

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law and reference is specifically made to this section, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33

percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores** -- subject to the following:
- 11.16.1 The maximum frontage for a site shall be 15.3 m.
- 11.16.2 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the adequacy of the collection, holding and disposal of garbage and litter; and
 - (c) in the case of building additions, have regard to the adequacy of the light, ventilation and privacy of adjacent residents and the design of the addition.
- 11.16.3 To facilitate the rehabilitation of existing premises, the Director of Planning may approve a neighbourhood grocery store or a dwelling unit in conjunction with a neighbourhood grocery store which does not comply with the provisions of section 11.16.1 or the yard, floor space ratio or site coverage regulations of the applicable district schedule.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:
- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
 - (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

11.18.1 Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.18.2 The maximum size for an Artist Studio shall be 500 m².

11.19 Residential Unit Associated with an Artist Studio

11.19.1 No more than 2 persons may occupy the residential unit associated with an artist studio except that the Director of Planning may relax this occupancy limit for the residential unit associated with an artist studio - Class A in an IC-3, HA or C district, provided that:

- (a) a ventilated workshop space is provided in a room separated from the residential units;
- (b) the Director of Planning considers the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.

11.19.2 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least ten stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts.

11.21.5 No more than 20% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local prepared and ready-to-eat foods and local artisan crafts.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 A laneway house is not permissible except on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.3 The width of a site on which a laneway house is situate must be at least 10.0 m.

11.24.4 Subject to sections 11.24.5 and 11.24.7, the height of a laneway house must not exceed:

- (a) 6.1 m to the ridge of a gable, hip, or gambrel roof;
- (b) 5.5 m to the highest point of a flat roof; or
- (c) 5.8 m to the highest point of a shed or arced or butterfly roof.

11.24.5 If a laneway house does not include dwelling space located above an accessory parking area, the height of the roof over the accessory parking area must not exceed the maximum height for accessory buildings under the applicable district schedule.

11.24.6 The footprint of a laneway house must not exceed the greater of:

- (a) the allowable floor area of an accessory building under the applicable district schedule; and
- (b) the allowable floor area of the laneway house, not including enclosed or covered parking spaces, if the height of the laneway house does not exceed the allowable height of the accessory building.

11.24.7 A laneway house must not exceed one storey and a partial second storey that does not exceed 60% of the footprint of the laneway house and does not include exclusions allowed by the Director of Planning under section 11.24.17.

11.24.8 A laneway house may have a basement which the calculation of the floor area is to include.

- 11.24.9 The location of a laneway house must be:
- (a) within 7.9 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.6 m from the rear property line at the lane; and
 - (d) a distance from each side property line equal to the required side yards for the site, except that if the height of the laneway house does not exceed the height limit for an accessory building under the applicable district schedule, the distance from each side property line need not exceed 10% of the lot width.
- 11.24.10 The width of a laneway house must not exceed that permitted for an accessory building under the applicable district schedule.
- 11.24.11 The projections into required yards regulated under section 10.7 apply to the location of a laneway house under sections 11.24.9 and 11.24.10.
- 11.24.12 The floor area of a laneway house, not including enclosed or covered parking spaces, must not exceed the lesser of:
- (a) 0.125 multiplied by the site area; and
 - (b) 70 m².
- 11.24.13 Despite section 10.21, the floor area of a laneway house must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning is satisfied that the design and location of the unit provides satisfactory living accommodation, having regard to the type of occupancy proposed.
- 11.24.14 Floor area used for off-street parking or loading, bicycle storage, or accessory uses that support urban agriculture must not exceed 21 m² on a site of 740 m² or less or 42 m² on a site of more than 740 m².
- 11.24.15 Computation of floor area for a laneway house must include:
- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
 - (c) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.
- 11.24.16 Computation of floor area for a laneway house must exclude:
- (a) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
 - (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
 - (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor; and
- (d) portions of exterior walls contributing to thermal and building envelope performance, in accordance with the provisions of section 10.33 - Exterior Wall Exclusions, in Section 10 of the General Regulations of the Zoning & Development By-law.

11.24.17 Computation of floor area for a laneway house may exclude, at the discretion of the Director of Planning, if the Director of Planning first considers all applicable policies and guidelines adopted by Council:

- (a) open residential balconies, sundecks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if:
 - (i) the total area of all open balcony, sundeck, or roof deck exclusions does not exceed 8 m², and
 - (ii) the open balconies, sundecks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.15(c), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.12, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor space;
- (d) despite section 11.24.15(c), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor space allowed under section 11.24.12, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor space; and
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor space.

11.24.18 The Director of Planning may relax sections 11.24.4 and 11.24.9 (a), (c), and (d) if:

- (a) the relaxation would assist in addressing issues arising from site topography or other site conditions;
- (b) the Director of Planning first considers:
 - (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council, and
 - (ii) the effects on neighbouring properties.

11.24.19 Section 4.8 of each of the RS-1 District Schedule and RS-5 District Schedule applies to a laneway house.

