OG)

90.40.1 General

90.40.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.40 apply to lands, **buildings** and **structures** in an OG zone.

90.40.20 Permitted Uses

90.40.20.10 Permitted Use

(1) Use – OG Zone

The following uses are permitted in an OG zone:

Ambulance Depot

Golf Course

Fire Hall

Park

Police Station

Public Utility

Transportation Use .

90.40.20.20 Permitted Use - with Conditions

(1) Use with Conditions – OG Zone

The following uses are permitted in an OG zone, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.40.20.100:

- Amusement Arcade** (1)
- Club** (2)
- Cogeneration Energy Production** (3)
- Eating Establishment** (2)
- Education Use** (2)
- Outdoor Patio** (4)
- Personal Service Shop** (5)
- Place of Assembly** (2)
- Recreation Use** (2)
- Renewable Energy Production** (3)
- Retail Store** (5)
- Service Shop** (5)
- Take-out Eating Establishment** (5)

90.40.20.30 Ancillary Use

(1) Ancillary Use – OG Zone

In an OG zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.40.20.100 Conditions

(1) Amusement Arcade

An **amusement arcade** is permitted in an OG zone, if:

- (A) there are no more than 12 **amusement devices**; and
- (B) it is together with a **park** or a golf course.

(2) Club, Eating Establishment, Education Use, Place of Assembly, or Recreation Use

A **club**, an **eating establishment**, an **education use**, a **place of assembly**, or a **recreation use** is permitted in an OG zone if it is together with a **park** or a golf course.

(3) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an OG zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(4) Outdoor Patio

An **outdoor patio** is permitted in an OG zone, if:

- (A) it is at least 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
- (B) despite (A) above, if the **outdoor patio** is located above the first **storey** of the **building**, it must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or the Residential Apartment Zone category.

(5) Personal Service Shop, Retail Store, Service Shop, or Take-out Eating Establishment

A **personal service shop**, a **retail store**, a **service shop**, or a **take-out eating establishment** is permitted in an OG zone, if:

- (A) the **interior floor area** of the use is no greater than 500 square metres; and
- (B) the use is together with a **park** or a golf course.

90.40.40 Principal Building Requirements

90.40.40.1 General

(1) Application of this Article

The regulations in Article 90.40.40 apply to all **buildings** or **structures** in an OG zone.

90.40.40.10 Height

(1) Maximum Height

The maximum height for a **building** or **structure** on a **lot** in an OG zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 15.0 metres.

90.40.40.40 Floor Area

(1) Maximum Gross Floor Area

In an OG zone, the maximum floor space index is 0.15.

90.40.40.70 Setbacks

(1) Building Setbacks

In an OG zone, the minimum **building setback** from a **front lot line**, **rear lot line** and **side lot line** is the greater of:

- (i) 7.5 metres; or
- (ii) a distance equal to the height of the **building** or **structure**.

90.50 Open Space - Marina Zone (OM)

90.50.1 General

90.50.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.50 apply to lands, **buildings** and **structures** in an OM zone.

90.50.20 Permitted Uses

90.50.20.10 Permitted Use

(1) Use – OM Zone

The following uses are permitted in an OM zone:

Ambulance Depot

Fire Hall

Marina

Park

Police Station

Public Utility

Transportation Use .

90.50.20.20 Permitted Use - with Conditions

(1) Use with Conditions – OM Zone

The following uses are permitted in an OM zone, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.50.20.100:

- Amusement Arcade** (1)
- Club** (2)
- Cogeneration Energy Production** (3)
- Eating Establishment** (2)
- Education Use** (2)
- Outdoor Patio** (4)
- Personal Service Shop** (5)
- Place of Assembly** (2)
- Recreation Use** (2)
- Renewable Energy Production** (3)
- Retail Store** (5)
- Service Shop** (5)
- Take-out Eating Establishment** (5)

90.50.20.30 Ancillary Use

(1) Ancillary Use – OM Zone

In an OM zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.50.20.100 Conditions

(1) Amusement Arcade

An **amusement arcade** is permitted in an OM zone, if:

- (A) there are no more than 12 **amusement devices**; and
- (B) it is together with a **park** or a marina.

(2) Club, Eating Establishment, Education Use, Place of Assembly, or Recreation Use

A **club**, an **eating establishment**, an **education use**, a **place of assembly**, or a **recreation use** is permitted in an OM zone if it is together with a **park** or a marina.

(3) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an OM zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(4) Outdoor Patio

An **outdoor patio** is permitted in an OM zone, if when used with an **eating establishment**:

- (A) it is not used for entertainment purposes such as listening to, watching or performing, music and dancing;
- (B) it is at least 10.0 metres from a **lot** in a Residential Zone category or Residential Apartment Zone category; and
- (C) despite (B) above, if the **outdoor patio** is located above the first **storey** of the **building**, it must be located a minimum of 40.0 metres, measured horizontally, from a **lot** in a Residential Zone category or Residential Apartment Zone category.

(5) Personal Service Shop, Retail Store, Service Shop, or Take-out Eating Establishment

A **personal service shop**, a **retail store**, a **service shop**, or a **take-out eating establishment** is permitted in an OM zone, if:

- (A) the **interior floor area** of the use is no greater than 500 square metres; and
- (B) the use is together with a **park** or a marina.

90.50.40 Principal Building Requirements

90.50.40.1 General

(1) Application of this Article

The regulations in Article 90.50.40 apply to all **buildings** or **structures** in an OM zone.

90.50.40.10 Height

(1) Maximum Height

The maximum height for a **building** or **structure** on a **lot** in an OM zone is:

- (A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or
- (B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 15.0 metres.

90.50.40.40 Floor Area

(1) Maximum Gross Floor Area

In an OM zone, the maximum floor space index is 0.15.

90.50.40.70 Setbacks

(1) Building Setbacks

- (A) In an OM zone, the minimum **building setback** from a **front lot line**, **rear lot line** and **side lot line** is the greater of:
 - (i) 7.5 metres; or
 - (ii) a distance equal to the height of the **building** or **structure**.
- (B) Despite (A) above, no **building setback** is required from a **lot line** that is:
 - (i) at the shoreline of Lake Ontario; or
 - (ii) in Lake Ontario.

90.70 Open Space - Cemetery Zone (OC)

90.70.1 General

90.70.1.10 Interpretation

(1) Application of this Section

The regulations in Section 90.70 apply to lands, **buildings** and **structures** in an OC zone.

90.70.20 Permitted Uses

90.70.20.10 Permitted Use

(1) Use – OC Zone

The following uses are permitted in an OC zone:

Ambulance Depot

Cemetery

Fire Hall

Police Station

Public Utility

Transportation Use .

90.70.20.20 Permitted Use - with Conditions

(1) Use with Conditions – OC Zone

The following uses are permitted in an OC zone, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 90.70.20.100:

Cogeneration Energy Production (1)

Crematorium (2)

Funeral Visitation Centre (3)

Office (4)

Renewable Energy Production (1)

Retail Store (4)

90.70.20.30 Ancillary Use

(1) Ancillary Use – OC Zone

In an OC zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

90.70.20.100 Conditions

(1) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an OC zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(2) Crematorium

A **crematorium** is permitted in an OC zone, if it is:

(A) together with a **cemetery**; and

(B) no closer than 30.0 metres from a **lot** in a Residential Zone category or Residential Apartment Zone category.

(3) Funeral Visitation Centre

A **funeral visitation centre** is permitted in an OC zone, if it is together with a **cemetery**.

(4) Office or Retail Store

An office, or a **retail store** is permitted in an OC zone, if it is **ancillary** to a **cemetery**, a **crematorium** or a **funeral visitation centre**.

90.70.40 Principal Building Requirements

90.70.40.1 General

(1) Application of this Article

The regulations in Article 90.70.40 apply to all **buildings** or **structures** in an OC zone.

90.70.40.10 Height

(1) Maximum Height

The maximum height for a **building** or **structure** on a **lot** in an OC zone is:

(A) the numerical value, in metres, following the letters 'HT' shown on the Height Overlay Map; or

(B) if the **lot** is in an area with no numerical value shown on the Height Overlay Map, 15.0 metres.

90.70.40.40 Floor Area

(1) Maximum Gross Floor Area

In an OC zone, the maximum floor space index is 0.15.

90.70.40.70 Setbacks

(1) Building Setbacks

In an OC zone, the minimum **building setback** from a **front lot line**, **rear lot line** and **side lot line** is the greater of:

(A) 7.5 metres; or

(B) a distance equal to the height of the **building** or **structure**; except

(C) Despite (A) and (B) above, for a monument with a height of 3.0 metres or less the minimum **front yard setback**, **rear yard setback** and **side yard setback** is 0.9 metres.

90.70.40.80 Separation

(1) Separation of Columbarium or Mausoleum from a Lot in Specified Zone Categories

A **columbarium** or a **mausoleum** must be no closer to a **lot** in a Residential Zone category or Residential Apartment Zone category than:

(A) 7.5 metres, if its:

(i) height is 2.0 metres or less, and

(ii) volume is 15.0 cubic metres or less; or

(B) 30.0 metres, in all other cases.

(2) Separation of Columbarium or Mausoleum from a Lot in Other Specified Zone Categories

A **columbarium** or a **mausoleum** must be no closer to a **lot** that is not in a Residential Zone category or Residential Apartment Zone category than the greater of:

(A) 7.5 metres; or

(B) a distance equal to its height.

Chapter 100 Utility and Transportation

100.5 Regulations applying to the Utility and Transportation Zone Category

100.5.1 General

100.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations contained in Section 100.5 apply to all lands, uses, **buildings** and **structures** in the Utility and Transportation Zone Category.

(2) Interpretation of the Utility and Transportation Zone Symbol

The zone symbol on the Zoning By-law Map for utility and transportation zones consists of the letters UT, indicating the primary land use permitted in the respective zone.

100.5.75 Energy Regulations

(1) Renewable Energy or Cogeneration Energy Device - Location Restriction

In the Utility and Transportation Zone category, a device used to produce **renewable energy** or **cogeneration energy** if located on the ground, must be located no closer to a **lot line**, than the greater of:

- (A) 10 metres;
- (B) the minimum required **building setback** for a **building** on the **lot**; or
- (C) a distance, equal to the height of the device, measured between the elevation of the ground at its base to the elevation of the highest part of the device.

(2) Renewable Energy or Cogeneration Energy Device - Height Regulations

In the Utility and Transportation Zone category, if a photovoltaic energy device or a thermal **solar energy** device is:

- (A) located on a **building**:
 - (i) it must comply with all the minimum **building setback** requirements for a **building**, and
 - (ii) no part of the device is to be more than 3.0 metres higher than the maximum height permitted for a **building** excluding any other permitted encroachments into the height limit; and
- (B) not located on a **building**:
 - (i) no part of the device is to be more than 5.0 metres above the elevation of **average grade** at the base of the device.

(3) Wind Energy Device - Building Setbacks

In the Utility and Transportation Zone category, no part of a **wind energy** device is to be closer to a **lot line** than the greater of:

- (A) the minimum **building setback** requirements for a **building** on the **lot** where the device is located; or
- (B) a distance equal to two times the height of the device, measured between the elevation of the ground at its base to the elevation of the highest part of the device.

(4) Wind Energy Device - Height

In the Utility and Transportation Zone category, no part of a **wind energy** device is to be greater than 15.0 metres above the elevation of the ground at the base of the device.

(5) Geo-energy Requirements

In the Utility and Transportation Zone category, any above ground part of a **geo-energy** device on a **lot** must comply with all the requirements for a **building** on the **lot** where the device is located, but the device must be at least 10.0 metres from any **lot line**

(6) Cogeneration Device

In the Utility and Transportation Zone category, a **cogeneration energy** device must be located inside a **building** if it is located within 30 metres of a **lot** in a residential zone category or apartment residential zone category.

100.5.80 Parking

100.5.80.1 General

(1) Required Parking Space

If this By-law requires one or more off-**street parking spaces** to be provided on a **lot**, that **parking space** must be available for the parking of a **vehicle** associated with the use for which it is required.

100.5.80.10 Location

(1) Location of Required Parking Spaces

A **parking space** must be located on the **lot** containing the use for which the **parking space** is required.

100.10 Utility and Transportation Zone (UT)

100.10.1 General

100.10.1.5 Interpretation

(1) Application of this Section

The regulations in Section 100.10 apply to lands, **buildings** and **structures** in the UT zone.

100.10.20 Permitted Uses

100.10.20.10 Permitted Use

(1) Use – UT Zone

The following uses are permitted in a UT zone:

Ambulance Depot

Market Garden

Fire Hall

Park

Police Station

Public Utility

Transportation Use .

100.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions – UT Zone

The following uses are permitted in a UT zone, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 100.10.20.100:

Cogeneration Energy Production (1)

Open Storage (2)

Public Parking (3)

Public Works Yard (4)

Recreation Use (5)

Renewable Energy Production (1)

Vehicle Depot (6)

100.10.20.30 Ancillary Use

(1) Ancillary Use – UT Zone

In a UT zone, uses, **buildings** and **structures** that are **ancillary** to a permitted use on the same **lot**, or a permitted use with conditions on the same **lot**, are permitted if they comply with the applicable regulations of this zone.

100.10.20.100 Conditions

(1) Cogeneration Energy Production or Renewable Energy Production

Cogeneration energy production or **renewable energy** production is permitted in an UT zone if it is in conjunction with a **lawfully existing** use on the **lot**, and it complies with all municipal, provincial and federal by-laws, statutes and regulations.

(2) Open Storage

In a UT zone, **open storage** for a **public utility** or **transportation use** is permitted if it is at least 100 metres from a **lot** in a zone that permits a **dwelling unit**.

(3) Public Parking

Public parking is permitted in a UT zone, if it is together with:

(A) a **transportation use** that is provided by, or on behalf of the City of Toronto, Province of Ontario or

Government of Canada; or

(B) a **park**.

(4) Public Works Yard

A **public works yard** is permitted in a UT zone, if the **public works yard** is at least 100 metres from a **lot** in a zone that permits a **dwelling unit**.

(5) Recreation Use

A **recreation use** is permitted in a UT zone, if it is not in a **building**.

(6) Vehicle Depot

In a UT zone, a **vehicle depot** for a **public utility** or a **transportation use** is permitted if it is at least 100 metres from a **lot** in a zone that permits a **dwelling unit**.

100.10.40 Principal Building Requirements

100.10.40.80 Separation

(1) Separation of Certain Public Utilities from Specified Zones

In a UT zone, a **public utility** for the treatment of sewage must be at least 100 metres from a **lot** in a zone that permits a **dwelling unit**.

100.10.80 Parking

100.10.80.20 Setback

(1) Parking Space to be Set Back from a Lot Line

A **parking space** not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

Chapter 150 Specific Use Regulations

150.5 Home Occupation

150.5.1 General

(1) Application of Regulations

The regulations in this section apply to every **home occupation** and **premises** containing a **home occupation** that are required to comply with the regulations contained in this Section 150.5.

150.5.20 Use Regulations

(1) Home Occupation - Uses Not Permitted

A **home occupation** does not include:

- (A) the sale, rental or lease of physical goods directly from the **dwelling unit**;
- (B) a **personal service shop**;
- (C) an office for a professional regulated under the College of Physicians and Surgeons of Ontario;
- (D) an office for a professional regulated under the Regulated Health Professions Act;
- (E) an **animal shelter** or **kennel**;
- (F) **vehicle** repair, service, or washing; or
- (G) a **manufacturing use**.

(2) Home Occupation - No Customer or Client Attending the Premises for Specified Reasons

Except in the case of an **education use**, a **home occupation** must not have clients or customers attending the **premises** for:

- (A) consultations;
 - (B) receiving services; or
 - (C) obtaining physical goods.
- (4) Home Occupation - No Outdoor Activities, Display and Storage
A **home occupation** must not have outdoor activities or services, outside display or **open storage**.
- (5) Home Occupation - Music or Dance Instruction Permitted in a Detached House Only
A **home occupation** involving instruction of music or dance may only be in a **detached house**.
- (6) Home Occupation - Not Permitted in Conjunction with Group Home or Residential Care Home
A **home occupation** is not permitted together with a **group home** or a **residential care home**.
- (7) Home Occupation - No Employee Other Than the Business Operator on the Premises
A **home occupation** must not have an employee working in the **dwelling unit** other than the business operator that resides in the **dwelling unit**.
- (8) Home Occupation Exemptions - Personal Services in an R Zone
Despite 150.5.20 (1) and (2), a **home occupation** in an R zone may include a **personal service shop**, limited to the following types of services:
 - (A) barber;
 - (B) hairdresser;
 - (C) beautician;
 - (D) dressmaker;
 - (E) seamstress; and
 - (F) tailor.
- (9) Home Occupation Exemptions - Health Related Professionals in an R Zone

(A) Despite 150.5.20 (1) and (2), a **home occupation** in an R zone may include:

 - (i) an office for a professional regulated under the College of Physicians and Surgeons of Ontario; and
 - (ii) an office for a professional regulated under the Regulated Health Professions Act, as amended.

(B) Despite 150.5.20 (7), a **home occupation** in an R zone and described in (A), above, may have one employee working in the **dwelling unit** in addition to the business operator that resides in the **dwelling unit**.

150.5.40 Building Regulations

150.5.40.1 General

- (1) Home Occupation - No Alteration to Building
There must be no alteration to the exterior of a **building** to accommodate a **home occupation**.
- (2) Home Occupation - Professionals under the Regulated Health Professions Act in an Apartment Building in an R Zone
In an R zone, if a **dwelling unit** in an **apartment building** contains a **home occupation** that is a service provided by a professional regulated under the Regulated Health Professions Act, as amended, the **dwelling unit** must be located on the **first floor** or in the **basement**.

150.5.40.40 Floor Area

- (1) Home Occupation - Maximum Interior Floor Area
The maximum floor area occupied or used by a **home occupation** is the lesser of:
- (A) 25% of total **interior floor area** of the **dwelling unit** the **home occupation** is located in; or
 - (B) 100 square metres.

150.5.60 Ancillary Buildings and Structures

150.5.60.1 General

(1) Home Occupation - Not Permitted in an Ancillary Building

A **home occupation** is not permitted in an **ancillary building** or **structure**.

150.10 Secondary Suite

150.10.1 General

(1) Application of Regulations

The regulations in this section apply to every **secondary suite** and **premises** containing a **secondary suite** that are required to comply with the regulations contained in this Section 150.10.

150.10.20 Use Regulations

150.10.20.1 General

(1) Secondary Suite - Permitted in Certain Types of Residential Buildings

A **secondary suite** may be located only in:

- (A) a **detached house**;
- (B) a **semi-detached house**; and
- (C) a **townhouse** if it is in an R zone.

(2) Secondary Suite - Number Permitted in a Detached House or Semi-Detached House

Within a **detached house** or **semi-detached house**, each **dwelling unit** may have a maximum of one **secondary suite**.

(3) Secondary Suite - Number Permitted in a Townhouse in an R Zone

In an R zone, a **dwelling unit** in a **townhouse** may have a maximum of one **secondary suite**.

(4) Secondary Suite - Number Permitted in a Residential Building in an R Zone

Despite regulation 150.10.20.1 (2), in an R zone, a **residential building** originally constructed as a **detached house** or a **semi-detached house** may be converted to contain more than one **secondary suite**.

(5) Secondary Suite - Permission in a Lawfully Existing Detached House or Semi-Detached House

A **secondary suite** is permitted within a **lawfully existing detached house** or **semi-detached house**, if all applicable **secondary suite** regulations are met.

150.10.40 Building Regulations

150.10.40.1 General

(1) Secondary Suite - Age of Building

The whole of a **building** containing a **secondary suite** must have been constructed more than 5 years prior to the introduction of the **secondary suite**, excluding additions or alterations described in regulation 150.10.40.1 (3).

(2) Secondary Suite - Age of Building in an R(u2) Zone

Despite regulation 150.10.40.1 (1), in an R zone with a numerical value of 2 following the letter 'u' in the zone label, a **detached house** may only be converted to contain two or more **secondary suites** in compliance with regulation 150.10.20.1 (4) if the **detached house** was constructed more than 40 years prior to the introduction of the additional **secondary suites**, excluding additions or alterations described in regulation 150.10.40.1 (3).

(3) Secondary Suite - Addition or Alteration

(A) An addition or alteration to a **building** to accommodate a **secondary suite** is permitted if it does not

alter or add to a **main wall** or roof that faces a **street**.

(B) Despite (A) above, the following additions or alterations may be on a **main wall** or roof that faces a **street**:

- (i) a porch or a **basement** extension beneath a porch;
- (ii) a balcony; and
- (iii) a dormer, if the **interior floor area** of the dormer is not more than 2.3 square metres and the total **interior floor area** of all dormers is not more than 9.3 square metres.

(4) Secondary Suite - In a Residential Zone Category With No FSI Regulation

If a **building** or a **lot** in a Residential Zone category is not subject to a maximum **gross floor area** or floor space index, a **secondary suite** must not be divided vertically from the principal **dwelling unit**, unless the entire **secondary suite** occupies only part of one existing **storey** or only part of the existing **basement**.

150.10.40.40 Floor Area

(1) Secondary Suite - Interior Floor Area

The **interior floor area** of a **secondary suite** must be less than the **interior floor area** of the principal **dwelling unit**.

(2) Secondary Suite - Interior Floor Area Requirements in an R(u2) Zone

In an R zone with a numerical value of 2 following the letter 'u' in the zone label, a **detached house** may only be converted to contain two or more **secondary suites** in compliance with regulation 150.10.20.1 (4) if:

- (A) the **building** has a minimum **interior floor area** of 460 square metres; and
- (B) despite regulation 150.10.40.40 (1), the principal **dwelling unit** and each **secondary suite** must have an **interior floor area** no less than 55.0 square metres, except in the case of an attic converted to a **secondary suite** which must have an **interior floor area** no less than 42.0 square metres.

(3) Secondary Suite – Interior Floor Area Requirement in an R Zone

In an R zone, other than an R zone with a numerical value of 2 following the letter 'u' in the zone label, if there is more than one **secondary suite**, the average **interior floor area** for each **dwelling unit**, including the principal **dwelling unit** and every **secondary suite**, must be at least 65 square metres.

150.10.80 Parking

(1) Secondary Suite – Parking Space Requirement in an R Zone

Despite the requirements of Table 200.5.10.10, in an R zone, other than an R zone with a numerical value of 2 following the letter 'u' in the zone label, no **parking space** is required for the first **secondary suite**.

150.15 Group Home

150.15.1 General

(1) Application of Regulations to Group Homes and Residential Care Homes

The regulations in this section apply to every **group home** or **residential care home** and **premises** containing a **group home** or **residential care home** that are required to comply with the regulations contained in this Section 150.15.

(2) Application of Regulations to Foster Group Homes

Despite 150.15.1 (1), the regulations contained in this Section 150.15 do not apply to a **dwelling unit** where one or two adult persons live and provide care on a continuous basis for fewer than five children not of common parentage.

150.15.20 Use Regulations

150.15.20.1 General

(1) Group Home or Residential Care Home - Use Restriction

A **group home** or a **residential care home** must occupy the whole of a **building** and not be combined with any other use.

(2) Group Home - Type of Building in a Residential Zone Category

In a Residential Zone category, a **group home** must be located in:

- (A) a **building** originally constructed as a **detached house**; and
- (B) in an R zone, a **building** originally constructed as a **semi-detached house** if it occupies the whole of the **building**.

150.15.30 Lot Regulations

150.15.30.1 General

(1) Group Home or Residential Care Home - Separation Distance

A **group home** or a **residential care home** must be a minimum distance of 250 metres from any **lot** containing an existing **group home** or **residential care home**, measured in a straight line from nearest property line to nearest property line.

(2) Correctional Use - Location

If a **group home** or a **residential care home** is used for correctional purposes, it must be located on a **lot** that:

- (A) is not in an RD zone; and
- (B) has a **front lot line** abutting a major **street** shown on the Policy Areas Overlay Map.

150.15.80 Parking

150.15.80.1 General

(1) Group Home - Parking Space Requirements

A **group home** must have a minimum of two **parking spaces** of which:

- (A) a minimum of one **parking space** must be located according to the requirements for the zone and **building** type; and
- (B) a maximum of one **parking space** may be located on the **driveway** in tandem with a **parking space** required in (A).

150.20 Crisis Care Shelter

150.20.1 General

(1) Application of Regulations

The regulations in this section apply to every **crisis care shelter** and **premises** containing a **crisis care shelter** that are required to comply with the regulations contained in this Section 150.20.

150.20.20 Use Regulations

150.20.20.1 General

(1) Crisis Care Shelter - Use Restriction

A **crisis care shelter** must:

- (A) occupy the whole of a **building** and not be combined with any other permitted use; and
- (B) be regulated or supervised under Province of Ontario or Government of Canada legislation.

150.20.30 Lot Regulations

(1) Crisis Care Shelter - Separation Distance and Location

A **crisis care shelter** must:

- (A) be a minimum distance of 250 metres from any **lot** containing an existing **crisis care shelter** or **municipal shelter**, measured in a straight line from nearest property line to nearest property line; and
- (B) be located on a **lot** that:
 - (i) has a **front lot line** or **side lot line** abutting a major **street** shown on the Policy Areas Overlay Map; or
 - (ii) has a **front lot line** or **side lot line** abutting a **street** which intersects a road described in (i), and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

150.22 Municipal Shelter

150.22.1 General

(1) Application of Regulations

The regulations in this section apply to every **municipal shelter** and **premises** containing a **municipal shelter** that are required to comply with the regulations contained in this Section 150.22.

150.22.30 Lot Regulations

(1) Municipal Shelter - Separation Distance and Location

A **municipal shelter** must:

- (A) be a minimum distance of 250 metres from any **lot** containing an existing **crisis care shelter** or **municipal shelter**, measured in a straight line from nearest property line to nearest property line; and
- (B) be located on a **lot** that:
 - (i) has a **front lot line** or **side lot line** abutting a major **street** shown on the Policy Areas Overlay Map; or
 - (ii) has a **front lot line** or **side lot line** abutting a **street** which intersects a road described in (i), and the **lot** is located, in whole or in part, within a distance of 80 metres from that intersection.

150.25 Rooming House

150.25.1 General

(1) Application of Regulations

The regulations in this section apply to the Rooming House Areas identified on the Rooming House Overlay Map, and every rooming house and all **premises** containing a rooming house located in these areas are required to comply with the regulations contained in this Section 150.25.

(2) Rooming House Permission Exceptions

Despite use permissions in a zone, a rooming house is only permitted if it is located in an area shown on the Rooming House Overlay Map and is subject to the applicable regulations for the area in which it is located.

150.25.10 Rooming House Area 'A'

150.25.10.1 General

(1) General

In Rooming House Area A1, shown on the Rooming House Overlay Map as A1, a rooming house is permitted if it complies with the regulations for the zone in which it is located, and with the regulations in article 150.25.10.

(2) Rooming House Definition

For the purpose of a rooming house located in Rooming House Area A1 identified in the Rooming House Overlay Map, a rooming house means a **building** in which living accommodation is provided to at least three persons in separate rooms, each of which may contain food preparation facilities or sanitary facilities, but not both. A rooming house may contain one **dwelling unit**. A **group home, residential care home, nursing home, retirement home, seniors community house, religious residence, student residence, tourist home, or hotel** is not a rooming house.

150.25.10.2 Requirements

(1) Requirements

In Rooming House Area A1, a rooming house must comply with the following:

- (A) it may be located on a **lot** if the:
 - (i) **lot area** is at least 460 square metres;
 - (ii) **lot frontage** is at least 12.0 metres;
 - (iii) **lot** is at least 300 metres from all other **lots** containing a rooming house or **group home**; and
 - (iv) **lot** has a minimum of 75 square metres of **soft landscaping** in the **side yard** or **rear yard**;
- (B) it may be located in a **building**
 - (i) originally constructed as a **detached house**;
 - (ii) that has a minimum of 23 square metres of **gross floor area** for each occupant;
- (C) the **building** containing the rooming house must be the principal residence of the owner of the **building**;
- (D) the **building** must not contain more than 10 occupants;
- (E) **parking spaces** must be provided at a minimum rate of 1.0 for the owner of the **building** plus 1.0 for each two occupants.

150.25.20 Rooming House Area 'B'

150.25.20.1 General

(1) Rooming House Definition

For the purpose of this By-law, in any area identified with the letter 'B' on the Rooming House Overlay Map, such as B1, B2, and B3, a rooming house means a **building** in which living accommodation is provided to more than three persons in separate rooms, each of which may contain food preparation facilities or sanitary facilities, but not both. A rooming house may contain one or more **dwelling units**. A **group home, residential care home, nursing home, retirement home, seniors community house, religious residence, student residence, tourist home, or hotel** is not a rooming house.

150.25.20.2 Requirements

(1) Requirements

In a Rooming House Area identified as B1 or B2 on the Rooming House Overlay Map, a rooming house must comply with the following:

- (A) it may only be located in a **building**:
 - (i) originally constructed as a **detached house** or **semi-detached house**;
 - (ii) that is a minimum of 5 years old;
 - (iii) if a room used for living accommodation in a rooming house has a minimum **interior floor area** of 9.0 square metres for a single occupant or 7.0 square metres for each of two or more occupants; and
 - (iv) if a room used for living accommodation in a rooming house includes food preparation facilities exclusive to the room it must have a minimum **interior floor area** of 13.0 square metres and the room must not include sanitary facilities;
- (B) exterior alteration to a **building** is not permitted, except that:
 - (i) one addition is permitted if the maximum increase in the floor space index of the **building** is 0.15;
 - (ii) an addition to or the replacement of an existing platform such as a porch, verandah or balcony is

- permitted if it complies with the applicable regulations for platforms for the zone in which the **building** is located;
- (iii) a dormer in the roof may be added, if the maximum **interior floor area** of each dormer is 2.3 square metres and the total maximum **interior floor area** of all dormers is not more than 9.3 square metres, with the increase in floor area to be included in the maximum increase in the floor space index permitted in (i) above; and
 - (iv) alterations required by the Ontario **Building** Code or a City of Toronto By-law are permitted;
- (C) if both halves of a **building** originally constructed as a **semi-detached house** are used as a rooming house and one half is converted to a use other than a rooming house, that conversion does not prevent the continued use of the attached rooming house as long as it continues to be used as a rooming house;
- (D) a **dwelling unit** in a rooming house is permitted if it has a minimum **interior floor area** of 33.0 square metres;
- (E) a rooming house must include sanitary facilities, which include a toilet, wash basin, and a bath or a shower, at a rate of one sanitary facility for every six occupants of the rooming house; and
- (F) **parking spaces** must be provided at a rate of one **parking space** for every three rooms used for living accommodation in excess of three rooms, and one **parking space** for every two **dwelling units**.

150.25.30 Rooming House Area 'B1'

150.25.30.1 General

(1) General

In Rooming House Area B1, shown on the Rooming House Overlay Map as B1, a rooming house is permitted if it complies with the regulations for the zone in which it is located, and with the regulations in clause 150.25.20.1, clause 150.25.20.2 and article 150.25.30.

150.25.30.2 Requirements

(1) Requirements

In Rooming House Area B1, a rooming house must comply with the following:

- (A) the maximum number of rooms used for living accommodation in a rooming house is 6, not including rooms in a **dwelling unit**.

150.25.40 Rooming House Area 'B2'

150.25.40.1 General

(1) General

In Rooming House Area B2, shown on the Rooming House Overlay Map as B2, a rooming house is permitted if it complies with the regulations for the zone in which it is located, and with the regulations in clause 150.25.20.1, clause 150.25.20.2 and article 150.25.40.

150.25.40.2 Requirements

(1) Requirements

In Rooming House Area B2, a rooming house must comply with the following:

- (A) the maximum number of rooms used for living accommodation in a rooming house is 12, not including rooms in a **dwelling unit**.

150.25.50 Rooming House Area 'B3'

150.25.50.1 General

(1) General

In Rooming House Area B3, shown on the Rooming House Overlay Map as B3, a rooming house is permitted if it complies with the regulations for the zone in which it is located, and with the regulations in clause 150.25.20.1 and article 150.25.50.

150.25.50.2 Requirements

(1) Requirements

In Rooming House Area B3, a rooming house must comply with the following:

- (A) the maximum number of both **dwelling units** and rooms used for living accommodation in a rooming house is 25;
- (B) a rooming house is not permitted in a **building** originally constructed as an **apartment building**; and
- (C) **parking spaces** must be provided at a rate of one **parking space** for every three rooms used for living accommodation in excess of three rooms, and one **parking space** for every two **dwelling units**.

150.25.120 Rooming House Area 'C'

150.25.120.1 General

(1) General

In Rooming House Area C1, shown on the Rooming House Overlay Map as C1, a rooming house is permitted if it complies with the regulations for the zone in which it is located, and with the regulations in article 150.25.120.

(2) Rooming House Definition

For the purpose of a rooming house located in Rooming House Area C1, a rooming house means a **building** in which living accommodation is provided for more than two persons in separate rooms, each of which may contain food preparation facilities or sanitary facilities, but not both. A **group home, residential care home, nursing home, retirement home, seniors community house, religious residence, student residence, tourist home, or hotel** is not a rooming house.

150.25.120.2 Requirements

(1) Requirements

In Rooming House Area C1, a rooming house must comply with the following:

- (A) it must be located on a **lot** that:
 - (i) abuts a major **street** identified on the Policy Areas Overlay Map;
 - (ii) is at least 300 metres from all other **lots** containing a rooming house, **group home** or a **crisis care shelter**;
- (B) it must be located in a **building**:
 - (i) originally constructed as a **detached house, semi-detached house, or duplex**; and
 - (ii) containing a minimum of 41.0 square metres of **interior floor area** for each of the first three rooms used for living accommodation, plus 7.0 square metres of **interior floor area** for each additional room used for living accommodation;
- (C) it must occupy the whole of the **building** and must not be combined with any other permitted use;
- (D) the **building** must not contain more than 10 occupants; and
- (E) **parking spaces** must be provided at a minimum rate of 1.0 for every three rooms used for living accommodation.

150.30 Senior's Community House

150.30.1 General

(1) Application of Regulations

The regulations in this section apply to every **seniors community house** and **premises** containing a **seniors community house** that are required to comply with the regulations contained in this Section 150.30.

150.30.20 Use Regulations

150.30.20.1 General

(1) Seniors Community House - Use Restriction

A **seniors community house** must:

- (A) occupy the whole of a **building** and not be combined with any other permitted use; and
- (B) have, excluding staff, residents that are all at least 65 years old.

(2) Seniors Community House - Location Restriction

Despite regulations to the contrary, a **seniors community house** is not permitted within the area bounded on the north by Dundas Street West, on the east by Dufferin Street and the rail lines, on the south by Lake Shore Boulevard West, and on the west by Roncesvalles Avenue.

150.30.30 Lot Regulations

(1) Seniors Community House - Separation Distance

A **seniors community house** must be a minimum distance of 250 metres from any **lot** containing an existing **seniors community house**, measured from nearest property line to nearest property line.

150.30.40 Building Regulations

(1) Seniors Community House - Age of Building

A **building** containing a **seniors community house** must have been constructed more than 5 years prior to it being used as a **seniors community house**, excluding additions or alterations.

150.45 Day Nursery

150.45.1 General

(1) Application of Regulations

The regulations in this section apply to every **day nursery** and **premises** containing a **day nursery** that are required to comply with the regulations contained in this Section 150.45.

150.45.20 Use Regulations

150.45.20.1 General

(1) Day Nursery - Permitted Locations in Specified Zone Categories

In the Residential Zone category or the Residential Apartment Zone category, a **day nursery** is only to be located in an **apartment building** or a **building** containing one or more of the following uses:

- (A) **public school**;
- (B) **private school**;
- (C) **place of worship**;
- (D) **community centre**; or
- (E) library.

(2) Day Nursery – Permitted in a Detached House or Semi-Detached House in the R Zone

In addition to the requirements of regulation 150.45.20 (1), in the R zone, a **day nursery** may be located

in a **building** originally constructed as a **detached house** or a **semi-detached house** if:

(A) the **day nursery** occupies the entire **building**; or

(B) the **day nursery** is together with a **dwelling unit** that is the principal residence of the **day nursery** operator.

150.45.40 Building Regulations

(1) Day Nursery - Location in an Apartment Building

If a **day nursery** is in an **apartment building**, the **day nursery** must be located in the first **storey**.

(2) Day Nursery - Size Restriction in a School

If a **day nursery** is in a **public school** or a **private school**, the **interior floor area** used by the **day nursery** must be no greater than 40% of the **gross floor area** of the **building**.

150.45.50 Yards

(1) Day Nursery - Yard Restrictions

If a **day nursery** is in a Residential Zone category, no portion of the **front yard** or a **side yard** abutting a **street** is to be used as a children's play area.

150.48 School

150.48.1 General

(1) School- General

The regulations in this section apply to every **public school** or **private school** and **premises** containing a **public school** or **private school** that are required to comply with the regulations contained in this Section 150.48.

150.48.20 Use Regulations

150.48.20.30 Ancillary Uses

(1) Adult Education

An Adult Education School is a permitted use in a **building** used as a **private school** or a **public school**, or originally constructed as a **private school** or, a **public school**, if:

(A) it is funded by the provincial or federal government for the delivery of:

- (i) adult English/French as a second language (ESL/FSL) courses delivered by district school boards;
- (ii) literacy and basic skills programming delivered by community agencies, district school boards;
- (iii) credit courses for adults delivered by district school boards;
- (iv) continuing education programs, including general interest courses, delivered by district school boards;
- (v) adult Native language programs delivered by district school boards; and
- (vi) citizenship preparation programs delivered by district school boards.

(2) Day Nursery

A **day nursery** is permitted in a **building** used as a **private school** or a **public school**, if the area used as a **Day Nursery** is no more than 40% of the **first floor** area of the **building**.

150.48.30 Lot Regulations

150.48.30.41 Lot Coverage Exemptions

(1) Lot Coverage

If on the date on the enactment of this By-law, a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone contained a **building** and a **public school** use or **private school** use, then the maximum **lot coverage** for that **lot** is equal to the greater of:

- (A) the existing percentage of the **lot** covered by all **buildings** on the date of the enactment of this By-law; or
- (B) the maximum **lot coverage** permitted for the zone in which the **lot** is located; or
- (C) has a **lot coverage** that was permitted by a Section 45 Planning Act minor variance.

150.48.40 Building Regulations

150.48.40.1 General

(1) Building Reconstruction and Replacement

A **lawful public school** or **private school** existing on a **lot** in the Residential Zone category or Apartment Residential Zone category, on the date of the enactment of this by-law, is permitted on that **lot**, and:

- (A) any expansion or addition to the **public school building** or **private school building** must comply with the requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located; and
- (B) the existing **public school building** or **private school building** may be replaced with a new school **building** that complies with the applicable requirements of Section 150.48 and the applicable requirements for the zone in which the **lot** is located.

150.48.40.10 Height

(1) Maximum Height Exemption

If on the date on the enactment of this By-law, a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone contained a **building** and a **public school** use or **private school** use, then its maximum **building** height is equal to the greater of:

- (A) the existing height of the school **buildings** existing on the **lot** on the date of the enactment of this By-law; or
- (B) the maximum height for a **building** for the zone in which the **lot** is located; or
- (C) has a height that was permitted by a Section 45 Planning Act minor variance.

150.48.40.40 Floor Area

(1) Gross Floor Area

If on the date of the enactment of this By-law, a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone contains a **building** or **buildings** used for as a **public school** or **private school**, the maximum **gross floor area** permitted on that **lot** is the greater of:

- (A) the total **gross floor area** of all **buildings** that **lawfully** existed and were used for a **public school** or **private school** on the **lot** on the date on the enactment of this By-law; or
- (B) the maximum **gross floor area** for all **buildings** permitted by this by-law for the zone in which the **lot** is located; or
- (C) a **gross floor area** permitted by a Section 45 Planning Act minor variance.

150.48.40.70 Setbacks

(2) Minimum Building Setbacks

If on the date on the enactment of this By-law, a **lot** contains a **building** used for a **public school** use or **private school** use, and is located in a Residential Zone category, Residential Apartment Zone category,

Commercial Zone Category or Institutional Education Zone, then the minimum required **building setback** from a **front lot line**, **side lot line** or **rear lot line** is equal to the lesser of:

- (A) the minimum distance from each **main wall** of a **lawfully existing building** to the respective **front lot line**, **side lot line** and **rear lot line**; and
- (B) the minimum **building setback** from each **lot line** that is required by this By-law for the zone in which the **lot** is located; or
- (C) a **building setback** permitted by a Section 45 Planning Act minor variance.

150.48.50 Yards

150.48.50.10 Landscaping

(1) School- Landscaping

If a **lot** contains a **Public School** or a **Private School** there must be on the **lot**:

- (A) a minimum 1.5 metre wide strip of land, used only for **soft landscaping**, along all **side lot lines** and **rear lot lines**; and
- (B) with the exception of areas used for play, **driveways**, parking, loading, student drop-off and pick-up, a minimum 3.0 metre wide strip of land, used for only **soft landscaping**, along the entire length of any **lot line** abuts a **street**.

150.48.60 Ancillary Buildings and Structures

150.48.60.1 General

(1) Ancillary Portable Classroom Building

An **ancillary** portable classroom **building** is permitted on a **lot** containing a **lawfully existing public school** or **private school** if **ancillary** portable classroom **building** complies with the all the applicable requirements of Section 150.48 and the zone in which the **lot** is located.

150.48.60.20 Setbacks

(1) Ancillary Building and Structure Setbacks

Buildings or **structure** that are **ancillary** to a **Public School** or **Private School** must comply with the **building setback** requirements for the zone in which the **lot** is located , except that a portable classroom **building** must be set back from all **lot lines** a distance equal to at least one half the height of the **building**.

150.48.60.40 Height

(1) Ancillary Portable Classroom Buildings - Height

A portable classroom **building** must not be more than 4.0 metres in height.

(2) Calculation of Height

Building height for an **ancillary** portable classroom **building**, measured as the difference in elevation between the **average grade** and the highest part of the **building**, excluding permitted encroachments above the height limit.

(3) Ancillary Portable Classroom Building - Height

If on the date of the enactment of this By-law, a **building**, **ancillary** to a **Public School** or **Private School** existed on a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone, the maximum height for that **ancillary building** is the greater of:

- (A) the height of any **ancillary** portable classroom **building** existing on the **lot** on the date of the enactment of this By-law; or
- (B) the maximum height for an **ancillary building**, for the zone in which the **lot** is located; or
- (C) has a height that was permitted for this **building** or **structure** by a Section 45 Planning Act minor

variance.

(4) Addition, Extension or Alteration to an Existing Ancillary Building

A **building** that is **ancillary** to a **public school** or **private school** and constructed after the date of the enactment of this By-law, or any addition, extension or alteration to a **building** referenced in regulation 150.48.60.40 (3) must comply with all the applicable requirements of this By-law.

150.48.80 Parking

150.48.80.10 Location

(1) School Parking Lots

If a **lot** containing a **Public School** or a **Private School** is in an Institutional Zone, Commercial Residential Zone or Commercial Residential Employment Zone, an area used for **parking spaces** must be separated from any property line that does not abut a **street** or **lane** by a minimum 1.5 metre wide strip of land used only for **soft landscaping**. If the parking area abuts a **lot** in a Residential Zone category, a fence must be provided along the part of the **lot line** abutting the residential **lot**.

150.48.80.200 Exemptions

(1) Parking Space Requirement

Despite the requirements of Chapter 200 **Parking Space** Regulations, if on the date on the enactment of this By-law, a **lot** contains a **building** used for a **public school** use or **private school** use, and is located in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone, and if the number of **parking spaces** that existed on the **lot** on the date of the enactment of this By-law is less than the number of **parking space** required by this By-law, the minimum number of parking required for the existing **public school** or existing **private school** is the number of **parking spaces** that existed on the date of the enactment of this By-law.

Parking spaces for any addition or expansion to a **public school** or **private school**, must be provided in compliance with the requirements of Chapter 200.

150.48.90 Loading

150.48.90.1 General

(1) School - Pick-Up / Drop-Off Areas

If a **lot** containing a **Public School** or a **Private School** is in an Institutional Zone, Commercial Residential Zone or Commercial Residential Employment Zone, is increased in its **gross floor area**, a vehicular student pick-up and drop-off area must be provided on the same **lot** as the **Public School** or a **Private School**.

150.48.90.10 Location

(1) Loading Space

If a **lot** containing a **Public School** or a **Private School** is in an Institutional Zone, Commercial Residential Zone or Commercial Residential Employment Zone and if a **loading space** is provided, the **loading space** must be located entirely on the **lot** and only in a **side yard** or **rear yard** that does not abut a **lot** in a Residential Zone category or Residential Apartment Zone category

150.48.150 Waste

(1) Waste Storage

If a **lot** contains a **Public School** or a **Private School** all waste and **recyclable material** must be stored in a wholly enclosed **building**.

150.50 Place of Worship

150.50.1 General

(1) Application of Regulations

The regulations in Section 150.50 apply to every **place of worship** and **premises** containing a **place of worship**.

150.50.20 Use Regulations

150.50.20.30 Ancillary Uses

(1) Ancillary Uses - Location and Access

An use **ancillary** to a **place of worship** must be located in the **place of worship building** and only accessible from inside the **building**.

(2) Ancillary Uses - Types

The following uses are permitted in a **place of worship**, if they are accessible only from inside the **building** containing the **place of worship**:

- (A) library or reading room; and
- (B) **retail store**.

(3) Retail Store Area Limitation

The maximum **interior floor area** for a **retail store** that is **ancillary** to a **place of worship** is the lesser of:

- (A) 5 percent of the **interior floor area** of the worship area; or
- (B) 25 square metres.

(4) Dwelling Unit Ancillary to Place of Worship

A **dwelling unit** that is **ancillary** to a **place of worship** is permitted if:

- (A) the **lot** containing the **place of worship** abuts a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category or Institutional Zone category; and
- (B) the **dwelling unit** does not have a **gross floor area** of more than 250 square metres.

150.50.30 Lot Regulations

150.50.30.20 Lot Frontage

(1) Minimum Lot Frontage

If on the date of the enactment of this By-law, an **lawful place of worship** is **lawfully existing** in a **building** on a **lot** located in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, and the **lot frontage** is less than that required by this By-law for the **lot** on which the **place of worship** is located then the maximum **lot frontage** for that **lot** containing the existing **place of worship**, is the **lot frontage** of that **lot** as it existed on the date of the enactment of this By-law or as permitted by a Section 45 Planning Act minor variance.

150.50.30.40 Lot Coverage

(1) Lot Coverage

If on the date on the enactment of this By-law, a **lot** in a Residential Zone category, Residential Apartment Zone category, Commercial Zone Category or Institutional Education Zone contained a **lawfully existing building** containing a **place of worship**, then the maximum **lot coverage** for that **lot** is equal to the greater of:

- (A) the existing percentage of the **lot** covered by all **buildings** on the date of the enactment of this By-law; or

- (B) the maximum **lot coverage** permitted for the zone in which the **lot** is located; or
- (C) the **lot coverage** that was permitted for this **building** or **structure** by a Section 45 Planning Act minor variance.

150.50.30.200 Exemptions

(1) Maximum Lot Area

If on the date of the enactment of this By-law, an **lawful place of worship** is **lawfully existing** in a **building** on a **lot** located in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, then the maximum **lot area** for that **lot** containing the existing **place of worship**, is the area of that **lot** that existed on the date of the enactment of this By-law unless otherwise permitted by a variance under Section 45 of the Planning Act.

150.50.40 Building Regulations

150.50.40.1 General

(1) Existing Building Replacement and Reconstruction

If on the date of the enactment of this By-law, an **lawful place of worship** is **lawfully existing** on a **lot**, and that **place of worship** that is now located on a **lot** in a Residential Zone category or Apartment Residential Zone category, it may be replaced or reconstructed in compliance with the regulations of the zone in which the **lot** is located, so long as, the **parking spaces** that existed for that use on the date of the enactment of this By-law are maintained, and **parking spaces** are provided for any increase in **gross floor area** in compliance with the applicable regulations in Chapter 200 of this By-law.

150.50.40.10 Height

(1) Maximum Height Exemption

In a Residential Zone category, Apartment Residential Zone category, Employment Zone category, if a **lawfully existing building** containing a **place of worship**, complied with the applicable former zoning by-law for height, or has a height that was permitted for this **building** by a Section 45 Planning Act minor variance and that **lawfully existing** height is greater than the height permitted by this By-law, then the maximum **building** height for that existing **building** is the greater of:

- (A) the height of that **lawfully existing building**; or
- (B) the maximum **building** height permitted for the zone in which the **lot** is located.

(2) Building Height Exemption - Architectural Elements

If on the date of the enactment of this By-law, a **lawfully existing place of worship** is located on a **lot** in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, and the **building** has a minaret, steeple or similar architectural element that exceeds the maximum **building** height permitted by this By-law, the maximum height of the minaret, steeple or similar architectural element is the **lawful** height that existed on the date of the enactment of this By-law or the height that was permitted **structure** by a Section 45 Planning Act minor variance.

150.50.40.40 Floor Area

(1) Maximum Gross Floor Area Exemption

If on the date of the enactment of this By-law, a **lawfully existing place of worship** is located on a **lot** in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, then the maximum permitted **gross floor area** of all **buildings** on that **lot** is equal to the greater of:

- (A) the **gross floor area** of all **buildings** existing on the **lot** on the date of the enactment of this By-law;
or
- (B) the maximum **gross floor area** permitted for the zone in which the **lot** is located.

150.50.40.70 Setbacks

(1) Minimum Building Setback Exemption

Despite regulation 150.50.1.(1) and the **building setback** requirements of the zoning in which the **lot** is located, if a **lawfully existing place of worship** is located on a **lot** and on the **lot** in a Residential Zone category, Apartment Residential Zone category, Employment Zone category, then the minimum required **building setback** from a **front lot line**, **side lot line** and **rear lot line** is equal to the distance from the **front lot line**, **side lot line** and **rear lot line** to the nearest respective **main wall** of a **building** that **lawfully** existed on the **lot** on the date of the enactment of this By-law or by a Section 45 Planning Act minor variance and addition, extension or alteration to the **building** must comply with the requirements of this By-law.

150.50.50 Yards

150.50.50.10 Landscaping

(1) Landscaping

In addition to the requirements of regulation 5.10.50.10 (1), if a **lot** in a Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, Institutional Zone or Institutional Education Zone, contains a **place of worship** the **lot** must comply with the following requirements:

- (A) a minimum 1.5 metre wide strip of land used only for **soft landscaping**, must be provided along the entire length of each **side lot line** and **rear lot line**;
- (B) the area of the **front yard** not used for **vehicle** access must be used only for **landscaping** and a minimum of 75% of the **front yard landscaping** area must be used for **soft landscaping**; and
- (C) if a **lot** abuts a **lot** in a residential zone, along the entire length of the part of the **lot line** abutting the **lot** in a residential zone there is to be:
 - (i) a 3.0 metre wide strip of land used only for **soft landscaping**; and
 - (ii) a fence.

(2) Landscaping Exemption for Driveway Access to a Lot

Despite the requirements of regulation 150.50.50.10 (1) if a **lot** in a Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, Institutional Zone or Institutional Education Zone, contains a **place of worship**, a **driveway** with a maximum width of 6.0 metres and providing direct access to the **lot** from a **street** or **lane**, may cross a required **landscaped** area if, the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

150.50.80 Parking

150.50.80.10 Location

(1) Location of Vehicle Parking or Storage

If a **lot** in a Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, Institutional Zone or Institutional Education Zone, contains a **place of worship**, no part of an area used for the parking or storage of a **vehicle** may be less than 3.0 metres from any part of a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

150.50.80.200 Exemptions

(1) Exception for Existing Parking Spaces

If on the date of the enactment of this By-law, an **lawfully existing place of worship** is located in a **building** on a **lot** located in a Residential Zone category, Residential Apartment Zone category, Employment Zone category, and the number of **parking spaces** on the **lot** is less than that required by this By-law, then the number of **parking space** existing on the **lot** is the minimum number required for the **place of worship** and **building** that existed on the date of the enactment of this By-law or permitted by a Section 45 Planning Act minor variance; and

- (A) if there is:
 - (i) an increase in the **interior floor area** for that use, **parking spaces** for that increased **interior**

- floor area** must be provided in compliance with the requirements of this By-law; or
- (ii) a change of use in that **building, parking spaces** must be provided in compliance with the requirements of this By-law.

150.50.150 Waste

(1) Storage of Waste

If a **lot** in a Residential Zone category or Apartment Residential Zone category contains a **place of worship**, all waste and **recyclable material** on that **lot** is to be stored in a wholly enclosed **building**.

150.58 Amusement Arcade

150.58.1 General

(1) Application of Regulations

The regulations in this section apply to every **amusement arcade** and **premises** containing a **amusement arcade** that are required to comply with the regulations contained in this Section 150.58.

150.58.20 Use Regulations

(2) Amusement Arcade- Interpretation

A **lot** containing more than two **amusement devices** is an **amusement arcade** for the purposes of this By-law.

(3) Amusement Arcade

If a zone permits an **amusement arcade**, it must comply with the following:

- (A) it must be located within a **building** containing a minimum of 20,000 square metres of non-residential **gross floor area**;
- (B) it must only be accessible from the interior of the **building**;
- (C) no **amusement devices** may be located in hallways, lobbies or other pedestrian areas; and
- (D) there may be no more than a total of 36 **amusement devices** located in all **amusement arcades** in the **building**.

150.58.30 Lot Regulations

(1) Separation From Other Amusement Arcade

A **lot** containing an **amusement arcade** must be a minimum distance of 150 metres from any other **lot** containing an **amusement arcade**.

(2) Separation from Public School or Private School

A **lot** containing an **amusement arcade** must be a minimum of 300 metres from a **lot** containing a **Public School** or **Private School**.

150.58.40 Building Regulations

(1) Amusement Arcade - Minimum Interior Floor Area

The **interior floor area** of an **amusement arcade** is to be a minimum of 6.0 square metres for each **amusement device**.

150.60 Nightclub

150.60.1 General

(1) Application of Regulations

Every **nightclub** and every **building** containing an **nightclub** must comply with the regulations contained in this Section 150.60.

The regulations in this section apply to every **nightclub** and **premises** containing a **nightclub** that are required to comply with the regulations contained in this Section 150.60.

150.60.20 Use Regulations

(1) Nightclub Number

A **nightclub** is permitted if there is only 1 **nightclub** in a **building**.

(2) Nightclub Location

A **nightclub** is permitted if it is located only on the floor level of the **building** that is closest in elevation to the surface level of the ground at the **lot line** that abuts the **street**.

150.60.30 Lot Regulations

(1) Nightclub Entertainment Establishment - Separation from Residential Zone

A **lot** containing a **nightclub** that has an **interior floor area** larger than 200 square metres must be a minimum of 300 metres from a **lot** in a Residential Zone category or Residential Apartment Zone category. This does not apply if the use is **ancillary** to a **hotel**.

150.80 Drive-Through

150.80.1 General

(1) Drive Through Facility- General

The regulations in this section apply to every **drive through facility** and **premises** containing a **drive through facility** must comply with the regulations contained in this Section 150.80.

150.80.20 Use Regulations

(1) Drive Through Facility – Use Restriction with Residential

No person is to use any land or erect or use any **building** or **structure** for the purpose of a **drive through facility**, within any zone that also permits a **dwelling unit**.

(2) Drive Through Facility – Principal Use in Combination with Other Uses

A **drive through facility** is a principal use in combination with another use, neither of which may be construed as being **ancillary** to the other, and all regulations pertaining to each use are to apply.

(3) Vehicle Stacking Space Dimensions

The minimum dimensions of a **vehicle** stacking space are 3.0 metres wide by 6.5 metres long.

(4) Drive Through Facility – Locational Restriction Stacking lane

No portion of a **drive through facility stacking aisle** may be located in a **front yard** or **side yard** that abuts a **street**, unless the **lot** is in and abuts a **lot** in a E, EO, or EC zone.

(5) Drive Through Facility – Stacking Aisle Provisions

A **drive through facility** must comply with the following:

(A) if a **drive through facility** is in combination with any use involving food or beverage, a minimum of ten **vehicle** stacking spaces must be provided in a **stacking aisle**; and

(B) for a **drive through facility** that is not in combination with a use selling food or beverage, a minimum of four **vehicle** waiting spaces must be provided in a **stacking aisle**.

(6) Stacking Aisle Location in

In a CR Zone, if a **corner lot** contains in one **building** a **vehicle fuel station** and a drive-through

facility, the **drive through facility stacking aisle** may be located in a **side yard** that abuts a **street**, if
(A) the **drive through facility stacking aisle** is not located between the **building** and the **street**; and
(B) the **drive through facility** complies with all other applicable requirements of this By-law.

150.80.40 Building Regulations

(1) Drive Through Facility – Separation Distance

All parts of a **drive through facility**, including **stacking aisles**, must be a minimum of 30.0 metres from any **lot** in a Residential Zone category, Residential Apartment Zone category; Commercial Residential Zone category or Commercial Residential Employment Zone Category.

150.90 Vehicle Dealership

150.90.1 General

(1) Application of Regulations

The regulations in this section apply to every **vehicle dealership** and **premises** containing a **vehicle dealership** that are required to comply with the regulations contained in this Section 150.90.

150.90.20 Use Regulations

(1) Vehicle Dealership - Major Road Location

If a **vehicle dealership** is permitted in a zone, it must be located on a **lot** that fronts onto a major **street** shown on the Policy Areas Overlay Map.

(2) Vehicle Dealership- Ancillary Outside Display and Storage

The outside display or outside storage of **vehicles** is permitted as an **ancillary** use to a **vehicle dealership**, if:

- (A) the **vehicle dealership** occupies a minimum **interior floor area** of 150 square metres;
- (B) the **vehicles** being displayed or stored may not be located in required **parking spaces**;
- (C) the area used for the outside display or storage of **vehicles** is clearly identified and marked;
- (D) the area used for the outside display or storage of **vehicles** is to be at least 3.0 metres from any **lot line**; and
- (E) a minimum 3.0 metre wide strip of land used only for **soft landscaping** must be provided adjacent to a **street lot line**, between the **street** and all areas used for outside display or outside storage of **vehicles**.

150.90.50 Yards

(1) Vehicle Dealership- Fence abutting Residential

If an area used for **vehicle** display or storage abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, then a fence must be located adjacent to the part or **lot line** abutting the residential **lot**.

150.92 Vehicle Fuel Station

150.92.1 General

(1) Vehicle Fuel Station-General

The regulations in this section apply to every **vehicle fuel station** and **premises** containing a **vehicle fuel station** that are required to comply with the regulations contained in this Section 150.92.

150.92.20 Use Regulations

(2) Vehicle Fuel Stations- Regulations

If other uses are permitted in a zone and are located on a **lot** are in combination with a **vehicle fuel station**, the **building** containing the **vehicle fuel station** and other uses must comply with:

- (A) the requirements of the zone where these uses are located;
- (B) the requirements of the specific regulations applicable for a **vehicle fuel station**;
- (C) the requirements of the specific regulations applicable for the other uses; and
- (D) if the regulations in (A), (B), and (C) deal with the same matter, the most restrictive regulation governs.

(3) Vehicle Fuel Station -Ancillary Open Storage

A **vehicle fuel station** may have **ancillary open storage** if it is:

- (A) no more than 20% of the area of the **lot** not covered by wholly enclosed **buildings**; and
- (B) enclosed by a fence.

(4) Vehicle Fuel Station- Propane Tank Separation Requirements from a Lot in a Residential Zone Category

If a **vehicle fuel station** is permitted in a zone, the **vehicle fuel station** is permitted on a **lot** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category if any propane tank larger than 100 litres is set back a minimum of 7.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

(5) Limitation on Propane

If a **vehicle fuel station** is permitted in a zone, the **vehicle fuel station** is permitted only if it does not contain more than 1500 litres of propane.

150.92.30 Lot Regulations

(1) Vehicle Fuel Station- Minimum Number Vehicle Access

A **lot** used for a **vehicle fuel station**, must have a minimum of two **driveway** access points from the **street** to the **lot**.

(2) Vehicle Fuel Station- Vehicle Access- Permitted Width

Each **vehicle** access to a **lot** containing a **vehicle fuel station** must be a minimum width of 6.0 metres and a maximum width of 11.0 metres, measured along the **street lot line**.

(3) Vehicle Fuel Station-Lot Requirements

A **lot** containing a **vehicle fuel station** must have:

- (A) a minimum **lot frontage** of 30.0 metres; and
- (B) a minimum **lot depth** 45.0 metres.

(4) Vehicle Fuel Station- Vehicle Access- Separation Distances

Vehicle access to a **lot** containing a **vehicle fuel station** must comply with the following:

- (A) the minimum distance between each **vehicle** access on the same **lot** is 7.5 metres, measured along the **street lot line**; and
- (B) the minimum distance between a **vehicle** access and the **lot line** of any abutting **lot**, is 1.5 metres, measured along the **street lot line**.

(5) Vehicle Fuel Station- Vehicle Access for Corner Lots

If a **vehicle fuel station** is located on a **corner lot** each **driveway** access to the **lot** must be at least 7.5 metres from the point of intersection of the **front lot line** and **side lot line** or the projection of the **front lot line** and **side lot line**.

(6) Vehicle Fuel Station- Vehicle Access- Minimum Angle

If a **lot** contains a **vehicle fuel station**, a **driveway** providing direct access from a **street** or **lane** to a **lot** containing a **vehicle fuel station** may cross a required **landscaped** area, if the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

150.92.40 Building Regulations

(1) Vehicle Fuel Station - Building Setbacks

If a **lot** contains a **vehicle fuel station** the following applies:

- (A) the minimum **side yard setback** for a **building** or **structure** is the greater of:
- (i) 3.0 metres;
 - (ii) 4.5 metres if the **lot** abuts a **lot** in a residential zone;
 - (iii) 7.5 metres if a **side lot line** abuts a **street**; and
 - (iv) the minimum **side yard setback** required for the zone in which it is located; and
- (B) the minimum **rear yard setback** for a **building** or **structure** is the greater of:
- (i) 3.0 metres;
 - (ii) 7.5 metres if the **lot** abuts a **lot** in a residential zone; and
 - (iii) the minimum **rear yard setback** required for the zone in which it is located; and
- (C) despite (A) and (B), the minimum **building setback** from any **street lot line** to the edge of a weather canopy sheltering fuel pumps is 5.0 metres; and
- (D) despite (A) and (B), a fuel pump island must be set back a minimum of:
- (i) 7.5 metres from a **lot line** that abuts a **lot** in a Residential Zone category; and
 - (ii) 6.0 metres from any other **lot line**.

150.92.50 Yards

(1) Vehicle Fuel Station - Soft Landscaping, Buffering and Barriers

If a **lot** is to contain a **vehicle fuel station** the **lot** must comply with the following requirements:

- (A) a minimum 1.5 metres wide strip of land used for **soft landscaping** and fence must run along the entire length of a **lot line** that abuts a **street**, excluding the part used for **driveway** access to the **lot**; and
- (B) a minimum 3.0 metres wide strip of land used for **soft landscaping** and fence must run along the entire length of a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

150.92.60 Ancillary Buildings and Structures

(1) Vehicle Fuel Station- Restrictions on Ancillary Uses - Retail and Personal Service

If a **retail store** or **personal service shop** is together with a **vehicle fuel station**, and the **lot** abuts a **lot** in a Residential Zone category, the maximum **interior floor area** used for a **retail store** and **personal service shop** may not be more than 140 square metres.

150.92.180 Exceptions

(1) Vehicle Fuel Station- Exemption from Lot Coverage

For a **lot** with a **vehicle fuel station**, the area of a canopy sheltering a fuel pump is not be included in the calculation of **lot coverage**.

(2) Vehicle Fuel Station Canopy Exemption

Despite regulation 5.10.40.60 (1) of this By-law and if no part of a canopy associated with a **vehicle fuel station** with or without structural support is more than 6.0 metres above the elevation of the finished grade immediately below it, the canopy may encroach into a **building setback** required from a **lot line** that abuts a **street**.

150.94 Vehicle Service Shop

150.94.1 General

(1) Vehicle Service Shop - Application of Regulations

The regulations in this section apply to every **vehicle service shop** and **premises** containing a **vehicle service shop** that are required to comply with the regulations contained in this Section 150.94.

150.94.20 Use Regulations

(1) Vehicle Service Shop - Activity Limited to Inside Building

All activities of a **vehicle service shop** must be conducted entirely within a wholly enclosed building

(2) Vehicle Service Shop- Ancillary Open Storage

A **vehicle service shop** may have **ancillary open storage** if it is:

- (A) not more than 20% of the area of the **lot** not covered by wholly enclosed **buildings**; and
- (B) enclosed by a fence.

150.94.30 Lot Regulations

(1) Vehicle Service Shop- Vehicle Access- Permitted Width

Each **vehicle** access to a **lot** containing a **vehicle service shop** must be a minimum width of 6.0 metres and a maximum width of 11.0 metres, measured along the **street lot line**.

(2) Vehicle Service Shop- Vehicle Access- Separation Distances

If a **vehicle service shop** is located on a **lot**, each **driveway** providing access to the **lot** must be at least:

- (A) 7.5 metres from any other **driveway** access on the **lot**; and
- (B) 3.0 metres from any **lot line**, other than the portion of the **driveway** that is used to access the **street**.

(3) Vehicle Service Shop- Vehicle Access for Corner Lots

If a **vehicle service shop** is to be located on a **corner lot** each **driveway** access to the **lot** must be at least 7.5 metres from the point of intersection of the **front lot line** and **side lot line** or the projection of the **front lot line** and **side lot line**.

150.94.40 Building Regulations

(1) Vehicle Service Shop - Building Setbacks

If a **lot** contains a **vehicle service shop**, a **building** or **structure** on the **lot** must be setback:

- (A) from a **side lot line** at least, the greater of:
 - (i) 3.0 metres;
 - (ii) 4.5 metres if the **lot** abuts a **lot** in a Residential Zone category;
 - (iii) 7.5 metres if a **side lot line** abuts a **street**; or
 - (iv) the minimum **building setback** from a **side lot line**, required for the zone in which it is located;and
- (B) from a **rear lot line** at least, the greater of:
 - (i) 3.0 metres;
 - (ii) 7.5 metres, if the **lot** abuts a **lot** in a Residential Zone category; or
 - (iii) the minimum **building setback** from a **rear lot line**, required for the zone in which it is located.

150.94.50 Yards

(1) Vehicle Service Shop - Soft Landscaping, Buffering and Barriers

If a **lot** is to contain a **vehicle service shop** the **lot** must comply with the following requirements:

- (A) a minimum 1.5 metres wide strip of land used for **soft landscaped** and fence is to run along the entire length of a **lot line** that abuts a **street**, excluding the part used for **driveway** access to the **lot**; and
- (B) a minimum 3.0 metres wide strip of land used for **soft landscaped** and fence is to run along the entire length of a **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

150.96 Vehicle Washing Establishment

150.96.1 General

(1) Application of Regulations

The regulations in this section apply to every washing establishment and **premises** containing a **vehicle washing establishment**, with an **interior floor area** of more than 38 square metres and that are required to comply with the regulations contained in this Section 150.96.

150.96.20 Use Regulations

(1) Vehicle Washing Establishment- Activity Limited to Inside Building

For a **lot** with a **vehicle washing establishment**, all mechanical washing, waxing and drying operations must be conducted entirely within an enclosed **building**.

(2) Vehicle Washing Establishment- Stacking Aisle Requirements

A mechanical **vehicle washing establishment** is to provide the following:

- (A) a minimum of 10 **vehicle** waiting spaces must be provided in a **stacking aisle** on the same **lot**; and
- (B) the minimum dimensions of a **vehicle** stacking space are 3.0 metres wide by 6.5 metres long.

(3) Vehicle Washing Establishment with Vehicle Fuel Stations

If permitted in a zone, a **vehicle washing establishment** may be located on the same **lot** as a **vehicle fuel station**, if

- (A) the **lot** abuts a major **street** on the Policy Areas Overlay Map; and
- (B) the **street** has right-of-way width, along the frontage of the **lot**, of at least 26.0 metres.

150.96.30 Lot Regulations

(1) Vehicle Washing Establishment - Location

If permitted in a zone, a **lot** containing a **vehicle washing establishment** must front on an major **street** on the Policy Areas Overlay Map having a right-of-way width, along the frontage of the **lot**, of at least 26.0 metres.

(2) Vehicle Washing Establishment- Vehicle Access- Permitted Width

Each **vehicle** access to a **lot** containing a **vehicle washing establishment** must be a minimum width of 6.0 metres and a maximum width of 11.0 metres, measured along the **street lot line**.

(3) Vehicle Washing Establishment - Rear Fence Requirements

On a **corner lot** containing a **vehicle washing establishment**, the **lot lines** that do not abut a **street** must be fenced.

(4) Vehicle Washing Establishment- Vehicle Access- Separation Distances

Vehicle access to a **lot** containing a **vehicle washing establishment** must comply with the following:

- (A) the minimum distance between each **vehicle** access on the same **lot** is 7.5 metres, measured along the **street lot line**; and
- (B) the minimum distance between a **vehicle** access and the **lot line** of any abutting **lot**, is 3.0 metres, measured along the **street lot line**.

(5) Vehicle Washing Establishment- Vehicle Access for Corner Lots

If a **vehicle washing establishment** is to be located on a **corner lot** each **driveway** access to the **lot** must be at least 7.5 metres from the point of intersection of the **front lot line** and **side lot line** or the projection of the **front lot line** and **side lot line**.

(6) Vehicle Washing Establishment-Vehicle Access- Minimum Angle

A **driveway** providing direct access from a **street** or **lane** to a **lot** containing a **vehicle washing establishment** may cross a required **landscaped** area, if the centre line of the part of the **driveway** crossing the required **landscaped** area is within 10 degrees of perpendicular to the part of the **lot line** over which access is taken.

150.96.40 Building Regulations

(1) Vehicle Washing Establishment- Building Setbacks

If a **lot** contains a **vehicle washing establishment**, a **building** or **structure** on the **lot** must be set back:

(A) from a **side lot line** at least, the greater of:

- (i) 1.5 metres;
- (ii) 3.0 metres if the **lot** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category; or
- (iii) the minimum **building setback** from a **side lot line**, required for the zone in which it is located; and

(B) from a **rear lot line** at least, the greater of:

- (i) 7.5 metres, if the **lot** abuts a **lot** in a Residential Zone category; or
- (ii) the minimum **building setback** from a **rear lot line**, required for the zone in which it is located.

(2) Vehicle Washing Establishment- Building Setbacks from Entrance and Exit

The vehicular entrance and exit from a **building** containing a **vehicle washing establishment** must be set back a minimum of 12.0 metres from any **lot line** abutting a **street**.

150.96.60 Ancillary Buildings and Structures

(1) Vehicle Washing Establishment - Restrictions on Ancillary Uses - Retail

If a **retail store** or **personal service shop** is located on a **lot** with a **vehicle washing establishment**, 20.0 square metres is the total **interior floor area** that may be used for a **retail store**, **personal service shop** or both.

150.98 Banquet Hall

150.98.1 General

(1) Application of Regulations

The regulations in this section apply to every banquet hall and **premises** containing a banquet hall that are required to comply with the regulations contained in this Section 150.98.

150.98.30 Lot Regulations

(1) Banquet Hall - Separation from Residential

All parts of a banquet hall that has an **interior floor area** larger than 1,000 square metres must be a minimum of 300 metres from any **lot** in a Residential Zone category or Residential Apartment Zone category. This regulation does not to apply if the banquet hall is **ancillary** to a **hotel**.

150.100 Eating Establishment

150.100.1 General

(1) Application of Regulations

The regulations in this section apply to every **eating establishment** and **premises** containing an **eating establishment** that are required to comply with the regulations contained in this Section 150.100.

150.100.20 Use Regulations

(2) Eating Establishment - Ancillary Uses

With an **Eating Establishment**, all **ancillary** uses:

- (A) may occupy a maximum of 6% of the total **interior floor area** of the **eating establishment** to a maximum of 50 square metres; and
- (B) other than an **outdoor patio**, must be contained entirely within the **building** where the **eating**

establishment is located.

150.100.30 Lot Regulations

(1) Eating Establishment - Fence Required if abutting a Lot in a Residential Zone

If a **lot** containing an **eating establishment** abuts a **lot** in a Residential Zone category or Residential Apartment Zone category a fence is required along the portion of **lot line** that abuts the **lot** in the Residential Zone category or Residential Apartment Zone category.

(2) Eating Establishment - Separation from Residential

All parts of an **eating establishment** that has an **interior floor area** larger than 1,000 square metres must be a minimum of 300 metres from any **lot** in a Residential Zone category or Residential Apartment Zone category. This regulation does not apply if the **eating establishment** is **ancillary** to a **hotel**.

150.110 Adult Entertainment Establishment

150.110.1 General

(1) Application of Regulations

The regulations in this section apply to every **adult entertainment establishment** and **premises** containing an **adult entertainment establishment** that are required to comply with the regulations contained in this Section 150.110.

150.110.30 Lot Regulations

(1) Adult Entertainment Establishment- Separation Distance

If an **adult entertainment establishment** is permitted, it must comply with the following:

- (A) a **lot** containing an **adult entertainment establishment** must be a minimum of 500 metres from a **lot** in a Residential Zone category, Residential Apartment Zone category or Institutional School Zone; and
- (B) a **lot** containing an **adult entertainment establishment** must be a minimum of 100 metres from any other **lot** containing an **adult entertainment establishment**.

150.120 Funeral Home

150.120.1 General

(1) Application of Regulations

The regulations in this section apply to every **funeral home** and **premises** containing a **funeral home** that are required to comply with the regulations contained in this Section 150.120.

150.120.30 Lot Regulations

(2) Funeral Home- Location

If a **funeral home** is permitted in a zone it is only permitted on a **lot** that abuts a major **street** on the Policy Areas Overlay Map.

150.120.50 Yards

(1) Funeral Home - Fencing

If a **funeral home** is permitted on a **lot** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, a fence must be located along the entire portion of the **lot line** that abuts the **lot** in the Residential Zone category or Residential Apartment Zone category.

150.120.80 Parking

(1) Funeral Home- Parking Area to be Set Back

If a **funeral home** is on a **lot** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category, the area containing **parking spaces** must be at least 1.5 metres from the **lot line** that abuts a **lot** in a Residential Zone category or Residential Apartment Zone category.

Chapter 200 Parking Space Regulations

200.5 Regulations applying to Parking Spaces

200.5.1 General

(1) Application of Section

The regulations contained in Section 200.5 apply to all **parking spaces**.

(2) Requirement to Provide Parking Spaces

A **parking space** must be provided for each use on a **lot** in an amount that complies with the regulations in Chapter 200 - **Parking Space** Regulations.

(3) Drive Aisle Width

The following are the minimum **drive aisle** widths:

- (A) If the centreline of a **parking space** is at an interior angle of 70 to 90 degrees to the centreline of the **drive aisle** providing access, the minimum width for that one or two **lane drive aisle** is 6.0 metres;
- (B) If the centreline of a **parking space** is at an interior angle from 50 to less than 70 degrees to the centreline of the **drive aisle** providing access, the minimum width for that **drive aisle** is 5.5 metres for each **lane**;
- (C) If the centreline of a **parking space** is at an interior angle of less than 50 degrees from the centreline of the **drive aisle** providing access, the minimum width for that **drive aisle** is 4.0 metres for each **lane**.

200.5.1.10 Interpretation

(1) Application of Parking Space Rates in Policy Areas 3 and 4

If a **lot** is located entirely or partly within Policy Area 3 or Policy Area 4 as shown on the Policy Area Overlay Map, the applicable **parking space** rate for a use in that Policy Area:

- (A) applies to the entire **lot**, if the **building** on the **lot** covers at least 50% of the area located within 40 metres of the **lot line** that abuts the **street** in the Policy Area; and
- (B) in all other cases, the applicable **parking space** rate for a use located anywhere on the property is the **parking space** requirements for lands not in Policy Area 1, Policy Area 2, Policy Area 3 or Policy Area 4.

(2) Parking Space Dimensions - Minimum

(A) The minimum dimensions of a **parking space** are:

- (i) length - 5.6 metres
- (ii) width - 2.6 metres
- (iii) vertical clearance - 2.0 metres

except that the minimum required width of a **parking space** must be increased by 0.3 metres for each side of the **parking space** that is obstructed in compliance with (D).

(B) For a **parking space** accessed by a **drive aisle** having a width of less than 6.0 metres, whether it is a one-way or two-way **drive aisle**, the minimum dimensions of a **parking space** are:

- (i) length - 5.6 metres
- (ii) vertical clearance - 2.0 metres
- (iii) width - 2.9 metres

except that the minimum required width of a **parking space** must be increased by 0.3 metres if one or both sides of the **parking space** is obstructed in compliance with (D).

- (C) The minimum dimensions of a **parking space** that is adjacent and parallel to a **drive aisle** from which access is provided are:
- (i) length - 6.7 metres
 - (ii) vertical clearance - 2.0 metres
 - (iii) width - 2.6 metres
- except that the minimum required width of a **parking space** must be increased by 0.3 metres if one side of the **parking space** is obstructed in compliance with (D).
- (D) For the purposes of this By-law, the side of a **parking space** is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
- (i) within 0.3 metres of the side of the **parking space**, measured at right angles, and
 - (ii) more than 1.0 metre from the front or rear of the **parking space**.
- (3) Parking Space Dimensions - Maximum
- Unless otherwise stated the maximum dimensions for a **parking space** are:
- (i) length - 6.0 metres
 - (ii) width - 3.2 metres
- (4) Vertical Clearance of a Parking Space
- Excluding a 'wheel stop', every **parking space** must have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the **parking space**.
- (5) Tandem Parking Spaces
- A required **parking space** may not be a **tandem parking space**, except when it is required for a **secondary suite** or for a **duplex**.
- (6) Tandem Parking Space Minimum Dimensions
- A **tandem parking space** must comply with the following:
- (A) A **tandem parking space**, if permitted in the **front yard** of a **lot** in a Residential Zone category, must have the following minimum dimensions:
- Length: 5.6 metres
 - Width: 2.6 metres
 - Vertical Clearance: 2.0 metres
- (B) If permitted, all other **tandem parking spaces** must have the following minimum dimensions:
- Length: 5.6 metres
 - Width: 2.6 metres
 - Vertical Clearance: 2.0 metres
- (7) Calculation of Required Parking Space - Vacant Building Space
- The **parking space** requirement for vacant **building** space is calculated as follows:
- (A) if a **building** or part of a **building** has never been used, and its intended use has never been identified together with any **building** permit, the **parking space** requirement must be based on the permitted use that has the lowest minimum **parking space** requirement; or
- (B) the **parking space** requirement is calculated based on the following, whichever is the most recent occurrence:
- (i) the previous use of that **building** or part of the **building**; or
 - (ii) the land use identified on the issued **building** permit.
- (8) Calculation of Parking Space Requirement
- If a parking rate in this By-law is expressed as a ratio of **parking spaces** to the **gross floor area**, the **parking space** requirement for a use is to be calculated by multiplying the applicable **gross floor area** of the use by the applicable rate.
- (9) Calculation of Parking Space Requirements - Rounding
- If the calculation of the number of required **parking spaces** results in a number containing a fraction, the number must be rounded down to the nearest whole number, but in no case may there to be less than one **parking space**.
- (10) Parking Space to be Clearly Marked
- All **parking spaces** required for a non-residential use must be clearly identified and marked.

(11) Multiple Dwelling Unit Buildings Parking Rates

For the purpose of calculating **parking space** requirements, a Multiple **Dwelling Unit Buildings** means two or more **residential buildings**, other than an **apartment building**, on lands where **driveway** access to the **buildings** or to a parking area, is a common element over a "Parcel of Tied Land".

(12) Vehicle Access to Building - Non-residential and Apartment Parking Area

If an **apartment building** or a **building** containing non-residential uses, has an area for the parking or storage of two or more **vehicles**:

- (A) the **vehicle** entrance and exit for a two-way **driveway** into and out of the **building** must have a minimum width of 5.5 metres; and
- (B) the **vehicle** entrance or exit for a one-way **driveway** into or out of the **building** must have a minimum width of 3.5 metres, if that the **vehicle** entrance or exit is 6.0 metres or more away from the **street lot line**.

(13) Parking Space Calculation -Gross Floor Area Exclusion

The **interior floor area** of a portion of a **building** that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in the **basement, parking space, loading space, or a drive aisle** used to access a **parking space or loading space**, is not included as **gross floor area** for the purpose of calculating **parking space** requirements.

(14) Parking Space Access

Other than **stacked parking spaces** and **tandem parking spaces**, all areas used for required **parking spaces** must have **driveway** access to a **street or lane** that is direct and unobstructed, except for a gate, moveable barrier or similar obstruction.

200.5.10 Parking Rates

200.5.10.1 General

(1) Parking Space Rates

Off-**street parking spaces** must be provided for every **building or structure** erected, altered or enlarged, in conformity with the (Table 200.5.10.10 - **Parking Space Rates And Parking Space Occupancy**) below:

**Table 200.5.10.10
PARKING SPACE RATES AND PARKING SPACE OCCUPANCY**

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Adult Education School	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 1.0 for each 100 square metres of gross floor area; (B) in Policy Area 4 (PA4) at a minimum rate of 1.5 for each 100 square metres of gross floor area; and (C) in all other areas of the City, at a minimum rate of 2.0 for each 100 square metres of gross floor area.	100%	100%	25%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m.

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Adult Entertainment	Parking spaces must be provided: (A) in Policy Area 1 (PA1) at a minimum rate of 3.0 for each 100 square metres of gross floor area; (B) in Policy Area 2 (PA2) at a minimum rate of 4.5 for each 100 square metres of gross floor area; (C) in Policy Area 3 (PA3) at a minimum rate of 5.5 for each 100 square metres of gross floor area; (D) in Policy Area 4 (PA4) at a minimum rate of 5.5 for each 100 square metres of gross floor area; and (E) in all other areas of the City, at a minimum rate of 7.0 for each 100 square metres of gross floor area;	25%	100%	100%
Alternative Housing	Parking spaces must be provided at a minimum rate of 0.1 for each dwelling unit.	100%	100%	100%
Ambulance Station	Parking spaces must be provided at a minimum rate of 0.2 for each 100 square metres of gross floor area.	100%	100%	100%
Amusement Arcade	Parking spaces must be provided at the same rate as a retail store.	25%	100%	100%
Artist Studio	Parking spaces must be provided at the same rate as a retail store.	25%	100%	100%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m.

Parking Occupancy Rate

Land Use	Parking Rate	AM	PM	Eve
Apartment Building	<p>If a dwelling unit is located in an apartment building, parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1): (i) at a minimum rate of : (a) 0.3 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres: (b) 0.5 for each one bedroom dwelling unit; (c) 0.8 for each two bedroom dwelling unit; and (d) 1.0 for each three or more bedroom dwelling unit; and (ii) at a maximum rate of: (a) 0.4 for each bachelor dwelling unit up to 45 square metres and 1.2 for each bachelor dwelling unit greater than 45 square metres: (b) 0.7 for each one bedroom dwelling unit; (c) 1.2 for each two bedroom dwelling unit; and (d) 1.5 for each three or more bedroom dwelling unit; and</p> <p>(B) in Policy Area 2 (PA2) and Policy Area 3 (PA3): (i) at a minimum rate of : (a) 0.6 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres: (b) 0.7 for each one bedroom dwelling unit; (c) 0.9 for each two bedroom dwelling unit; and (d) 1.0 for each three or more bedroom dwelling unit; and (ii) at a maximum rate of: (a) 0.9 for each bachelor dwelling unit up to 45 square metres and 1.3 for each bachelor dwelling unit greater than 45 square metres: (b) 1.0 for each one bedroom dwelling unit; (c) 1.3 for each two bedroom dwelling unit; and (d) 1.5 for each three or more bedroom dwelling unit; and</p> <p>(C) in Policy Area 4 (PA4): (i) at a minimum rate of : (a) 0.7 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres: (b) 0.8 for each one bedroom dwelling unit; (c) 0.9 for each two bedroom dwelling unit; and (d) 1.1 for each three or more bedroom dwelling unit; and (ii) at a maximum rate of: (a) 1.0 for each bachelor dwelling unit up to 45 square metres and 1.3 for each bachelor dwelling unit greater than 45 square metres: (b) 1.2 for each one bedroom dwelling unit; (c) 1.3 for each two bedroom dwelling unit; and (d) 1.6 for each three or more bedroom dwelling unit; and</p> <p>(D) in all other areas of the City: (i) at a minimum rate of : (a) 0.8 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres: (b) 0.9 for each one bedroom dwelling unit; (c) 1.0 for each two bedroom dwelling unit; and (d) 1.2 for each three or more bedroom dwelling unit.</p>	100%	100%	100%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Apartment Building - Visitor Parking	<p>If a dwelling unit is located in an Apartment Building, parking spaces for visitors must be provided:</p> <p>(A) in Policy Area 1 (PA1) at a minimum rate of 0.1 for each dwelling unit; (B) in Policy Area 2 (PA2) at a minimum rate of 0.1 for each dwelling unit; (C) in Policy Area 3 (PA3) at a minimum rate of 0.1 for each dwelling unit; (D) in Policy Area 4 (PA4) at a minimum rate of 0.15 for each dwelling unit; and (E) in all other areas of the City at a minimum rate of 0.2 for each dwelling unit.</p>	10%	35%	100%
Art Gallery, Museum, Library	<p>Parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3), Policy Area 4 (PA4) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 1.3 for each 100 square metres of gross floor area.</p>	25%	100%	100%
Assisted Housing	<p>If a dwelling unit is located in an Apartment Building, parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1) for each dwelling unit at a minimum rate of (i) 0.12 for a bachelor dwelling unit up to 45 square metres and 0.5 for each bachelor dwelling unit greater than 45 square metres; (ii) 0.18 for a one bedroom dwelling unit; (iii) 0.3 for a two bedroom dwelling unit; and (iv) 0.5 for three bedroom or more dwelling unit; and</p> <p>(B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4), for each dwelling unit at a minimum rate of: (i) 0.14 for a bachelor dwelling unit up to 45 square metres and 0.5 for each bachelor dwelling unit greater than 45 square metres; (ii) 0.24 for a one bedroom dwelling unit; (iii) 0.4 for a two bedroom dwelling unit; and (iv) 0.75 for three bedroom or more; dwelling unit and</p> <p>(C) in all other areas of the City for each dwelling unit at a minimum rate of: (i) 0.16 for a bachelor dwelling unit up to 45 square metres and 0.5 for each bachelor dwelling unit greater than 45 square metres; (ii) 0.3 for a one bedroom dwelling unit; (iii) 0.5 for a two bedroom dwelling unit; and (iv) 0.9 for three bedroom or more dwelling unit.</p>	100%	100%	100%
Auto Showroom	<p>Parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 3.5 for each 100 square metres of gross floor area.</p>	100%	100%	100%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m.

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Billiard Hall, Pool Hall	Parking spaces must be provided: (A) in Policy Area 1 (PA1) at a minimum rate of 2.5 for each 100 square metres of gross floor area; (B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at a minimum rate of 3.5 for each 100 square metres of gross floor area; and (C) in all other areas of the City at a minimum rate of 4.0 for each 100 square metres of gross floor area.	25%	50%	100%
Boarding Kennel	Parking spaces must be provided at a minimum rate of 2.0 for each 100 square metres of gross floor area.	100%	100%	100%
Bowling Alley	Parking spaces must be provided: (A) in Policy Area 1 (PA1) at a minimum rate of 2.5 for each 100 square metres of gross floor area; (B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at a minimum rate of 3.5 for each 100 square metres of gross floor area; and (C) in all other areas of the City at a minimum rate of 4.0 for each 100 square metres of gross floor area.	25%	50%	100%
Bus Station	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 0.1 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 0.2 for each 100 square metres of gross floor area.	100%	100%	50%
Cabaret	Parking spaces must be provided at the same rate as an eating establishment	10%	100%	100%
Cartage, Express or Truck Transport Yard or Terminal	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 0.1 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 0.2 for each 100 square metres of gross floor area.	100%	100%	50%
Cemetery, Visitation Centre	Parking spaces must be provided at a minimum rate of 2.0 for each 100 square metres of gross floor area.	100%	100%	100%
Club	Parking spaces must be provided: (A) in Policy Area 1 (PA1), at a minimum rate of 3.0 for each 100 square metres of gross floor area; (B) in Policy Area 2 (PA2), at a minimum rate of 4.5 for each 100 square metres of gross floor area; (C) in Policy Area 3 (PA3) and Policy Area 4 (PA4), at a minimum rate of 5.5 for each 100 square metres of gross floor area; (D) in all other areas of the City at a minimum rate of 7.0 for each 100 square metres of gross floor area.	25%	75%	100%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Community Centre	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.3 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 3.0 for each 100 square metres of gross floor area.	25%	100%	100%
Contractor's Establishment	Parking spaces must be provided at a minimum rate of 0.5 for each 100 square metres of gross floor area.	100%	100%	100%
Court House	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 1.0 for each 100 square metres of gross floor area.	100%	100%	0%
Crisis Care Shelter, Municipal Shelter, Residential Care home	Parking spaces must be provided: (A) at a minimum rate of 0.22 for each 100 square metres of gross floor area; and (B) at a maximum rate of 1.5 for each 100 square metres of gross floor area.	100%	100%	100%
Day Nursery	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 0.4 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 1.0 for each 100 square metres of gross floor area.	100%	100%	50%
Dwelling Unit in a Detached House, Semi-detached House, Townhouse, Duplex, Triplex or Fourplex	Parking spaces must be provided at a minimum rate of 1.0 per dwelling unit.	100%	100%	100%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Eating Establishment	<p>Parking spaces must be provided:</p> <p>(A) in Parking Area 1 (PA1): (i) at a minimum of 0; and (ii) at a maximum rate of 3.5 for each 100 square metres of gross floor area; and (B) in Parking Area 2 (PA2): (i) at a minimum of 0; and (ii) at a maximum rate of 4.0 for each 100 square metres of gross floor area; and (C) in Parking Areas and 3 (PA3) and 4 (PA4) : (i) at a minimum of 0; and (ii) at a maximum rate of 5.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City: (i) where the gross floor area used for an eating establishment in a building is less than 200 square metres no parking space is required; (ii) where the gross floor area used for an eating establishment in a building is 200 square metres or more but less than 500 square metres, parking spaces must be provided at a minimum rate of 3.0 for each 100 square metres of gross floor area; and (iii) where the gross floor area used for an eating establishment in a building is 500 square metres or more, parking spaces must be provided at a minimum rate of 5.0 for each 100 square metres of gross floor area;</p>	100%	100%	100%
Educational Use	<p>Parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1) and Policy Area 2 (PA2), at a minimum rate of 0.5 for each 100 square metres of gross floor area; (B) in Policy Area 3 (PA3) at a minimum rate of 1.5 for each 100 square metres of gross floor area; (C) in Policy Area 4 (PA4) at a minimum rate of 2.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City at a minimum rate of 3.0 for each 100 square metres of gross floor area.</p>	100%	100%	50%
Entertainment Place of Assembly (includes premises used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet)	<p>Parking spaces for visitor use must be provided at the a minimum rate of:</p> <p>(A) 5.0 for each 100 square metres of gross floor area in Policy Area 1 (PA1) ; (B) 8.0 for each 100 square metres of gross floor area in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4); and (C) 10.0 for each 100 square metres of gross floor area in all other areas.</p>	25%	50%	100%
Financial Institution (bank)	<p>Parking spaces must be provided:</p> <p>(A) in Policy Area 1 (PA1) the following applies: (i) a minimum rate of 2.0 for each 100 square metres of gross floor area; (ii) a maximum rate of 3.5 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) the following applies: (i) a minimum rate of 2.0 for each 100 square metres of gross floor area; (ii) a maximum rate of 4.5 for each 100 square metres of gross floor area; and (C) in all other areas of the City, at a minimum rate of 4.0 for each 100 square metres of gross floor area.</p>	20%	100%	50%

AM = 6 a.m. to Noon.
 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Fire Station	Parking spaces must be provided at a minimum rate of 0.2 for each 100 square metres of gross floor area.	100%	100%	100%
Funeral Home	Parking spaces must be provided: (A) in Policy Area 1 (PA1) and Policy Area 2 (PA2): (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 4.0 for each 100 square metres of gross floor area; and (C) in Policy Area 3 (PA3): (i) at a minimum rate of 2.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 5.0 for each 100 square metres of gross floor area; and (D) in Policy Area 4 (PA4): (i) at a minimum rate of 3.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 6.0 for each 100 square metres of gross floor area; and (E) in all other areas of the City at a minimum rate of 6.0 for each 100 square metres of gross floor area.	20%	100%	100%
Gaming Establishment	Parking spaces must be provided at a minimum rate of 25.0 for each 100 square metres of gross floor area.	100%	100%	100%
Golf Course	The minimum number of parking space to be provided is the greater of: (A) 24; and (B) 3.5 for each 100 square metres of gross floor area of all buildings.	100%	100%	100%
Grocery Store	Parking spaces must be provided if the gross floor area used for a grocery store is greater than 200 square metres: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 4.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 2.5 for each 100 square metres of gross floor area; and (C) if the gross floor area is 200 square metres or less, no parking space is required.	20%	100%	100%
Group Home	The minimum number of parking space to be provided is 2.	100%	100%	100%
Holistic Centre	Parking spaces must be provided at the same rate as a medical office	100%	100%	50%
Hospice Care Home	Parking spaces must be provided at a rate of 0.3 for each dwelling unit and bed-sitting room	100%	100%	100%
Hospital	Parking spaces must be provided : (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at: (i) a minimum rate of 0.4 for each 100 square metres of gross floor area; and (ii) a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 3.5 for each 100 square metres of gross floor area.	20%	100%	100%

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 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Hotel / Motel	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4); (i) a minimum rate of 0.2 per 100 square metres of gross floor area; (ii) a maximum rate of 1.0 per 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 1.0 for each guest room;	80%	75%	100%
Industrial Sales and Service	Parking spaces must be provided at the same rate as a retail store.	100%	100%	0%
Industrial Skills Training	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) at a minimum rate of 2.0 for each 100 square metres of gross floor area; (B) in Policy Area 3 (PA3) at a minimum rate of 2.5 for each 100 square metres of gross floor area; (C) in Policy Area 4 (PA4) at a minimum rate of 3.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 5.0 for each 100 square metres of gross floor area.	100%	100%	0%
Kennel	Parking spaces must be provided at a minimum of 1 for each 100 square metres of pen area for animals.	100%	100%	0%
Laboratory	Parking spaces must be provided at the same rate as office.	100%	60%	0%
Manufacturing Uses	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4), at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 1.0 for each 100 square metres of gross floor area.	100%	100%	100%
Medical Office	Parking spaces must be provided: (A) in Policy Area 1 (PA1) the following applies: (i) a minimum rate of 0.3 for each 100 square metres of gross floor area; (ii) a maximum rate of 3.0 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2) : (i) a minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) a maximum rate of 3.5 for each 100 square metres of gross floor area; and (C) in Policy Area 3 (PA3) and Policy Area 4 (PA4) the following applies: (i) a minimum rate of 1.5 for each 100 square metres of gross floor area; (ii) a maximum rate of 6.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 3.0 for each 100 square metres of gross floor area.	100%	100%	50%
Multiple Dwelling Unit Buildings - Resident Parking	Parking spaces must be provided at a minimum rate of 1.0 for each dwelling unit.	100%	100%	100%
Multiple Dwelling Unit Buildings - Visitor Parking	Parking spaces must be provided at a minimum rate of 0.5 for each dwelling unit.	100%	100%	100%

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Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Nightclub	Parking spaces must be provided at the minimum rate of: (A) 3.0 for each 100 square metres for gross floor area in Policy Area 1 (PA1) ; (B) 4.5 for each 100 square metres for gross floor area in Policy Area 2 (PA2); (C) 5.5 for each 100 square metres for gross floor area in Policy Area 3 (PA3) and Policy Area 4 (PA4); and (D) 7.0 for each 100 square metres for gross floor area in all other areas of the City.	20%	50%	100%
Nursing Home, Retirement Home (including : Home for the Aged and Convalescent Home)	Parking spaces must be provided at a rate of 0.3 for each dwelling unit and bed-sitting room	100%	100%	100%
Office (excluding Medical office)	Parking spaces must be provided: (A) in Policy Area 1 (PA1) the following applies: (i) a minimum rate of 0.35 for each 100 square metres of gross floor area; (ii) a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2) : (i) a minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) a maximum rate 1.4 for each 100 square metres of gross floor area; and (C) in Policy Area 3 (PA3) and Policy Area 4 (PA4) the following applies: (i) a minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) a maximum rate of 2.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 1.5 for each 100 square metres of gross floor area.	100%	60%	0%
Park	Parking spaces must be provided: (A) for a building containing a recreation use and located in the OR zone: (i) at a minimum 0.25 for each 100 square metres of gross floor area if it is located in Policy Areas 1 through 4; and (ii) at a minimum rate of 1.0 for each 100 square metres of gross floor area if not located in Policy Areas 1 through 4. (B) for an arena located in the OR zone at a minimum rate of 3.0 for each 100 square metres of gross floor area.	100%	100%	100%
Performing Arts Studio	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), and Policy Area 3 (PA3) and Policy Area 4 (PA4); (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.3 for each 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 3.0 for each 100 square metres of gross floor area.	10%	100%	100%

AM = 6 a.m. to Noon.
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Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Personal Service Shop	<p>Parking spaces must be provided if the gross floor area used for a personal service shop is greater than 200 square metres:</p> <p>(A) in Policy Area 1 (PA1) at a: (i) minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) maximum rate of 3.5 for each 100 square metres of gross floor area; (B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at a: (i) minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) maximum rate of 4.0 for each 100 square metres of gross floor area; and (C) in all other areas of the City at a minimum rate of 1.5 for each 100 square metres of gross floor area; and (D) if the gross floor area is 200 square metres or less, no parking space is required.</p>	20%	100%	100%
Pet Services	<p>Parking spaces must be provided at the same rate as a retail store.</p>	20%	100%	100%
Place of Assembly (premises used for social, cultural, educational or trade events, such as a banquet hall or a convention or trade centre)	<p>Parking spaces must be provided at the minimum rate of:</p> <p>(A) 3.0 for each 100 square metres for gross floor area in Policy Area 1 (PA1) ; (B) 4.5 for each 100 square metres for gross floor area in Policy Area 2 (PA2); (C) 5.5 for each 100 square metres for gross floor area in Policy Area 3 (PA3) and Policy Area 4 (PA4); and (D) 7.0 for each 100 square metres for gross floor area in all other areas of the City.</p>	25%	50%	100%

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 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Place of Worship	<p>Parking spaces must be provided at the greater of :</p> <p>(A) if there is permanent or fixed seating in a Place of Worship then: (i) if located in Policy Area 1 (PA1): (a) a minimum rate of 9.0 for each 100 square metres of worship area; and (b) a maximum rate of 18.0 for each 100 square metres of worship area; and (ii) if located in Policy Area 2 (PA2): (a) a minimum rate of 15.0 for each 100 square metres of worship area; and (b) a maximum rate of 23.0 for each 100 square metres of worship area; and (iii) if located in Policy Area 3 (PA3) or Policy Area 4 (PA4): (a) a minimum rate of 18.0 for each 100 square metres of worship area; and (b) a maximum rate of 29.0 for each 100 square metres of worship area; and (iv) at a minimum rate of 23.0 for each 100 square metres of worship area if located in in any other area of the City;</p> <p>(B) if there is no seating or variable seating in a Place of Worship then: (i) if located in Policy Area 1 (PA1): (a) a minimum rate of 13.0 for each 100 square metres of worship area; and (b) a maximum rate of 26.0 for each 100 square metres of worship area; and (ii) if located in Policy Area 2 (PA2): (a) a minimum rate of 22.0 for each 100 square metres of worship area; and (b) a maximum rate of 34.0 for each 100 square metres of worship area; and (iii) if located in Policy Area 3 and Policy Area 4 (PA4): (a) a minimum rate of 26.0 for each 100 square metres of worship area; and (b) a maximum rate of 43.0 for each 100 square metres of worship area; and (iv) at a minimum rate of 34.0 for each 100 square metres of worship area if located in in any other area of the City; or</p> <p>(C) the minimum parking rate for any ancillary uses in the place of worship building or on the lot.</p>	100%	100%	100%
Police Station	Parking spaces must be provided at a minimum rate of 0.2 for each 100 square metres of gross floor area.	100%	100%	100%
Post Secondary School (College and University)	<p>Parking spaces must be provided at a minimum rate of:</p> <p>(A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3), 0.1 for each 100 square metres of gross floor area; (B) in Policy Area 4 (PA4), 1.0 for each 100 square metres of gross floor area; and (C) in all other areas of the City, 2.0 for each 100 square metres of gross floor area.</p>	50%	100%	50%

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 PM = Noon to 6 p.m.
 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Production Studio	Parking spaces must be provided: (A) in Policy Area 1 (PA1) the following applies: (i) a minimum rate of 0.35 for each 100 square metres of gross floor area; (ii) a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2) : (i) a minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) a maximum rate 1.4 for each 100 square metres of gross floor area; and (C) in Policy Area 3 (PA3) and Policy Area 4 (PA4) the following applies: (i) a minimum rate of 1.0 for each 100 square metres of gross floor area; (ii) a maximum rate of 2.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 1.5 for each 100 square metres of gross floor area.	100%	60%	0%
Public Health Clinic, Addiction Clinic	Parking spaces must be provided : (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3): (i) at a minimum rate of 0.4 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in Policy Area 4 (PA4): (i) at a minimum rate of 0.6 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.0 for each 100 square metres of gross floor area; and (C) in all other areas of the City, at a minimum rate of 1.0 for each 100 square metres of gross floor area.	100%	100%	100%
Public Schools, Private Schools and Religious Education Schools	Parking spaces must be provided: (A) in Policy Area 1 (PA1), (i) at a minimum rate of 0.15 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 0.3 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2) and Policy Area 3 (PA3) (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.0 for each 100 square metres of gross floor area; and (C) in Policy Area 4 (PA4), (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 2.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 1.5 for each 100 square metres of gross floor area.	100%	100%	20%
Railway Service and Repair Yard; Railway Station	Parking spaces must be provided at a minimum rate of 0.1 per 100 square metres of gross floor area.	100%	100%	50%

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Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Recreation Use	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), and Policy Area 3 (PA3) and Policy Area 4 (PA4); (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.3 for each 100 square metres of gross floor area; and (B) in all other areas of the City, at a minimum rate of 3.0 for each 100 square metres of gross floor area.	25%	100%	100%
Religious Education Use	Parking spaces must be provided: (A) in Policy Area 1 (PA1), (i) at a minimum rate of 0.15 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 0.3 for each 100 square metres of gross floor area; and (B) in Policy Area 2 (PA2) and Policy Area 3 (PA3) (i) at a minimum rate of 0.5 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.0 for each 100 square metres of gross floor area; and (C) in Policy Area 4 (PA4), (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 2.0 for each 100 square metres of gross floor area; and (D) in all other areas of the City, at a minimum rate of 1.5 for each 100 square metres of gross floor area.	100%	100%	10%
Religious Residence	Parking spaces must be provided at a minimum rate of 1 for each 10 bed sitting rooms or dwelling units.	100%	100%	100%
Respite Care Facility	Parking spaces must be provided at a rate of 0.3 for each dwelling unit and bed-sitting room	100%	100%	100%
Retail Store	Parking spaces must be provided: (A) if the gross floor area is more than 200 square metres: (i) in Policy Area 1 (PA1) at a: (a) minimum of 1.0 for each 100 square metres of gross floor area; (b) maximum of 3.5 for each 100 square metres of gross floor area; (ii) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at: (a) minimum of 1.0 for each 100 square metres of gross floor area; (b) maximum of 4.0 for each 100 square metres of gross floor area; (iii) in all other areas of the City: (a) if the gross floor area used for a retail store in a building is more than 200 square metres and less than 10,000 square metres, at a minimum rate of 1.5 for each 100 square metres of gross floor area; (b) if the gross floor area used for a retail store in a building is 10,000 square metres or more but less than 20,000 square metres, at a minimum rate of 3.0 for each 100 square metres of gross floor area; and (c) if the gross floor area used for a retail store in a building is 20,000 square metres or more, at a minimum rate of 6.0 for each 100 square metres of gross floor area; and (B) if the gross floor area is 200 square metres or less, no parking space is required.	20%	100%	100%

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 Eve = 6 p.m. to 6 a.m

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Retail Service	Parking spaces must be provided at the same rate as a retail store.	100%	100%	20%
Secondary Suite	Parking spaces must be provided at a minimum rate of 1.0 per secondary suite.	100%	100%	100%
Seniors Community House	Parking spaces must be provided at a minimum rate of 1.0 per building.			
Service Shop	Parking spaces must be provided: (A) if the gross floor area is more than 200 square metres: (i) in Policy Area 1 (PA1) at a: (a) minimum rate of 1.0 for each 100 square metres of gross floor area; and (b) maximum rate of 3.5 for each 100 square metres of gross floor area; and (ii) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at: (a) minimum rate of 1.0 for each 100 square metres of gross floor area; and (b) maximum rate of 4.0 for each 100 square metres of gross floor area; and (iii) in all other areas of the City a minimum rate of 1.5 for each 100 square metres of gross floor area; and (B) if the gross floor area is 200 square metres or less, no parking space is required.	100%	100%	100%
Software Development and Processing	Parking spaces must be provided at the same rate as an office	100%	100%	10%
Vehicle Dealership, Vehicle Rental/Leasing	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area; and (ii) at a maximum rate of 1.5 for each 100 square metres of gross floor area; and (B) in all other areas of the City at a minimum rate of 3.5 for each 100 square metres of gross floor area.	100%	100%	100%
Vehicle Fuel Station;	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 2.5 for each 100 square metres of gross floor area; (B) in Policy Area 4 (PA4) at a minimum rate of 3.0 for each 100 square metres of gross floor area; and (C) in all other areas of the City at a minimum rate of 3.5 for each 100 square metres of gross floor area.	100%	100%	100%
Vehicle Service Shop;	Parking spaces must be provided at a minimum rate of 3.5 for each 100 square metres of gross floor area.	100%	100%	100%
Vehicle Repair Shop	Parking spaces must be provided at a minimum rate of 3.5 for each 100 square metres of gross floor area.	100%	100%	100%
Veterinary Hospital / Animal Shelter	Parking spaces must be provided: (A) in Policy Area 1 (PA1) at a minimum rate of 0.4 for each 100 square metres of gross floor area and at a maximum rate of 0.8 for each 100 square metres of gross floor area; and (B) in the rest of the City at a minimum rate of 1 for each 100 square metres of gross floor area.	100%	100%	100%
Visitation Centre	Parking spaces must be provided at the same rate as a cemetery	100%	100%	100%

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 Eve = 6 p.m. to 6 a.m.

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Warehouse, Self Storage Warehouse	Parking spaces must be provided: (A) for a self storage warehouse at a minimum rate of 0.6 for each 100 square metres of gross floor area; and (B) for an Industrial Warehouse at a minimum rate of: (i) 1.0 for each 100 square metres of gross floor area up to 2750 square metres; plus (ii) 0.5 for each 100 square metres of gross floor area in excess of 2750 square metres.	100%	100%	50%
Wholesaling Use	Parking spaces must be provided at the same rate as a retail store.	100%	100%	50%

(2) Provision of Parking Spaces

Parking spaces provided for each use must not be:

- (A) less than the minimum required; or
- (B) greater than the maximum permitted.

(3) Parking Space Rate Ancillary Uses

An **ancillary** use has the same **parking space** rate as the use to which it is **ancillary**.

(4) Parking Space Permission for Uses with No Parking Requirement

If a use is not required to provide **parking spaces** by this By-law, **parking spaces** may be provided for that use if:

- (A) the use is listed on Table 200.5.10.10 - **Parking Space** Rates And **Parking Space** Occupancy;
- (B) the **parking spaces** are used by the owner, occupant or visitors to the **premises**; and
- (C) the number of **parking spaces** is not:
 - (i) less than the minimum required for all uses on the **lot** by Table 200.5.10.10 - **Parking Space** Rates And **Parking Space** Occupancy; and
 - (ii) greater than the maximum permitted or all uses on the **lot** by Table 200.5.10.10 - **Parking Space** Rates And **Parking Space** Occupancy.

(5) Parking Space Rates - Multiple Uses on a Lot

If there are multiple uses on a **lot**, the applicable **parking space** rate applies to each use on the **lot** and the total number of **parking spaces** required is the cumulative total of all uses.

(6) Shared Parking Space Calculation (Minimum)

In Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3), Policy Area 4 (PA4), the minimum number of **parking spaces** required for a **lot** is determined as follows:

- (A) for each of the morning, afternoon and evening parking periods, the minimum number of **parking spaces** required for each use, is calculated using the applicable **parking space** rate and occupancy rate;
- (B) the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all uses during that parking period; and
- (C) the minimum number of **parking spaces** required for the **lot** is equal to the largest number of **parking spaces** required for any parking period.

(7) Interpretation of minimum and maximum parking space requirement.

If the Parking Table includes the minimum and maximum number of **parking spaces** for a use, the number of **ancillary parking spaces** for a use listed on the Parking Table must:

- (A) not be less than the minimum required; and
- (B) not exceed the maximum permitted.

(8) Assisted Housing Parking Rates

For the purposes of calculating **parking space** requirements, assisted housing means a **dwelling unit** operated by a non-profit or private sector organization in cooperation with the City of Toronto.

(9) Alternative Housing Parking Rates

For the purpose of calculating **parking space** requirements, alternative housing means a **dwelling unit** or **bed-sitting room** owned and operated by or on behalf of the City of Toronto, or by a non-profit agency in cooperation with the City of Toronto or private sector organization in cooperation with the City of Toronto.

(10) Policy Area 1 (PA1) Parking Space Reduction for Bicycle Parking Spaces

In Policy Area 1 (PA1) the total minimum number of **vehicle parking spaces** required on a **lot** may be reduced at a rate of 1 **vehicle parking space** for each 5 **bicycle parking spaces** provided in excess of the minimum number of **bicycle parking spaces** required by Chapter 230 if the reduction of **vehicle parking space** is not greater than 20% of the total minimum **vehicle parking spaces** required.

(11) Parking Space Deficiency - addition, enlargement or alteration

If the number of **parking spaces lawfully existing** on a **lot** on the date of the enactment of this By-law is less than the minimum number of **parking spaces** required and an addition, enlargement or alteration to the **building** is made that increases the **gross floor area**, then:

- (A) the total number of existing **parking spaces** on the **lot** must be retained; and
- (B) the additional **parking spaces** required for the addition, enlargement or alteration must be provided at the rate required by this By-law or is permitted by a Section 45 Planning Act minor variance.

(12) Parking Space Deficiency - Change of Use

If the number of **parking spaces lawfully existing** on a **lot** on the date of the enactment of this By-law is less than the minimum number of **parking spaces** required by this By-law, a use may be changed to another use permitted in the zone, if:

- (A) the total number of **parking spaces** on the **lot** is not decreased and any additional **parking spaces** required can be accommodated on the **lot**; or
- (B) the number of **parking space** to be provided is permitted by a Section 45 Planning Act minor variance.

200.5.200 Parking Exemptions

200.5.200.10 Residential Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.5.200.15 Residential Apartment Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.5.200.30 Commercial Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.5.200.40 Commercial Residential Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

(2) Parking Rates for Common Areas and Walkways in Commercial Malls

In a CR zone common areas and walkways if located on the **first floor** of an enclosed commercial retail mall must provide **parking spaces** as follows:

- (A) if the **interior floor area** of the **first floor** includes **retail stores** and any other use; then the **parking space** requirement for **retail stores** also applies to the **interior floor area** of the common areas and walkways; and

- (B) if the interior floor space of the **first floor** is for only one use; then the **parking space** requirement for that use also applies to the **interior floor area** of the common areas and walkways.
- (3) Bachelor Unit Size for Parking Space Calculation
 For the purpose of calculating **parking space** requirements, the bachelor **dwelling unit** parking rate applies if the bachelor **dwelling unit** has an **interior floor area** of 45 square metres or less. If the bachelor **dwelling unit** an **interior floor area** greater than 45 square metres the one bedroom parking rate applies.
- (4) Parking Rates for Public Common Areas and Walkways in Office Buildings
 In a CR zone common areas and walkways if located on the **first floor** in an office **building** must provide **parking spaces** as follows:
 (A) if the total **interior floor area** of the non-office uses on the **first floor** is greater than the total **interior floor area** for office uses on the **first floor** of the **building**, then the **parking space** requirement for the non-office use applies to the common areas and walkways; and
 (B) if the total **interior floor area** of office uses on the **first floor** is greater than the total **interior floor area** for a non-office use on the **first floor** of the **building**, then the **parking space** requirement for an office use applies to the common areas and walkways.
- (5) Parking Exemption for Change of Non-residential Use in SS2 Area
 If a **lot** in a CR zone is subject to Development Standard Set 2 (SS2) and a change of non-residential use is proposed for a **building** which **lawfully** existed or was erected pursuant to a **building** permit issued on or before March 1, 1994, and a minimum of 75% of the **lot area** is occupied by the **building**:
 (A) additional **parking spaces** are not required for a non-residential use; and
 (B) the number of **parking spaces** existing on the **lot** on March 1, 1994 must not be reduced.
- (6) Policy Area Parking Space Exemption Certain Uses
 In Policy Area 1, no **parking spaces** are required for the following uses, provided that the **gross floor area** of the **building** minus the **gross floor area** used for **dwelling units**, does not exceed 1.0 time the area of the **lot**:
 (A) **Artist Studio**;
 (B) **Custom Workshop**;
 (C) **Financial Institution**;
 (D) **Funeral Home**;
 (E) **Office**
 (F) **Performing Arts Studio**;
 (G) **Personal Service Shop**;
 (H) **Pet Services**;
 (I) **Retail Service**;
 (J) **Retail Store**; and
 (K) **Service Shop**.

200.5.200.50 Commercial Residential Employment Zone Category

- (1) Existing Required Parking Space Located Off-Site
 Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.
- (3) CRE Zone Exemption for Existing Parking Spaces
 In a CRE zone, the **parking space** requirement for a **building** which **lawfully** existed on the **lot** on January 1, 1997, is the lesser of the **parking spaces**:
 (A) **lawfully existing** on the **lot** on January 1, 1997;
 (B) required by a **building** permit issued before January 1, 1997; or
 (C) required by this By-law.

200.5.200.60 Employment Zone Category

(1) Parking Space Requirements – Existing Building Deficiency

In the Employment Zone category, if the number of existing **parking spaces** for a **lawfully existing building** is less than the number of **parking spaces** required by Chapter 200 - **Parking Space** Regulations, than the number of **parking spaces** existing on the **lot** on the date of the enactment of this by-law is the minimum number of **parking spaces** required for that existing **building**.

(2) Parking Space Requirement – Building Addition

In the Employment Zone category, an addition, or alteration to a **lawfully existing building** that results in an increase in **gross floor area**, must provide **parking spaces** in compliance with the requirements of Chapter 200 - **Parking Space** Regulations.

(3) Parking Space Requirements – Change of Use

In the Employment Zone Category, if there is a change in use in a **lawfully existing building** regulated by 200.5.200.60(1), the number of existing **parking spaces** must not be reduced.

200.5.200.80 Institutional Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.5.200.90 Open Space Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.5.200.100 Utility and Transportation Zone Category

(1) Existing Required Parking Space Located Off-Site

Despite regulation 5.10.80.10.(1), if the **lawfully existing** required **parking spaces** for a **lawfully existing building**, are not located on the same **lot** as the uses that they are required for; those required **parking spaces** may remain on another **lot** as long as the **building** containing the uses that the **parking space** is required for remains and any addition or expansion to that **building** complies with the **parking space** requirements of this By-law.

200.10 Regulations applying to Visitor Parking Spaces

200.10.1 General

(1) Access to Visitor Parking Spaces

All **driveways** or **drive aisles** providing access to visitor **parking space** must be clearly identified.

(2) Visitor Parking Space - Marking

All visitor **parking spaces** must be clearly identified and marked.

200.10.1.5 Interpretation

(1) Application of Section

The regulations contained in Section 200.10 apply to all visitor **parking spaces**.

(2) Visitor Parking Space Dimensions

The dimensions of a **parking space** for visitor parking must comply with the **parking space** dimensions in Section 200.5.

200.15 Regulations applying to Accessible Parking Spaces

200.15.1 General

(1) Accessible Parking Space Dimensions (Minimum)

An accessible **parking space** must have the following minimum dimensions:

- (A) length of 5.6 metres;
- (B) width of 3.9 metres; and
- (C) vertical clearance of 2.1 metres.

200.15.1.5 Interpretation

(1) Application of Section

The regulations contained in Section 200.15 apply to all Accessible **parking spaces**.

(2) Location of Accessible Parking Spaces

Accessible **parking spaces** must be the **parking spaces** located:

- (A) closest to a principal pedestrian access to a **building**; and
- (B) at the same level as the pedestrian entrance to the **building**.

200.15.10 Parking Rate

(1) Parking Rates - Accessible Parking Spaces

Off-**street** Accessible **Parking Spaces** must be provided for every **building** or **structure** erected, altered or enlarged, in conformity with the following:

- (A) If a use requires 5 or more **parking spaces** the following requirements for accessible **parking spaces** applies:
 - (i) if the number of required **parking spaces** is 5 to 24, a minimum of 1 **parking space** must comply with the minimum dimensions for an accessible **parking space**;
 - (ii) if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for each 25 **parking spaces** or part thereof must comply with the minimum dimensions for an accessible **parking space** and must be clearly marked as an accessible **parking space**; and
 - (iii) if more than 100 **parking spaces** are required then for the first 100 **parking spaces** (ii) above is to apply and for each 50 **parking spaces** of part thereof in excess of 100 **parking spaces**, 1 additional **parking space** must comply with the minimum dimensions for an accessible **parking space**.

(2) Accessible Parking Space Requirement Medical Office and Clinics

If **parking spaces** are required for a medical office, a minimum of 10% of the required **parking spaces** must comply with the minimum dimensions for an accessible **parking space**.

200.20 Regulations applying to Parking Spaces for Heritage Buildings

200.20.10 General

(1) Parking Space Requirements for Heritage Sites Designated Under the Ontario Heritage Act

The number of **parking spaces** required for a **Heritage Site** that is designated under the Ontario Heritage Act, as amended, is the lesser of the requirements of Chapter 200, and the number of spaces existing on July 20, 1993.

(2) Parking Space Requirements for Additions or Alterations to Heritage Sites Designated Under the Ontario

Heritage Act

If floor area is added through an addition, alteration or extension, or if the existing floor area is replaced, **parking spaces** must be provided at the rate required in this By-law for that floor area.

(3) CRE Zone - Heritage Site - Supplementary Parking Space Requirements for Heritage Sites

In a CRE zone, regulations 200.20.10(1) and (2) also apply to a listed **Heritage Site** that is not designated under the Ontario Heritage Act, as amended.

Chapter 220 Loading Space Regulations

220.5 Regulations applying to Loading Spaces

220.5.1 General

(1) Application of Section

The regulations contained in Section 220.5 apply to all **loading spaces**.

(2) Requirement to Provide Loading Spaces

A **loading space** must be provided and maintained for each use on a **lot**, in compliance with the regulations in Chapter 220.

220.5.1.10 Interpretation

(1) Loading Space Requirement Calculation

The calculation of **loading spaces** must include the total **gross floor area** used by the permitted use plus the total **gross floor area** used by all uses **ancillary** to the permitted use.

(2) Loading Space Calculation for Multi-unit Buildings

If a **lot** in the Employment Industrial Zone category has a **building** containing more than one industrial unit, then the calculation of the **loading space** requirement is based upon the applicable **interior floor area** of each industrial unit and not on the total **gross floor area** of the whole **building**.

(3) Industrial Unit - Definition

For the purpose of calculating **loading space** requirements, an "industrial unit", means the portion of a **building**, used by or under the control of an individual owner or tenant.

(4) Loading Space Calculation -Gross Floor Area Exclusion

The **interior floor area** of a **building** that is used exclusively for heating, cooling, ventilation, electrical, emergency stairwells, elevator shafts, atriums, storage in a **basement**, **parking space**, **loading space**, or a **drive aisle** used to access a **parking space** or **loading space**, is not included as **gross floor area** for the purpose of calculating **loading space** requirements.

(5) Required Loading Space

If this By-law requires one or more off-**street loading spaces** to be provided on a **lot**, that **loading space** must be available for the loading of a **vehicle** associated with the use for which it is required.

(6) Loading Space Demarcation

Loading spaces located within a **building** must be clearly marked and identified.

(7) Minimum Loading Space Dimensions

If a **loading space** is required by this By-law for lands located in Policy Area 1 (PA1), despite the dimension requirements of Regulation 220.5.1 (6), the **loading space** must have a minimum vertical clearance of 4.3 metres.

(8) Loading Space Standards

A **loading space** must comply with the following:

(A) a Type 'A' **loading space** must have a:

- (i) minimum length of 17.0 metres;
- (ii) minimum width of 3.5 metres; and

- (iii) minimum vertical clearance of 4.3 metres.
- (B) a Type 'B' **loading space** must have a:
 - (i) minimum length of 11.0 metres;
 - (ii) minimum width of 3.5 metres; and
 - (iii) minimum vertical clearance of 4.0 metres.
- (C) a Type 'C' **loading space** must have a:
 - (i) minimum length of 6.0 metres;
 - (ii) minimum width of 3.5 metres; and
 - (iii) minimum vertical clearance of 3.0 metres.
- (D) a Type 'G' **loading space** must have a:
 - (i) minimum length of 13.0 metres;
 - (ii) minimum width of 4.0 metres; and
 - (iii) minimum vertical clearance of 6.1 metres.

220.5.10 Loading Space Rates

220.5.10.1 General

(1) Loading Space Requirements

Loading spaces must be provided as follows:

(2) Loading Space Requirements - Building Containing Dwelling Units

A **building** containing **dwelling units** must provide **loading spaces** as follows:

Number of Units	Minimum Number of Loading Spaces Required
0 to 30 dwelling units	None required
31 to 399 dwelling units	1 - Type G
400 dwelling units or more	1 - Type G and 1 - Type C

(3) Loading Space Requirements - Retail Store, Eating Establishment, or Personal Service Shop

A **retail store, eating establishment, or personal service shop** must provide **loading spaces** as follows:

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 499 m ²	None required
500 to 1,999 m ²	1 Type B
2,000 to 4,999 m ²	2 Type B
5,000 to 9,999 m ²	3 Type B
10,000 to 19,999 m ²	1 Type A and 3 Type B
20,000 to 29,999 m ² 1 Type A,	3 Type B and 1 Type C
30,000 m ² or greater 1 Type A,	3 Type B and 1 Type C

(4) Loading Space Requirements - Grocery stores/supermarket

A grocery stores/supermarket must provide **loading spaces** as follows:

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 499 m ²	None required
500 to 999 m ²	1 Type B
1,000 to 1,999 m ²	1 Type A
2,000 to 4,999 m ²	1 Type A and 1 Type B
5,000 to 9,999 m ²	1 Type A and 2 Type B
10,000 to 19,999 m ²	2 Type A and 2 Type B
20,000m ² and greater	2 Type A and 3 Type B

(5) Loading Space Requirements - Office

An office must provide **loading spaces** as follows:

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 499 m ²	None required
500 to 999 m ²	1 Type B
1,000 to 1,999 m ²	1 Type B and 1 Type C
2,000 to 3,999 m ²	1 Type B and 2 Type C
4,000 to 27,999 m ²	2 Type B and 2 Type C
28,000 to 51,999 m ²	2 Type B and 3 Type C
52,000 m ² or greater	2 Type B and 3 Type C

(6) Loading Space Requirements - Hotel

A **hotel** must provide **loading spaces** as follows:

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 4,999 m ²	1 Type B
5,000 to 9,999 m ² .	1 Type B and 1 Type C
10,000 to 19,999 m ²	2 Type B and 1 Type C
20,000 to 49,999 m ²	2 Type B and 2 Type C
50,000 m ² or greater	1 Type A, 1 Type B and 2 Type C

(7) Loading Space Requirements - Manufacturing or Warehouse Use

A manufacturing or **warehouse** use must provide **loading spaces** as follows:

Gross Floor Area	Minimum Number of Loading Spaces Required
0 to 99 m ²	None
100 to 499 m ²	1 Type C
500 to 999 m ²	1 Type B
1,000 to 4,999 m ²	1 Type A
5,000 to 9,999 m ²	2 Type A
10,000 to 14,999 m ²	3 Type A
15,000 m ² or greater	3 Type A

(8) Loading Space Requirements - Other Select Uses

The owner or occupant of every **building** or **structure** to be erected or used for the purpose of a **passenger terminal, hospital** or any other purpose similarly involving the frequent shipping, loading or unloading of persons, animals or goods, wares or merchandise, must provide and maintain on the **premises** loading facilities, according to the **gross floor area** of the **building** as follows:

- (A) **Gross Floor Area:** 499 square metres or less
Minimum Number of **Loading Spaces:** None;
- (B) **Gross Floor Area:** From and including 500 square metres to and including 2300 square metres
Minimum Number of **Loading Spaces:** 1 **loading space**;
- (C) **Gross Floor Area:** From and including 2301 square metres to and including 7500 square metres
Minimum Number of **Loading Spaces:** 2 **loading spaces**;
- (D) **Gross Floor Area:** From and including 7501 square metres to and including 14000 square metres
Minimum Number of **Loading Spaces:** 3 **loading spaces**;
- (E) **Gross Floor Area:** From and including 14001 square metres to and including 22000 square metres
Minimum Number of **Loading Spaces:** 4 **loading spaces**;
- (F) **Gross Floor Area:** From and including 22001 square metres to and including 30000 square metres
Minimum Number of **Loading Spaces:** 5 **loading spaces**;
- (G) **Gross Floor Area:** Over 30000 square metres.
Minimum of 1 additional **loading space** for each additional 9300 square metres over 30000 square metres

(9) Shared Loading Space Calculations

If a **building** located in Policy Area 1 (PA1) or Policy Area 2 (PA2) contains two or more of the following uses; Office, **Retail Store, Eating Establishment, Personal Service Shop, or Hotel**, the **loading space** requirement for that **building** is the total of (A) and (B) below:

- (A) the minimum number of Type 'B' **loading spaces** to be provided in the **building** is the highest

- number of Type 'B' **loading space** generated for any one of these uses plus the Type 'B' **loading spaces** required for all other non-residential uses in the same **building** and not listed above; plus
- (B) the minimum number of Type 'C' **loading spaces** to be provided in the **building** is the highest number of Type 'C' **loading spaces** generated for any one of these uses plus the Type 'C' **loading spaces** required for all other non-residential uses in the same **building** and not listed above.

220.5.10.200 Exemptions

(1) Loading Space Exemption Non-Residential

If a non-residential use is proposed for any portion of a **lawfully existing building**, the non-residential loading requirements of this by-law do not require more **loading spaces** than existed on the **lot** on the date of the enactment of this by-law, if:

- (A) the **loading spaces** that **lawfully** existed on the **lot** are maintained; and
(B) the ground floor area of the **building** covers at least 75% of the **lot area**.

(2) Loading Space Exemption

If a **building** contains less than 30 **dwelling units** and is located on a **lot** having a **lot area** of less than 1,000 square metres no type G **loading space** is required.

220.5.20 Access to Loading Space

(1) Standards for Access to a Loading Space

Driveway access to a **loading space** must have:

- (A) a minimum width along its entire length of:
(i) 3.5 metres for a one-way **driveway**; or
(ii) 6.0 metres for a two-way **driveway**; and
(B) a minimum vertical clearance along its entire length of:
(i) 4.3 metres if leading to a type 'A' or type 'G' **loading space**;
(ii) 4.0 metres if leading to a type 'B' **loading space**; and
(iii) 3.0 metres if leading to a type 'C' **loading space**.

(2) Loading Space Access

The maximum slope of a **driveway** leading to a **loading space** is:

- (A) 8% if it is a Type "G" **loading space**; and
(B) 15% in all other cases.

(3) Vehicle Access to Building with Loading Space

If a **loading space** is located inside a **building**:

- (A) the **vehicle** entrance and exit for a two-way **driveway** into and out of the **building** must have a minimum width of 5.5 metres; and
(B) the **vehicle** entrance or exit for a one-way **driveway** into or out of the **building** must have a minimum width of 3.5 metres, if the **vehicle** entrance or exit is 6.0 metres or more away from the **street lot line**.

220.5.200 Loading Exemptions

220.5.200.40 Commercial Residential Zone Category

(1) Loading Space Exemption- SS2 Area

If a **lot** in a CR zone is subject to Development Standard Set 2 (SS2), the **loading space** requirements for any non-residential uses do not apply if the **lot** has a **lot area** of less than 1,000 square metres.

220.5.200.50 Commercial Residential Employment Zone Category

(1) Exemption for existing Loading Spaces

In a CRE zone, the **loading space** requirement for a **building** is the lesser of the **loading spaces**:

- (A) **lawfully existing** on the **lot** on January 1, 1997;
- (B) required by a **building** permit issued before January 1, 1997; or
- (C) required by this By-law.

220.5.200.60 Employment Zone Category

(1) Loading Space Requirements – Existing Building Deficiency

In the Employment Zone category, if the number of **lawfully existing loading spaces** for a **lawfully existing** use is less than the **loading space** rates required by Chapter 220 - **Loading Space** Regulations, than the number of **loading spaces** existing on the **lot** on the date of the enactment of this by-law is the minimum number of **loading spaces** required for that existing **building**.

(2) Loading Space Requirement – Building Addition

In an Employment Zone category, an addition, or alteration to a **lawfully existing building** that results in an increase in **gross floor area**, must provide **loading spaces** in compliance with the requirements in - **Loading Space** Regulations.

(3) Loading Space Requirements – Change of Use

In the Employment Zone Category, if there is a change in use in a **lawfully existing building**, regulated by 220.5.200.60(1), the number of **loading spaces** must not be reduced.

220.20 Regulations applying to Loading Spaces in Heritage Buildings

220.20.1 General

(1) Loading Requirements for Heritage Sites Designated Under the Ontario Heritage Act

The number of **loading spaces** required for a **Heritage Site** that is designated under the Ontario Heritage Act, as amended, is the lesser of the requirements of Chapter 220 **Loading Space** regulations, or the number of spaces existing as of July 20, 1993.

(2) Loading Requirements for Additions or Alterations to Heritage Sites Designated Under the Ontario Heritage Act

If floor area is added through an addition, alteration or extension, or if existing floor area is replaced, **loading spaces** must be provided in compliance with this By-law for that floor area.

(3) CRE Zone - Heritage Site - Supplementary Loading Requirements for Heritage Sites

In a CRE zone, regulations 220.20.1(1) and (2) also apply to a listed **Heritage Site** that is not designated under the Ontario Heritage Act, as amended.

(4) CRE Zone - Heritage Site - Supplementary Loading Requirement

In an CRE zone, despite regulation 220.20.1(3), a **building** containing 30 or more **dwelling units** that is identified as a listed **Heritage Site** but not designated under the Ontario Heritage Act, as amended, must comply with the applicable **loading space** requirements of Chapter 220.

Chapter 230 Bicycle Parking Space Regulations

230.5 General Regulations applying to All Bicycle Parking Spaces

230.5.1 General

230.5.1.10 Interpretation

(1) Application of Section

The regulations contained in Section 230.5 apply to all **bicycle parking spaces**.

(2) Rounding of Bicycle Parking Space Requirements

If the calculation of the minimum **bicycle parking spaces** for all uses results in a fraction of a **bicycle parking space** being required, the number of required **bicycle parking spaces** must be rounded up to the next whole number.

(3) Meaning of Long-Term Bicycle Parking and Short-Term Bicycle Parking

For the purposes of this By-law, Long-Term Bicycle Parking and Short-Term Bicycle Parking must have the following meanings:

- (A) Long-Term **Bicycle Parking Spaces** are **bicycle parking spaces** for use by the occupants or tenants of a **building**; and
- (B) Short-Term **Bicycle Parking Spaces** are **bicycle parking spaces** for use by visitors to a **building**.

(4) Bicycle Parking Space Dimensions

A **bicycle parking space** must have the following dimensions:

- (A) if located in a horizontal position (on the ground):
 - (i) minimum length of 1.8 metres,
 - (ii) minimum width of 0.6 metres,
 - (iii) minimum vertical clearance from the ground of 1.9 metres;
- (B) if located in a vertical position on the wall, **structure** or mechanical device:
 - (i) minimum length or vertical clearance of 1.9 metres,
 - (ii) minimum width of 0.6 metres,
 - (iii) minimum horizontal clearance from the wall of 1.2 metres; and
- (C) if a stacked bicycle space is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.

(5) Vertical Clearance of a Bicycle Parking Area

An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:

- (A) 2.4 metres if it is a **stacked bicycle parking space**; and
- (B) 1.9 metres in all other cases.

(6) Long-Term Bicycle Parking Space Locational Requirement

Long-Term **bicycle parking spaces** must be located in a secure, weather protected and enclosed bicycle parking area.

(7) Short-Term Bicycle Parking Space Locational Requirement

If the requirement for Short-Term **bicycle parking spaces** is more than 10, at least 50% of the required Short-Term **bicycle parking spaces** must be located in a weather protected bicycle parking area at grade.

(8) Change and Shower Facilities

If a **building** contains uses, other than **dwelling units**, for which a Long-Term **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:

- (A) none if less than 5 required Long-Term **bicycle parking spaces**;
- (B) 1 for 5 to 60 required Long-Term **bicycle parking spaces**;
- (C) 2 for 61 to 120 required Long-Term **bicycle parking spaces**;
- (D) 3 for 121 to 180 required Long-Term **bicycle parking spaces**; and
- (E) 4 for more than 180 required Long-Term **bicycle parking spaces**.

(9) Bicycle Parking Space Located with Use

A **bicycle parking space** must be located on the same **lot** as the use for which it is required.

(10) Long Term Bicycle Parking Space Location

If a **lot** is located in a Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, Institutional Zone category or Employment Zone category then a long-term **bicycle parking space** required for uses other than **dwelling units** must be located:

- (A) outside on grade;
- (B) on the ground floor of the **building**;
- (C) on the **first floor** of the **building** below grade used for vehicular **parking spaces**; or
- (D) may be located on the **second floor** of the **building** below grade, if 50% of the floor above it is occupied by long-term **bicycle parking spaces**.

(11) Stacked Bicycle Parking Spaces

A long-term **bicycle parking space** may be located in a **stacked bicycle parking space**.

(12) Bicycle Parking Space Deficiency - Change of Use

If the number of **bicycle parking spaces lawfully existing** on a **lot** on the date of the enactment of this By-law is less than the minimum number of **bicycle parking spaces** required by this By-law, a use may be changed to another use permitted in the zone, if the total number of **bicycle parking spaces** on the **lot** is not decreased and any additional **bicycle parking spaces** required can be accommodated on the **lot**.

(13) Bicycle Parking Space Deficiency - Addition, Enlargement or Alteration

If the number of **bicycle parking spaces** existing on a **lot** on the date of the enactment of this By-law is less than the minimum number of **bicycle parking spaces** required by this By-law and an addition, enlargement or alteration to the **building** is made that increases the **gross floor area**, then:

- (A) the total number of existing **bicycle parking spaces** on the **lot** must be retained; and
- (B) the additional **bicycle parking spaces** required for the addition enlargement or alteration must be provided at the rate required by this By-law.

230.5.10 Bicycle Parking Rates All Zones

230.5.10.1 General

(1) Use With Interior Floor Area of 2000 Square Metres or Less

Despite the **bicycle parking space** rates set out in regulation 230.10.19(3) to (9), if a **bicycle parking space** is required for uses on a **lot**, other than a **dwelling unit**, and the total **interior floor area** of all such uses on the **lot** is 2000 square metres or less, then no **bicycle parking space** is required.

(2) Multiple uses on a lot

If Chapter 230 **Bicycle Parking Space** Regulations, require **bicycle parking space** for one or more uses on a **lot**, the total number of **bicycle parking spaces** required is equal to the cumulative total of all **bicycle parking spaces** required for each use on the **lot**.

(3) Bicycle Parking Space Rates

For a **building** or portion of a **building** constructed after the date of the enactment of this by-law, **bicycle parking spaces** must be provide in compliance with Table 230.5.10.1(3).

Table 230.25.10.1(3)

Use	Bicycle Parking Space Rates	
	Short-Term Bicycle Parking Spaces	Long-Term Bicycle Parking Spaces
Eating Establishment	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.3 bicycle parking spaces for each 100 square metres of interior floor area used for an eating establishment , if the lot is in Policy Area 1; and (ii) 3, plus 0.25 bicycle parking spaces for each 100 square metres of interior floor area used for an eating establishment , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.2 for each 100 square metres of interior floor area used for an eating establishment , if the lot is in Policy Area 1; and (ii) 0.13 for each 100 square metres of interior floor area used for an eating establishment , if the lot is not in Policy Area 1.
Retail Store	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.3 bicycle parking spaces for each 100 square metres of interior floor area used for a retail store , if the lot is in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.2 for each 100 square metres of interior floor area used for a retail store , if the lot is in Policy Area 1; and (ii) 0.13 for each 100 square metres of

	(ii) 3, plus 0.25 bicycle parking spaces for each 100 square metres of interior floor area used for a retail store , if the lot is not in Policy Area 1; and	interior floor area used for a retail store , if the lot is not in Policy Area 1.
Personal Service Shop	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.3 bicycle parking spaces for each 100 square metres of interior floor area used for a personal service shop , if the lot is in Policy Area 1; and (ii) 3, plus 0.25 bicycle parking spaces for each 100 square metres of interior floor area used for a personal service shop , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.2 for each 100 square metres of interior floor area used for a personal service shop , if the lot is in Policy Area 1; and (ii) 0.13 for each 100 square metres of interior floor area used for a personal service shop , if the lot is not in Policy Area 1.
Education Use	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.1 bicycle parking spaces for each 100 square metres of interior floor area used for a education use , if the lot is in Policy Area 1; and (ii) 3, plus 0.06 bicycle parking spaces for each 100 square metres of interior floor area used for a education use , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.1 for each 100 square metres of interior floor area used for an education use , if the lot is in Policy Area 1; and (ii) 0.06 for each 100 square metres of interior floor area used for an education use , if the lot is not in Policy Area 1.
Office	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.2 bicycle parking spaces for each 100 square metres of interior floor area used for an office, other than a medical office, if the lot is in Policy Area 1; and (ii) 3, plus 0.15 bicycle parking spaces for each 100 square metres of interior floor area used for an office, other than a medical office, if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.2 for each 100 square metres of interior floor area used for an office, other than a medical office, if the lot is in Policy Area 1; and (ii) 0.13 for each 100 square metres of interior floor area used for an office, other than a medical office, if the lot is not in Policy Area 1.
Medical Office	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.15 bicycle parking spaces for each 100 square metres of interior floor area used for a medical office, if the lot is in Policy Area 1; and (ii) 3, plus 0.1 bicycle parking spaces for each 100 square metres of interior floor area used for a medical office, if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.15 for each 100 square metres of interior floor area used for a medical office, if the lot is in Policy Area 1; and (ii) 0.1 for each 100 square metres of interior floor area used for a medical office, if the lot is not in Policy Area 1.
Municipal Shelter		the minimum number of long-term bicycle parking spaces to be provided is 2
Crisis Care Facility		the minimum number of long-term bicycle parking spaces to be provided is 2

Public School, Private School	the minimum number of short-term bicycle parking spaces to be provided is: (i) 3, plus 0.1 bicycle parking spaces for each 100 square metres of interior floor area used for a public school or private school , if the lot is in Policy Area 1; and (ii) 3, plus 0.06 bicycle parking spaces for each 100 square metres of interior floor area used for a public school or private school , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.1 for each 100 square metres of interior floor area used for a public school or private school , if the lot is in Policy Area 1; and (ii) 0.06 for each 100 square metres of interior floor area used for a public school or private school , if the lot is not in Policy Area 1.
Post-Secondary Schools	the minimum number of short-term bicycle parking spaces is: (i) 3, plus 2.0 bicycle parking spaces for each 100 square metres of interior floor area used for a post-secondary school , if the lot is in Policy Area 1; and (ii) 3, plus 2.0 bicycle parking spaces for each 100 square metres of interior floor area used for a post-secondary school , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 2.0 for each 100 square metres of interior floor area used for a post-secondary school , if the lot is in Policy Area 1; and (ii) 0.6 for each 100 square metres of interior floor area used for a post-secondary school , if the lot is not in Policy Area 1.
Hospital	If a lot contains a hospital then: (A) the minimum number of short-term bicycle parking spaces is: (i) 3, plus 0.1 bicycle parking spaces for each 100 square metres of interior floor area used for a hospital , if the lot is in Policy Area 1; and (ii) 3, plus 0.06 bicycle parking spaces for each 100 square metres of interior floor area used for a hospital , if the lot is not in Policy Area 1; and	the minimum number of long-term bicycle parking spaces to be provided is: (i) 0.1 for each 100 square metres of interior floor area used for a hospital , if the lot is in Policy Area 1; and (ii) 0.06 for each 100 square metres of interior floor area used for a hospital , if the lot is not in Policy Area 1.

(4) Bicycle Parking Rate for Apartments

For **dwelling units** in an **apartment building** or in a **mixed use building** constructed after the date of the enactment of this by-law, long-term **bicycle parking spaces** must be provided in accordance with Table 230.5.10.1(4)

Table 230.5.10.1(4)

	Bicycle Parking Space Rate for dwelling units in an Apartment building or Mixed use building by Dwelling Unit types			
	Bachelor	1 Bedroom	2 Bedroom	3 Bedroom
Policy Area 1	0.55	0.7	0.85	1.05
Policy Area 2	0.25	0.45	0.65	1.05
Policy Area 3	0.15	0.3	0.4	0.75
Policy Area 4	0.15	0.3	0.4	0.75
Rest of the City	0.15	0.3	0.4	0.75

(5) Short-Term Bicycle Parking Space Rate for Dwelling Units

For **dwelling units** in an **apartment building** or in a **mixed-use building** constructed after the date of the enactment of this by-law, short-term **bicycle parking spaces** must be provided at a rate of 0.1 for each **dwelling unit**.

(6) Bicycle Parking Space Requirement - Lawfully Existing Building

For the floor space of a **building** constructed between July 20, 1993 and the date of the enactment of this By-law, and for a **building** constructed in compliance with the Article 2.1.3, **bicycle parking spaces** must be provided as follows:

- (A) 80 percent of the **bicycle parking spaces** required in (B) and (C) must be long-term **bicycle parking spaces** and all others must be short-term **bicycle parking spaces**;
- (B) if a **building** is on a **lot** in Policy Area 1 (PA1), Policy Area 3 (PA3) or Policy Area 4 (PA4) and it is located in a CR zone, long-term **bicycle parking spaces** must be provided at a minimum rate of 1 **bicycle parking space** for each 250 square metres of **interior floor area** used for other than **dwelling units**, if the **gross floor area** of the **building** is 2000 square metres or more; and
- (C) if a **building** contains 10 or more **dwelling units** and it is located in Policy Area 1 (PA1), Policy Area 3 (PA3) or Policy Area 4 (PA4) or within 500 metres of Policy Area 1 (PA1), Policy Area 3 (PA3) or Policy Area 4 (PA4), **bicycle parking spaces** must be provided at a minimum rate of 0.75 for each **dwelling unit** to a maximum of 200 **bicycle parking spaces**.

(7) Bicycle Change/Shower Facility Requirement - Lawfully Existing Building

For a property constructed between July 20 1993 and the date of the enactment of this By-law and for a **building** constructed in accordance with the Article 2.1.3 1 a shower-change facility is required for each gender, if the **gross floor area** of the **building**, other than an **apartment building**, is 20,000 square metres or more, and the **building** is on a **lot** is located in a CR zone and in Policy Area 1 (PA1), Policy Area 3 (PA3) or Policy Area 4 (PA4).

(8) Lawfully Existing Building - Bicycle Parking Space Not Required

For the portion of a **lawfully existing building** that was not required to provide **bicycle parking spaces**, the requirements of regulations 230.5.1.10 and 230.5.10.1(1) to (5) do not apply.

230.10 Residential Zone Category Regulations

230.10.1 General

230.10.1.20 Standards

(1) Bicycle Parking Space - Storage Location

In a Residential Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker.

(2) Location Relative to Building Entrance

If a **lot** containing an **apartment building** is located in a Residential Zone category then a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

230.20 Residential Apartment Zone Category Regulations

230.20.1 General

230.20.1.20 Standards

(1) Bicycle Parking Space - Storage Location

In a Residential Apartment Zone category, a long-term **bicycle parking space** for a **dwelling unit** in an **apartment building** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker.

(2) Location Relative to Building Entrance

In the Residential Apartment Zone category a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

230.30 Commercial Zone Category Regulations

230.30.1 General

230.30.1.20 Standards

(1) Bicycle Parking - Location CL zones

In a CL zone, a **bicycle parking space** for a **dwelling unit** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker; or
- (D) an area used for **ancillary** commercial space.

(2) Location Relative to Building Entrance

In the Commercial Zone category a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

230.40 Commercial - Residential Zone Category Regulations

230.40.1 General

230.40.1.20 Standards

(1) Bicycle Parking - Location CR zones

In a CR zone, a **bicycle parking space** for a **dwelling unit** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker; or
- (D) an area used for **ancillary** commercial space.

(2) Location Relative to Building Entrance

In the Commercial Residential Zone category a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the **lot**.

230.50 Commercial Residential Employment Zone Category Regulations

230.50.1 General

230.50.1.20 Standards

(1) Bicycle Parking - Location CRE zones

In a CRE zone, a **bicycle parking space** for a **dwelling unit** may not be located:

- (A) in a **dwelling unit**; or
- (B) on a balcony; or
- (C) in a storage locker; or
- (D) an area used for **ancillary** commercial space.

230.60 Employment Zone Category

230.60.1 General

230.60.1.20 Standards

(1) Location Relative to Building Entrance

in the Employment Zone category a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the lot

230.80 Institutional Zone Category Regulations

230.80.1 General

230.80.1.20 Standards

(1) Location Relative to Building Entrance

In the Institution Zone category a short-term **bicycle parking space** must be located a maximum of 30 metres from a pedestrian entrance to the **principal building** on the lot

Chapter 280 Special Districts - Downtown

280.5 General Regulations applying to the Downtown

280.5.80 Parking

(1) Parking Exception for change of Non-residential use

In Policy Area 1 (PA1), if a change of non-residential use is proposed for a **lawfully existing building** or was erected pursuant to a **building** permit issued on or before March 7, 1983, and a minimum of 75% of the **lot area** is occupied by the **building**:

- (A) additional **parking spaces** may not be required for a non-residential use; and
- (B) the number of **parking spaces** existing on the **lot** may not be reduced.

280.5.90 Loading

(1) Downtown - Loading Space Mixed Use Building

In Policy Area 1 (PA1), if a **mixed-use building** contains more than 30 **dwelling units**, the residential **loading space** requirement of this By-law does not apply, if a minimum of one non-residential **loading space** is constructed to the specifications of a (Type G) **loading space**.

Chapter 300 Special Districts - Centres

300.10 North York Centre

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

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300.20 Scarborough Centre

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

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300.30 Etobicoke Centre

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

Chapter 400 Special Districts - Avenues

400.5 General Regulations applying to Special Districts - Avenues

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

400.10 Specific Regulations for Special Districts - Avenues

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

Chapter 500 Special Districts - Heritage

500.5 General Regulations applying to Heritage Zones

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

500.10 Zone Regulations

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

Chapter 550 Holding Provision By-laws - Section 36 of the Planning Act

550.10.10 Specific Holding Provisions

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

Chapter 600 Regulations for Overlay Zones

600.5 General Regulations applying to Overlay District

(1) (THIS SECTION DOES NOT CURRENTLY CONTAIN REGULATIONS)

Chapter 800 Definitions

800.50 Defined Terms

(5) Adult Entertainment Establishment

means **premises**, or any part of such **premises**, in which are provided, in the pursuance of a business,

- trade, or occupation, services designed to appeal to erotic or sexual appetites or inclinations;
- (A) the term “provided” includes services furnished, performed, solicited, or given in pursuance of a business, trade, or occupation, and “providing” and “provision” have corresponding meanings;
- (B) the term “services” includes activities, facilities, performances, exhibitions, viewings and encounters; and
- (C) the phrase “services designed to appeal to erotic or sexual appetites or inclinations” includes:
- (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person; or
 - (ii) service in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement.
- (10) Agricultural Use
means the use of **premises** for growing and harvesting plants or raising animals, fowl, fish or insects.
- (15) Amenity Space
means indoor or outdoor space on a **lot** that is:
- (A) **ancillary** to the main use, and
 - (B) communal and available for use by the occupants of a **building** on the **lot**, or the general public, or both, for recreational or social activities.
- (20) Amusement Arcade
means **premises** where more than 2 **amusement devices** are provided for patron use on the **premises**.
- (25) Amusement Device
means a machine or electronic device used for games of skill or chance other than:
- (A) billiards,
 - (B) bowling, and
 - (C) any gaming or lottery device regulated under Province of Ontario legislation.
- (30) Ancillary
means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, **building** or **structure**.
- (35) Ancillary Sign
means a sign that relates exclusively to the use of the **premises** on which the sign is located.
- (45) Angular Plane
means an imaginary flat surface projecting over a **lot**, at an inclined angle measure up from the horizontal.
- (50) Animal Shelter
means **premises** used for the keeping, adoption or disposal of stray, abandoned or wild animals.
- (55) Apartment Building
means a **building** that has five or more **dwelling units**, with at least one **dwelling unit** entirely or partially above another, and each **dwelling unit** has a separate entrance directly from outside or through a common inside area. A **residential building** containing one or more **secondary suites** and originally constructed as a **detached house**, **semi-detached house**, **duplex**, **triplex**, **fourplex** or **townhouse**, is not an **Apartment Building**.
- (60) Art Gallery
means **premises** used for the exhibition, collection or preservation of works of art for public viewing.
- (65) Artist Studio
means **premises** used for creating art or craft.
- (70) Automated Banking Machine
means a device at which customers can complete self-serve financial transactions.
- (75) Average Grade
means the average elevation of the existing or finished ground surface, whichever is lower, around all

sides of a **building** or **structure**, measured where the **building** or **structure** meets the ground surface, excluding:

- (A) the part of the ground along any one **main wall** where there is a permitted **driveway** for **vehicle** access into the **building** or **structure**; and
- (B) parts of the ground along each **main wall**, up to a cumulative maximum of 25% of the horizontal length of the **main wall**, where there are pedestrian entrances or window wells.

(80) Basement

means the portion of a **building** between the **first floor** and any floor below the **first floor**.

(85) Bed-Sitting Room

means a room used as separate living accommodation that:

- (A) has a private entrance from a hallway inside a **building**; and
- (B) may have sanitary facilities but not food preparation facilities.

(90) Bicycle Parking Space

means an area used for the purpose of parking or storing a bicycle.

(95) Building

means a wholly or partially enclosed **structure** having a roof supported by walls, columns, piers or other structural systems, but does not include a **vehicle**.

(100) Building Depth

means the horizontal distance between the **front yard setback** required on a **lot** and the portion of the building's rear **main wall** furthest from the required **front yard setback**, measured along a line that is perpendicular to the **front yard setback** line.

(105) Building Length

means the horizontal distance between the portion of the front **main wall** of a **building** on a **lot** closest to the **front lot line**, and the portion of the rear **main wall** of the **building** closest to the **rear lot line**, measured along the **lot centreline**. If the relevant parts of these **main walls** are not intersected by the **lot centreline**, the measurement is from the point on the **lot centreline** where a line drawn perpendicular to the **lot centreline** connects with the relevant part of the **main wall**.

(110) Building Setback

means a horizontal distance measured at a right angle from any **lot line** to the nearest part of the **main wall** of a **building** or **structure**.

(115) Cabaret

means **premises** used to provide entertainment such as a dinner theatre or comedy **club**, where patrons are seated at tables and where food or beverages may be offered for sale. An **adult entertainment establishment**, an **eating establishment**, a **nightclub**, or an **entertainment place of assembly** is not a **cabaret**.

(120) Cemetery

means **premises** used for the interment of human remains, which may include one or more of the following:

- (A) scattering grounds;
- (B) **columbarium**; or
- (C) **mausoleum**.

(125) Club

means **premises**:

- (A) operated by members of a **non-profit organization** that maintains formal membership and generally limits attendance at meetings to members; and
- (B) used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and
- (C) a **community centre** is not a **club**.

(130) Cogeneration Energy

Cogeneration Energy means thermal energy and electrical energy simultaneously produced from the same process.

- (135) Columbarium
means a **building** or **structure** used for the interment of cremated human remains.
- (140) Community Centre
means **premises** operated by or on behalf of a government or **non-profit organization** and used for the purpose of providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A **club** is not a **community centre**.
- (145) Contractor's Establishment
means **premises** used as the base of operations of a tradesperson or contractor.
- (150) Corner Lot
means a **lot** situated,
(A) at the intersection of two or more **streets** having an interior angle of intersection of 135 degrees or less, or
(B) where one **street** bends to create an interior angle of 135 degrees or less.
- (155) Courtyard
means any area on a **lot** that is bounded on two or more sides by one or more **buildings** on the same **lot**.
- (160) Crematorium
means a **building** or **structure** used to cremate human remains.
- (165) Crisis Care Shelter
means **premises**, other than a **municipal shelter**, in which short-term emergency accommodation and associated support services are provided and supervised.
- (170) Custom Workshop
means **premises** used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production.
- (175) Day Nursery
means **premises** used for the purpose of providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and regulated by applicable Province of Ontario legislation for **Day Nurseries**. A recreational program operated by or for the City is not a **Day Nursery**.
- (180) Detached House
means a **building** that has one **dwelling unit** occupying the whole **building**.
- (185) Distribution
Distribution means the delivery of energy derived from **renewable energy** or **cogeneration energy**, to a **distribution** network connected to the **lot**.
- (190) District Heating and Cooling Plant
means **premises** used to generate, for mass **distribution**, thermal energy to heat or cool.
- (195) Drive Aisle
means a vehicular passageway located within an area used for the parking or storage of 3 or more **vehicles**.
- (200) Drive-in Eating Establishment
means **premises** where food or beverages are prepared and offered for sale to patrons for consumption while remaining in their **vehicles**.
- (205) Drive Through Facility
means **premises** used to provide or dispense products or services, through an attendant, or a window or an automated machine, to persons remaining in **vehicles** that are in a designated **stacking aisle**. A **vehicle washing establishment** or a **vehicle fuel station** is not a **drive through facility**.
- (210) Driveway
means a passageway providing vehicular access between a **street** or **lane** and an area used for the parking, loading or storage of a **vehicle**.

(215) Duplex

means a **building** that has only two **dwelling units**, with one **dwelling unit** entirely or partially above the other.

(220) Dwelling Unit

means living accommodation for a person or persons living together as a single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

(225) Eating Establishment

means **premises** where food or beverages are prepared and offered for sale to patrons for immediate consumption on the **premises** while they are seated, and which may include an incidental take-out service.

(230) Education Use

means the use of **premises** for education or training, other than:

(A) a **post-secondary school**;

(B) a school regulated under the Education Act, R.S.O. 1990, c.E.2; or

(C) a **religious education use**.

(235) Entertainment Place of Assembly

means **premises** used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet. An **adult entertainment establishment**, an **eating establishment**, a **cabaret**, or a **nightclub** is not an **Entertainment Place of Assembly**.

(240) Established Grade

means the average elevation of the ground measured at the two points where the projection of the required minimum **front yard setback** line is 0.01 metres past each **side lot line**.

(245) Financial Institution

means **premises** used to provide financial services to the public, other than exclusively through an **Automated Banking Machine**.

(250) Firearm

means a device such as a handgun, rifle, shotgun or any other similar device, used or capable of being used to fire a projectile from a cartridge or shot shell;

(255) First Floor

Means the floor of the **building**, other than a floor used for a **parking space**, that:

(A) is closest in elevation to the elevation of **established grade**;

(B) has an **interior floor area** in excess of 10 square metres; and

(C) is closest to the required **front yard setback**.

(260) Former General Zoning By-law

means:

(i) By-law No. 438-86 (being the Zoning By-law of the former City of Toronto), as amended, By-law 291-68 (being the Forest Hill Zoning By-law), as amended, and By-law 278-73 (being the Swansea Zoning By-law), as amended, and their predecessor zoning by-laws as applicable;

(ii) By-law No. 7625 (being the Zoning By-law of the former City of North York), as amended, and predecessor zoning by-laws as applicable;

(iii) By-law 1-83 (being the Zoning By-law of the former City of York), as amended, and predecessor zoning by-laws as applicable;

(iv) Zoning Code of The City of Etobicoke, Canada, V131 (being the Zoning Code of the former City of Etobicoke), as amended, and predecessor zoning by-laws as applicable;

(v) Borough Of East York Zoning By-Law No.1916 (Town Of Leaside), as amended, and By-Law No. 6752 (Township Of East York), as amended, (being the Zoning By-laws of the former Borough of East York), and their predecessor zoning by-laws as applicable;

(vi) The Corporation of the City of Scarborough By-Law Number: 10076 (Agincourt); 12797

(Agincourt North); 8786 (Birchcliff); 9350 (Bendale); 9174 (Birchmount Park); 9396 (Cliffcrest); 12077 (Centennial); 8978 (Clairlea); 9364 (Cliffside); 9508 (Dorset Park); 10048 (Eglinton); 9676 (Guildwood); 10827 (Highland Creek); 9089 (Ionview); 9276 (Kennedy Park); 12466 (L'Amoreaux); 14402 (Malvern); 12181 (Malvern West); 842-2004 (Midland-St.Clair); 17677 (Milliken); Morningside Heights; 11883 (Morningside); 9366 (Maryvale); 9812 (Oakridge); 15907 (Rouge); 10010 (Scarborough Village); 16762 (Steeles); 10717 (Sullivan); 12360 (Tam O'Shanter); 25278 (Upper Rouge – Hillside); 950-2005 (Warden Woods); 9511 (Wexford); 10327 (West Hill); 9510 (Woburn); Employment Districts Zoning By-Law Number 24982; Industrial District By-Law Number 12790 Centennial Industrial District); The Corporation Of The Township Of Pickering By-Law Number 1978; By-Law Number 3036 (Highway No. 2 Area in Rouge Community) (being the Zoning By-laws of the former City of Scarborough), all as amended, and their predecessor zoning by-laws as applicable.

(265) Fourplex

means a **building** that has only four **dwelling units**, with at least one **dwelling unit** entirely or partially above another.

(275) Front Lot Line

means the **lot line** or contiguous lines dividing a **lot** from a **street**.

(280) Front Wall

means any portion of the **main wall** of a **building** or **structure** that faces a **front lot line**.

(285) Front Yard

means the area on a **lot**,

(A) between the **front lot line** and all front **main walls** of the **building**, and

(B) extending parallel to the **front lot line** across the full width of the **lot** from the point where the front **main wall** of the **building** meets the building's side **main walls** closest to the respective **side lot lines**.

(290) Front Yard Setback

means a horizontal distance on a **lot** measured at a right angle from the **front lot line** to the nearest **main wall** of a **building** or **structure**.

(295) Funeral Home

means **premises** used for the care and preparation of human remains, and may include related co-ordination and provision of rites and ceremonies so that persons may attend and pay their respects.

(300) Funeral Visitation Centre

means **premises** established for the purpose of temporarily placing human remains and may include related co-ordination and provision of rites and ceremonies, so that persons may attend and pay their respects. A **funeral visitation centre** is not a **Funeral Home** and does not include the care and preparation of human remains.

(305) Gaming Establishment

means **premises** used for the purpose of wagering on games of chance under Province of Ontario legislation, excluding bingo or other lottery events licensed by the City of Toronto for charitable purposes.

(310) Geo-Energy

means energy derived from the temperature of the earth that is used to produce thermal energy or converted to produce electrical energy.

(315) Green Roof

means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto **Green Roof** Construction Standard.

(320) Gross Floor Area

means the sum of the total area of each floor level of a **building**, above and below grade, measured from the exterior of the **main wall** of each floor level."

(325) Group Home

means **premises** used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for three to ten persons, exclusive of staff, living

together in a single housekeeping unit because they require a group living arrangement by reason of their emotional, mental, social or physical condition or legal status.

(330) Heritage District

means an area identified as being of historical, architectural, archaeological or cultural heritage value or interest, and designated as a Heritage Conservation District pursuant to the Ontario Heritage Act R.S.O. 1990, c.O.18, as amended.

(335) Heritage Site

means **premises** included in the City of Toronto Inventory of Heritage Properties, listed as being of historical, architectural, archaeological or cultural heritage value or interest, or designated as such pursuant to the Ontario Heritage Act R.S.O. 1990, c.O.18, as amended.

(340) Holistic Centre

means **premises** used to provide services for therapeutic and wellness purposes, that may be provided by persons other than medical or health professionals licensed or registered under applicable Province of Ontario legislation.

(345) Home Occupation

means a business use within a **dwelling unit**, where the **dwelling unit** is the principal residence of the business operator.

(350) Hospice Care Home

means **premises** used to provide people palliative care.

(355) Hospital

means **premises** used as a private or public **hospital** under Province of Ontario legislation for the care or treatment of:

- (A) persons afflicted with or suffering from sickness, disease or injury;
- (B) convalescent or chronically ill persons;
- (C) persons suffering from substance addictions; or
- (D) persons suffering from emotional, psychological or mental disorders.

(360) Hotel

means **premises** used to cater to the needs of the travelling public by providing sleeping accommodation in rooms or suites, and it may include an **ancillary eating establishment**.

(365) Industrial Gas Manufacturing

means **premises** used for primary processing of propane, hydrogen, ammonia, chlorine, or other toxic gas.

(370) Industrial Sales and Service Use

means the use of **premises** for the lease, rental, sale, servicing or repair of equipment or goods for businesses only. Industrial Sales and Service does not include the lease, rental, sale, servicing, customizing or repair of **vehicles**, other than for construction or agriculture.

(375) Interior Floor Area

means the floor area of any part of a **building**, measured to:

- (A) the interior side of a **main wall**;
- (B) the centreline of an interior wall; or
- (C) a line delineating the part being measured.

(380) Kennel

means **premises** used for boarding, training or breeding of dogs, cats or other domestic animals.

(385) Key Lot

means a **lot** that abuts a **corner lot**, other than another **corner lot**.

(390) Laboratory

means **premises** used for scientific or technical research, analysis, experimentation or development.

(395) Landscaping

means trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural

elements. **Driveways** and areas for loading, parking or storing **vehicles** are not **Landscaping**.

(400) Lane

means a public right-of-way that is not for general traffic circulation.

(405) Lawful and Lawfully

means:

- (i) authorized or permitted before a zoning or restrictive bylaw applied;
- (ii) in compliance with the provisions of the applicable **former general zoning by-law**; or
- (iii) authorized pursuant to a Section 45 Planning Act minor variance, with respect to a regulatory standard;

(410) Lawfully Existing

means:

- (a) existing **lawfully** on [the date of passage of this By-law];
- (b) for which a **building** permit was **lawfully** issued before [the date of passage of this By-law];
or
- (c) for which a **building** permit was issued within three years of the date of passage of this By-law pursuant to Section X - Transition Clause;

(415) Loading Space

means an area used for the loading or unloading of goods or commodities from a **vehicle**.

(420) Lot

means a single parcel or tract of land that may be conveyed in compliance with the provisions of the Planning Act of the Province of Ontario.

(425) Lot Area

means the horizontal area within all the **lot lines** of a **lot**.

(430) Lot Centreline

means a straight line joining the midpoint of the **front lot line** and the midpoint of the **rear lot line**.

(435) Lot Coverage

means the portion of the **lot** that is covered by any part of any **building** or **structure** on or above the surface of the **lot**.

(440) Lot Depth

means the horizontal distance between the front and **rear lot lines** of a **lot**, measured along the **lot centreline**.

(445) Lot Frontage

means the horizontal distance between the **side lot lines** of a **lot**, or the projection of the **side lot lines**, measured along a straight line drawn perpendicular to the **lot centreline** at the minimum required **front yard setback**.

(450) Lot Line

means any boundary of a **lot**.

(455) Main Wall

means any exterior wall of a **building** or **structure**, including all structural members essential to the support of a roof over a fully or partly enclosed area.

(460) Manufacturing Use

means the use of **premises** for fabricating, processing, assembling, packaging, producing or making goods or commodities, and it includes repair of such goods or commodities.

(465) Market Garden

means **premises** used for growing and harvesting vegetables, fruits, flowers, shrubs, trees or other horticultural products for the purpose of sale.

(470) Mausoleum

means a **building** or **structure**, other than a **columbarium**, used for the interment of human remains.

- (475) Mixed Use Building
means a **building** containing a **dwelling unit** and a non-residential use
- (480) Municipal Shelter
means **premises** in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto.
- (485) Museum
means **premises** used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.
- (490) Nightclub
means **premises** used to provide dance facilities for patrons and where food or beverages may be offered for sale, such as a dance hall or disco. A **cabaret**, an **entertainment place of assembly**, an **eating establishment**, or an **adult entertainment establishment** is not a **Nightclub**.
- (495) Non-Profit Organization
means :
(A) a corporation without share capital to which the provisions of Part III of the Corporations Act, R.S.O. 1990, c.C.38, as amended, apply; or
(B) a **non-profit organization**, a charitable organization or a registered charity, as those terms are defined in the Income Tax Act, R.S.C. 1985, Chapter 1 (5th Supp.), as amended.
- (500) Non-Residential Building
means a **building** that does not contain a **dwelling unit**.
- (505) Nursing Home
means **premises** used to provide living accommodation and regular nursing care for persons of any age and which contains personal and medical care facilities, common lounges and dining areas.
- (510) Obnoxious Use
means the use of **premises** in a manner that is offensive through the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any **lot lines** of the **premises**.
- (515) Off-site Parking
means one or more **parking spaces** on one **lot** providing required **parking spaces** for a use on another **lot**.
- (520) Open Storage
means the use of **premises** for keeping or storing goods, commodities, containers or equipment other than in a wholly enclosed **building**. **Public parking**, or the parking or storing of **vehicles** in a **vehicle depot** or in a required **parking space**, is not **Open Storage**.
- (525) Outdoor Patio
means an outdoor patron area **ancillary** to a non-residential use.
- (530) Park
means **premises** used for conservation, horticulture, or municipally operated public recreation.
- (535) Parking Garage
means a **building** or portion thereof, containing one or more **parking spaces**.
- (540) Parking Space
means an area used for the parking or storing of a **vehicle**.
- (545) Passenger Terminal
means **premises** used for the boarding or discharge of people being transported.
- (550) Performing Arts Studio
means **premises** used for the rehearsal of performing arts, such as music, dance or theatre.
- (555) Personal Service Shop

- means **premises** used to provide personal grooming services or for the cleaning or care of apparel.
- (560) Pesticide or Fertilizer Manufacturing
means **premises** used for manufacturing agricultural chemicals, including nitrogenous and phosphoric fertilizer materials, mixed fertilizers, and agricultural and household pest control chemicals.
- (565) Pet Services
means **premises** used to provide for the grooming of domestic animals. A **veterinary hospital** or a **kennel** are not **pet services**.
- (570) Petrochemical Manufacturing
means **premises** used for primary processing of refined petroleum and natural gas into petrochemicals for secondary processing.
- (575) Place of Assembly
means **premises** used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes.
- (580) Place of Worship
means **premises** used by a **religious organization** for worship.
- (585) Post-Secondary School
means **premises** used for educational purposes by a degree-granting college or university under applicable Province of Ontario legislation.
- (590) Power Generation Use
means the use of **premises** for the production of energy for mass **distribution**.
- (595) Premises
means the whole or part of lands, **buildings** or **structures**, or any combination of these.
- (600) Principal Building
means a **residential building** in a Residential Zone category or Apartment Zone category.
- (605) Private Home Daycare
means **premises** used for the temporary care of five children or less where such care is provided in a **dwelling unit**, other than the **dwelling unit** of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.
- (610) Private School
means **premises** used for elementary or secondary education regulated under the Education Act, R.S.O. 1990, c. E.2, as amended, but not publicly funded under the Act.
- (615) Production Studio
means **premises** used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a **Production Studio**.
- (620) Public School
means **premises** used for elementary or secondary education regulated and funded under the Education Act, R.S.O. 1990, c. E.2, as amended.
- (625) Public Parking
means **premises** containing one or more **parking spaces** as a principal use and the **parking spaces** are available for public use with or without a fee.
- (630) Public Utility
means **premises** or facilities used for the **distribution** of gas, steam, electricity or other forms of energy, or the transmission of impulses, signals or messages, or for the collection, **distribution**, storage or treatment of water or sewage.
- (635) Public Works Yard
means **premises** operated by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, for the storage, manufacture, maintenance or repair of **buildings**, **infrastructure**, materials or

equipment. A **Public Works Yard** may include uses such as a machine shop, paint shop, sign shop, wood-working shop, repair garage or storage facility used in connection with public works such as **transportation uses** and **parks**.

(640) Quarry

means **premises** used for any excavation regulated under Province of Ontario legislation applicable to extraction of consolidated or unconsolidated aggregates, such as clay, marl, sand, gravel, limestone, slate or granite.

(645) Rear Lot Line

means, in the case of:

- (A) a square or rectangular **lot**, the **lot line** opposite the **front lot line**;
- (B) a three-sided **lot**, the point where two **lot lines** meet furthest from the **front lot line**; or
- (C) any other type of **lot**, the furthest **lot line** opposite the **front lot line**, including any contiguous line adjoining it at an angle of less than 45 degrees.

(650) Rear Yard

means the area on a **lot**,

- (A) between the **rear lot line** and all rear **main walls** of the **building**, and
- (B) extending parallel to the **rear lot line** across the full width of the **lot** from the point where the rear **main wall** of the **building** meets the building's side **main walls** closest to the respective **side lot lines**.

(655) Rear Yard Setback

means a horizontal distance on a **lot** measured at a right angle from the **rear lot line** to the nearest **main wall** of a **building** or **structure**.

(660) Recovery Facility

means **premises** used for separating or sorting **recyclable material**. A **salvage yard** is not a **Recovery Facility**.

(665) Recreation Use

means **premises** used for sports, physical play or exercise, such as a fitness **club**, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An **amusement arcade** and a **sports place of assembly** are not a **Recreation Use**.

(670) Recyclable Material

means material that is separated into specific categories for purposes of re-use, recycling or composting.

(675) Religious Education Use

means the use of **premises** by a **religious organization** for religious education, other than:

- (A) a **post-secondary school**; or
- (B) a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended.

(680) Religious Organization

means an association of persons that is registered as a charitable organization under Province of Ontario legislation and is organized for the advancement of religion and for the conduct of religious worship, services or rites.

(685) Religious Residence

means **premises** owned or operated by, or on behalf of, a **religious organization**, consisting of **dwelling units** or rooms, used as accommodation for students or clerics, such as a monastery, nunnery or similar residence.

(690) Renewable Energy

means energy obtained from **solar energy**, **wind energy**, or **geo-energy**.

(695) Residential Building

includes the following types of **buildings**:

- (A) **apartment building**;
- (B) **detached house**;

- (C) **duplex**;
- (D) **fourplex**;
- (E) **semi-detached house**;
- (F) **townhouse**; or
- (G) **triplex**.

(700) Residential Care Home

means supervised living accommodation that may include associated support services, and is:

- (A) licensed or funded under Province of Ontario or Government of Canada legislation;
- (B) for persons requiring semi-independent or group living arrangements by reason of their emotional, mental, social or physical condition or legal status; and
- (C) for more than ten persons, exclusive of staff.

An **apartment building** used for the purpose of supportive housing or social housing is not a **Residential Care Home**.

(705) Resin, Natural or Synthetic Rubber Manufacturing

means **premises** used for primary processing of synthetic resins, plastics materials and synthetic rubber from basic organic chemicals.

(710) Respite Care Facility

means **premises** used for the provision of short-term non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A **respite care facility** may include the provision of services, such as:

- (A) preventive medicine,
- (B) counselling,
- (C) social, recreational or educational programs, or
- (D) day or overnight care,

A **day nursery** is not a **Respite Care Facility**.

(715) Retail Service

means **premises** in which photocopying, printing, postal, or courier services are sold or provided.

(720) Retail Store

means **premises** in which goods or commodities are sold, rented or leased.

(725) Retirement Home

means **premises** used for semi-independent living accommodation for senior citizens primarily in **bed-sitting rooms**, with common dining and lounge areas. A **seniors community house** is not a **Retirement Home**.

(730) Salvage Yard

means **premises** used as a scrap metal yard or a **vehicle** wrecking yard, and which may include storing, dismantling, crushing, or demolishing **vehicles** or heavy equipment or parts thereof.

(735) Secondary Suite

means self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a **dwelling unit**.

(740) Self-Storage Warehouse

means **premises** where individual enclosed areas are made available to the public for keeping or storing goods or commodities.

(745) Semi-Detached House

means a **building** that has only two **dwelling units**, and no **dwelling unit** is entirely or partially above another.

(750) Seniors Community House

means **premises** operated by a **non-profit organization** providing living accommodation for up to ten senior citizens in **bed-sitting rooms**, if there is:

- (A) a maximum of two persons for each **bed-sitting room**,

- (B) accommodation for one staff person,
- (C) a common lounge and dining area, and
- (D) one or two kitchens shared by all residents.

(755) Service Shop

means **premises** used for servicing, repairing or refurbishing goods, other than **vehicles**. A **personal service shop** is not a **Service Shop**.

(760) Shipping Terminal

means **premises** used for transferring goods or commodities between **vehicles** or other transportation modes, and which may include **ancillary** facilities for maintenance, service and fuelling areas. A **waste transfer station** is not a **Shipping Terminal**.

(765) Side Lot Line

means any **lot line** other than a **front lot line** or a **rear lot line**.

(770) Side Yard

means the area on a **lot** that extends between the **front yard** and the **rear yard** of the **lot**, between the **side lot lines** and the building's side **main walls** respectively facing the **side lot lines**.

(775) Side Yard Setback

means a horizontal distance on a **lot** measured at a right angle from the **side lot lines** to the nearest **main wall** of a **building** or **structure**.

(780) Soft Landscaping

means **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.

(785) Software Development and Processing

means **premises** used for software development and testing, or for the collection, analysis, processing, storage or **distribution** of electronic data.

(790) Solar Energy

means energy from the sun that is converted to produce electrical or thermal energy.

(795) Sports Place of Assembly

means **premises** used for spectator sporting events, such as a stadium or arena.

(800) Stable

means **premises** used for keeping, boarding, training or breeding horses, mules or other equine animals.

(805) Stacked Bicycle Parking Space

means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both **bicycle parking spaces**.

(810) Stacked Parking Space

means a **parking space** that is positioned above or below another **parking space** and is accessed only by means of an elevating device.

(815) Stacking Aisle

means an on-site queuing area for motor **vehicles** that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

(820) Storey

means a level of a **building**, other than a **basement**, located between any floor and the floor, ceiling or roof immediately above it.

(825) Street

means a public right-of-way for general traffic circulation.

(830) Street Yard

means any front, rear or **side yard** abutting a **street**.

- (835) Structure
means anything that is erected, built or constructed of one or more parts joined together. A **vehicle** is not a **structure**.
- (840) Student Residence
means **premises** owned or operated by, or on behalf of, any **public school, private school, post-secondary school** or educational facility, consisting of **dwelling units, bed-sitting rooms** or rooms, used for student accommodation.
- (845) Take-out Eating Establishment
means **premises** where food or beverages are prepared and offered for sale to patrons for consumption off the **premises**.
- (850) Tandem Parking Space
means a **parking space** that is only accessed by passing through another **parking space** from a **street, lane, drive aisle** or **driveway**.
- (855) Through Lot
means a **lot**, other than a **corner lot**, that abuts:
(A) more than one **street**; or
(B) one **street** in more than one location.
- (860) Tourist Home
means a use that:
(A) is located in a **dwelling unit** which is the principal residence of the **Tourist Home** operator;
(B) caters to the needs of the travelling public by the furnishing of sleeping accommodation; and
(C) may include the provision of meals.
- (865) Townhouse
means a **building** that has three or more **dwelling units**, and no **dwelling unit** is entirely or partially above another.
- (870) Transportation Use
means the use of **premises** or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated and federally regulated.
- (875) Triplex
means a **building** that has only three **dwelling units**, with at least one **dwelling unit** entirely or partially above another.
- (880) Vehicle
means a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agriculture.
- (885) Vehicle Dealership
means **premises** used for the sale, rental or lease of **vehicles** displayed or stored on site, excluding construction or agricultural **vehicles**.
- (890) Vehicle Depot
means **premises** used for the non-public storing of **vehicles**, excluding construction or agricultural **vehicles**. A **Vehicle Depot** may include **ancillary** dispatching, maintenance, service and fuelling areas for the stored **vehicles**.
- (895) Vehicle Fuel Station
means **premises** where **vehicle** fuels are sold to the public.
- (900) Vehicle Repair Shop
means **premises** used for **vehicle** service, repair or customizing, such as spray painting, repairing body or fender components.
- (910) Vehicle Service Shop
means **premises** used for **vehicle** service or customizing, such as mechanical, electrical, glass or

upholstery service or installation of parts or accessories, but excluding:

(A) spray painting or repairing body or fender components; and

(B) the service or customizing of construction or agriculture **vehicles**.

(915) Vehicle Washing Establishment

means **premises** used for washing or cleaning **vehicles**.

(920) Veterinary Hospital

means **premises** used by a licensed veterinarian for the medical treatment of animals.

(925) Warehouse

means **premises** used for keeping or storing goods or commodities, to which the general public does not have access, and which may also be used for the **distribution** of the goods or commodities.

(930) Waste Incinerator

means **premises** where waste material is reduced or destroyed by combustion through the application of heat.

(935) Waste Transfer Station

means **premises** used for receiving waste or **recyclable material** and transferring the material to **vehicles** for transport to another location.

(940) Wholesaling Use

means the use of **premises** for the sale of goods or commodities only to retailers or other businesses.

(945) Wind Energy

means energy from the wind that is converted to produce electrical energy.

(950) Zoo

means **premises** used for the care and exhibiting of animals and other living things for public viewing, and which may include breeding or research.