

THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 205-79

BEING A BY-LAW TO AMEND BY-LAW
NO. 9-69 OF THE CITY OF NORTH BAY.

WHEREAS the Minister of Housing of the Province of Ontario has directed Municipalities to convert all planning documents to metric measures before December 31st, 1979, pursuant to Section 45a(1) of The Planning Act, R.S.O. 1970, Chapter 349 and amendments thereto;

and

WHEREAS the Planning Board of the City of North Bay has recommended to Council the enactment of this amending By-law which has been prepared by the said Board for the purpose of reflecting these changes to metric measures;

and

WHEREAS the Council has deemed it advisable to accept the recommendation of the said Planning Board;

THEREFORE, the Council of the Corporation of the City of North Bay enacts as follows:

SECTION 1 - TITLE

This By-law shall be known as "The North Bay Zoning By-law" and shall apply only to that part of the City known as the City of North Bay prior to January 1st, 1968.

SECTION 2 - INTERPRETATION

2.1 In interpreting and applying the provisions of the By-law they shall be held to be the minimum requirements for the promotion of health, safety, comfort, convenience and general welfare of the inhabitants of the City of North Bay, as constituted prior to January 1st, 1968.

2.2 Administration and Enforcement

This By-law shall be administered by the Building Inspector and no permit for the use of land or for the erection of any building or structure or approval of any application for any municipal licence within the jurisdiction of the Council, shall be issued or given, where the proposed building, structure or use would be in violation of any provision of this By-law.

2.3 Violation and Penalty

Every person who uses any land or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore shall be liable to a fine not exceeding three hundred (300) dollars (exclusive of costs) which shall be recoverable under The Summary Convictions Act.

2.4 Remedies

In case any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used in contravention of any requirements of this By-law such contravention may be restrained by action at the instance of any ratepayer or of the City of North Bay pursuant to the provisions of the Planning Act in that behalf.

- 2.5 This By-law shall not affect the rights of any party or land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceeding.

SECTION 3 - SCOPE

- 3.1 No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered within the territorial limits of the City of North Bay as now or hereafter legally constituted except in conformity with the provisions of this By-law.

3.2 Severability

If any provisions of this By-law, including any part of the zoning as shown on the zoning map, is for any reason held to be invalid, it is hereby declared to be the intention, that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

SECTION 4 - DEFINITIONS

For the purposes of this By-law the definitions and interpretations given in this section shall govern:

Words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged, designed or intended to be used", the word "shall" is mandatory and not directory.

4.1 Accessory

When used to describe a use, building or structure, shall mean a use, or a building or structure not exceeding four and five-tenths (4.5) metres in height, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same lot therewith.

4.2 Automobile Service Station

Shall mean a building or place where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed but shall not include an automobile washing establishment.

4.3 Automobile Washing Establishment

Shall mean a building or part thereof used for the operation of automobile washing equipment with a capacity to wash more than ten (10) cars per hour.

- 4.4. Basement shall mean that space of the dwelling that is partly below grade which has more than one half of its height measured from floor to ceiling above the finished grade around the exterior of a dwelling.
- 4.5. Block shall mean the smallest unit of land the boundaries of which consist entirely of public streets, rivers, lakes, railroads, public parks or any combination thereof.
- 4.6. Boarding House or Rooming House shall mean any building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two (2) other persons, lodging and/or meals, but shall not include a hotel, hospital or nursing home. For the purposes of this By-law, a children's home, home for the aged or other similar establishments, shall be deemed to be a boarding or rooming house.
- 4.7. Building shall include any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, or chattels other than a lawful boundary wall or fence. Any tent, awning, bin bunk or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.
- 4.8. Building Area shall mean the maximum projected horizontal area of a building at grade measured to the centre of party walls and to the outside of other walls including airwells and all other spaces within the building, but excluding porches, verandahs, steps, cornices, chimney breasts, fire-escapes, exterior stairways, breeze-ways detached accessory building, carports, ramps, and open loading platforms.
- 4.9. Building Inspector shall mean the officer or employees of the City of North Bay for the time being charged with the duty of enforcing the provisions of the Building By-law.
- 4.10. Building Line shall mean any line regulating the position of a building or structure on a lot.
- 4.11. Cellar shall mean that space of the building that is partly or entirely below grade which has one-half or less than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of the dwelling.
- 4.12. Clinic shall mean a building or part of a building used for the medical, dental, surgical or therapeutical treatment of human beings, but does not include a public or private hospital.
- 4.13. Commercial Use shall mean the prime use of land, structure or building is for the purposes of buying or selling commodities and supplying services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.
- 4.14. Community Centre shall mean any tract of land, or building or buildings or any part of any buildings used for community activities and not used for commercial purposes, and the control of which is vested in the municipality, local board or agent thereof.

- 4.15 Court shall mean an open, uncovered, unoccupied space appurtenant to a building and bounded on two or more sides thereby.
- 4.16 Coverage shall mean that percentage of a lot area covered by the building area.
- 4.17 Dwelling shall mean a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, but shall not include hotels or boarding or rooming houses, motels, institutions or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential building or structure.
- 4.17.1 Dwelling Unit shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 4.17.2 Dwelling, Single Family Detached shall mean a completely detached dwelling unit.
- 4.17.3 Dwelling, Semi-Detached shall mean a building that is divided vertically into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 4.17.4 Dwelling, Duplex shall mean a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 4.17.5 Dwelling, Triplex shall mean a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 4.17.6 Dwelling, Double Duplex shall mean a building that consists of two duplexes attached to each other, or a building containing only two storeys exclusive of basement divided vertically into four dwelling units, each one of which has two complete walls in common with adjoining units and an independent entrance either directly or through a common vestibule, and which building is occupied by not more than four families.
- 4.17.7 Dwelling, Multiple shall mean a building designed, intended and used for occupancy by three or more families living independently of each other but shall exclude an apartment dwelling, row-house dwelling, maisonette dwelling, triplex, double-duplex.
- 4.17.8 Dwelling, Row-House shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 4.17.9 Dwelling, Maisonette shall mean a building, that is divided into three or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonette shall not be considered an apartment building for the purposes of this By-law.

- 4.17.10 Dwelling, Apartment shall mean a building consisting of five or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards.
- 4.17.11 Dwelling, Group shall mean a building which is part of a group of dwellings on the same lot, which group of dwellings is comprised of multiple dwellings, or row-house dwellings, or maisonettes, or apartments or any combination thereof.
- 4.18 Erect shall include build, construct, re-construct, alter and relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 4.19 Established Building Line shall mean the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon, at the date of the final passing of this By-law.
- 4.20 Existing shall mean existing as of the date of the final passing of this By-law.
- 4.21 Family shall mean an individual, or two or more persons who are related by consanguinity or marriage or legal adoption and not more than two (2) persons who receive their lodging and/or board for compensation, or a group of not more than five (5) unrelated persons exclusive of servants occupying a dwelling unit. For the purposes of this By-law, a maximum of six (6) foster children shall be considered to be related by consanguinity.
- 4.22 4.22.1 : Floor Area, Cross shall mean the aggregate of the areas of each floor above grade, except in the case of an apartment building where part of a basement is used for habitable purposes in which case such area shall constitute part of the gross floor area, measured between the exterior faces of exterior walls of the building or structure at the level of each floor, including any part of the building or structure above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building or structure used for retail commercial purposes open to the public and any areas used for recreational or mechanical purposes.
- 4.22.2 Floor Area, Dwelling shall mean the total floor area of a dwelling excluding exterior walls and, except in the case of a permitted apartment, the basement.
- 4.23 Floor Space, Commercial shall mean the total floor area of commercial building including any basement area designed or used for commercial purposes, but excluding the exterior walls of the building, furnace-room, laundry-room or wash-room, stairwell or elevator shaft, or any area the permanent use of which is designed for storage space.

- 4.24 Foster Child shall mean a child under the age of 21 years who is under the control and supervision of the Protestant Children's Homes, the Catholic Family Services, the Jewish Family and Child Services, or a Children's Aid Society as defined in the Child Welfare Act 1965.
- 4.25 4.25.1 Garage, Private shall mean an accessory building or portion of a building including a car port which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing for remuneration such vehicles.
- 4.25.2 Garage, Public shall mean a building other than a private garage which is used for the servicing and minor repairing or equipping essential to the actual operation of motor vehicles or where such vehicles are parked or stored for remuneration, hire or sale but not including the manufacturing or repairing of motor vehicle bodies.
- 4.26 Grade shall mean the elevation of the finished ground level at the mid-point of the wall or walls in question.
- 4.27 Height of Building shall mean the vertical height from the finished grade around the exterior of the building to the highest point of the roof joists in the case of a flat roof, or to a point halfway up the roof in the case of a pitched roof.
- 4.28 Hotel shall mean a hotel, tavern, inn or public house in one building or two or more connected buildings designed and used for the purpose of catering to the needs of the travelling public by the supply of food and/or other refreshments, and also by the furnishing of sleeping accommodation consisting of not less than six bedrooms and distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging and commonly known as apartment hotels.
- 4.29 Hotel, Apartment shall mean a hotel except that not more than 50% of the living accommodation therein, according to floor area, may be dwelling units.
- 4.30 Industrial Use shall mean the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services and shall include printing.
- 4.31 Institution shall mean land, building, structure or part thereof used by any organization, group or association for the promotion of charitable, educational or benevolent objects and not for profit or gain.
- 4.32 Landscaping shall mean a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

- 4.33 Lane shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 4.34 Lot shall mean a parcel of land with frontage on a street or road whether or not occupied by a building or structure that is:
- (1) Not less than a whole lot on a registered plan of subdivision, or
 - (2) Not less than a parcel of land that complies with the provisions of The Planning Act, where such land is subject to subdivision control and is not within a registered plan of subdivision, or where such land is subject to part lot control and is within a registered plan of subdivision.
- 4.34.1 Lot Area shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of the cliffs or embankment having a slope of 30 degrees or more from the horizontal.
- 4.34.2 Lot, Corner shall mean a lot situated at the intersection of, or abutting upon, two or more streets, provided that the angle of intersection of such street is not more than 135 degrees.
- 4.34.3 Lot, Depth of shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.
- 4.34.4 Lot, Frontage of shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be the minimum distance between the side lot lines measured on a straight line six (6) metres back from, and parallel to a line joining the intersections of the side lot lines with the front lot line.
- 4.34.5 Lot, Interior shall mean a lot other than a corner lot.
- 4.34.6 Lot, Key shall mean a lot in the rear of and adjoining a corner lot that is not separated from the corner lot by a lane.
- 4.34.7 Lot Line shall mean any boundary of a lot.

Flankage Lot Line shall mean the longer lot line which abuts the street on a corner lot.

Front Lot Line shall mean the lot line that divides the lot from the street, provided that, in the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line.

Side Lot Line shall mean a lot line other than a front or rear lot line.

Rear Lot Line shall mean the lot line opposite the front lot line.

- 4.35 Main Building shall mean the building designed or used for the principal use on the lot.
- 4.36 Main Wall shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.
- 4.37 Motel shall mean a separate building or two or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home, within the meaning of the Tourist Establishment Act.
- 4.38 Motor Vehicle Sales Area shall mean building or place where new and used motor vehicles, as defined by the Highway Traffic Act, are kept for display or sale by an agent or dealer authorized by a motor vehicle manufacturer to sell such new motor vehicles, and shall include a lot used solely in connection therewith provided that such lot is not used exclusively for the sale and display of used motor vehicles.
- 4.39 Non-Complying shall mean that which does not comply with the regulation of this By-law as of the date of the final passing thereof.
- 4.40 Non-Conforming shall mean an established use which is not a permitted use in the zone in which the said use is situated at the date of final passing of this By-law.
- 4.41 Obnoxious Use shall mean any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or otherwise.
- 4.42 Office shall mean a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product.
- 4.43 Open Space Usable shall mean open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, any balcony at least one and five-tenths (1.5) metres in depth, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space.
- 4.44 4.44.1 Parking Area, Public shall mean an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers or residents.
- 4.44.2 Parking Lot shall mean the same as Parking Area, Public, as defined in this By-law.

4.44.3 Parking Space shall mean an area enclosed in a principal building, in an accessory building or unenclosed, set aside for the purpose of parking a vehicle having access to a street or lane and having a minimum area and dimensions exclusive of aisles or driveways as follows:

Automobile Parking Space

Minimum Area - Seventeen (17) square metres

Minimum Length - Six (6) metres

Minimum Width - Two and eight-tenths (2.8) metres.

Aisle Space

Minimum Width - Six and seven-tenths (6.7) metres for 90° to 60° parking

Minimum Width - Five and five-tenths (5.5) metres for 60° to 45° parking

Minimum Width - Three and six-tenths (3.6) metres for 45° or less parking in which case access to such aisle shall be from one direction only.

- 4.45 Person shall include any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 4.46 Printer shall mean an industrial operation.
- 4.47 Private Club shall mean a building or part of a building used as a meeting place for members of an organization and shall include a lodge, a fraternity or sorority house and a labour union hall.
- 4.48 Public Authority shall mean any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Board or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by By-law of the Council.
- 4.49 Publisher shall mean a commercial operation, unless combined with a printing operation on the same premises in which case it shall be considered an industrial operation.
- 4.50 Scrap Yard shall include a lot and/or premises for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage.
- 4.51 4,51.1 Storey shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least one and eight-tenths (1.8) metres above grade. Provided also that any portion of a storey exceeding four and three-tenths (4.3) metres in height shall be deemed an additional storey for each four and three-tenths (4.3) metres or fraction thereof of such excess.

- 4.51.2 Storey, Half shall mean the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, side-walls not less than one and two-tenths (1.2) metres in height and a ceiling with a minimum height of two and three-tenths (2.3) metres over an area equal to at least fifty (50) percent of its floor area.
- 4.52 Street or Road shall mean a public highway as defined by the Municipal Act and shall exclude a lane.
- 4.53 Street Line shall mean the dividing line between a lot and a street.
- 4.54 Structure shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. But for the purposes of this By-law, a fence not exceeding one and eight-tenths (1.8) metres in height shall be deemed not to be a structure and for the purposes of set-backs and/or yards required in this By-law, a sign shall not be deemed to be a structure.
- 4.55 Trailer shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation or the transport of a boat, tent or materials, notwithstanding that such vehicle is jacked up or that its running gear is removed.
- 4.56 Yard shall mean an open area of land, other than a court, on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required, by this By-law, and located between the main wall of the main building and one of the lot lines of the said lot.
- 4.57 4.57.1 Yard, Front shall mean a yard extending across the full width of the lot between the front lot line and the nearest wall of the main building or structure on the lot.
- 4.57.2 Yard, Side shall mean a yard between the nearest main wall of the main building or structure and the side lot line extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).
- 4.57.3 Yard, Rear shall mean a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
- 4.57.4 Yard, Exterior Side shall mean the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.
- 4.58 Zone, Privacy shall mean an area within the minimum yard depth in which communal activities are discouraged or prevented by means of surface finishing, landscaping or physical barriers.

SECTION 5 - GENERAL PROVISIONS

5.1 5.1.1 Use Zones

For the purpose of this By-law, the City of North Bay is hereby divided into the following Use Zones:

<u>Zone</u>	<u>Symbol</u>
Residential First Density	R1
Residential Second Density	R2
Residential Third Density	R3
Residential Multiple First Density	RM1
Residential Multiple Second Density	RM2
Residential Multiple Third Density	RM3
Residential Multiple Fourth Density	RM4
Residential Multiple Fifth Density	RM5
Residential Multiple Sixth Density	RM6
General Commercial	GC
District Commercial	DC
Neighbourhood Commercial	NC
Highway Commercial	HC
Industrial - Class 1	I-C1
Industrial - Class 2	I-C2
Railway	I-C3
Rural	RU
Open Space	O

5.1.2 Where a use zone designation shown on the "Zoning Map" Schedule A, is followed by a second use zone designation in brackets, the land may be used for the uses permitted in the first designation, in accordance with the provisions for the said zone, but where the zone is supplied with the municipal facilities required for the satisfactory development of the uses permitted in the use zone in brackets, land may be used for the uses permitted in the use zone shown in brackets in accordance with the provisions for the said zone, but only after an Amendment to this By-law to remove the brackets and delete the first zone designation.

5.2 Zoning Map The zones set out in 5.1.1 and the boundaries of such zones are shown upon the map attached hereto, marked "Schedule A" and designated as the "Zoning Map", which zone boundaries and map are hereby declared to form part of this By-law.

5.3 Boundaries of Zones Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the following rules shall apply:

5.3.1 Streets or Lanes The zone boundaries are either streets or lanes unless otherwise shown, and where the indicated boundaries on the Zoning Map are approximately streets or lanes, the said streets or lanes shall be construed to be the zone boundaries.

5.3.2 Lot Lines Where the zone boundaries are not shown to be streets or lanes, and where indicated boundaries on the Zoning Map are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless said boundaries are otherwise indicated on the map.

5.3.3 Symbol of Zone Where one symbol is used on the Zoning Map to indicate the zone classification of an area divided by a road or lane, said symbol shall establish the classification of the whole of such area.

- 5.3.4 Street or Lane or Right-of-Way A street, lane, rail-road or railway right-of-way, electrical transmission line right-of-way, or watercourse included on the Zoning Map, shall, unless otherwise indicated, be included within the zone of the adjoining property on either side thereof; and where such street, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.
- 5.3.5 Closed Street or Lane or Right-of-Way In the event a dedicated street or lane or right-of-way shown on the map is closed, the property formerly in said street or lane or right-of-way shall be included within the zone of the adjoining property on either side of the said closed street or lane or right-of-way and the zone boundary shall be the former centre line of the said closed street or lane or right-of-way.
- 5.4 Lots to Front on a Street No land shall be used unless the said land shall have frontage on an assumed street.
- 5.5 Occupancy of Partially Completed Dwellings Prohibited - No building shall be used for human habitation before the main walls and roof have been erected and the external siding and roofing have been completed, and water, sanitary and heating facilities installed and are operable.
- 5.6 Exceptions to Height Limitations The height limitations of this By-law shall not apply to church spires, public buildings, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators or sky-lights or chimneys.
- 5.7 Permitted Encroachments in Yards Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that fences and hedges in accordance with the provisions of 6.1.8 of this By-law shall be permitted and those structures listed in the following table shall be permitted to project into the minimum yards indicated for the distance specified in 5.7.1 below.

5.7.1 Structure	Yards in which Projections are Permitted	Maximum Projection Permitted into a Required Yard
Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters	Any Yard	0.6 metres
Fire escapes & exterior staircases	Rear & exterior side yards only	1.5 metres
Window bays	Front, rear & exterior side yards only	1 metre over a maximum width of 3 metres
Balconies	Front, rear & exterior side yards only for single-family, semi-detached, duplex, triplex and double-duplex dwellings; any yard for other residential buildings	1.8 metres
Open, roofed porches not exceeding one storey in height	Rear Yards only	2.5 metres including eaves and cornices

Enclosures to any porch or terrace permitted by 5.7 of this By-law shall be limited to one (1) metre in height exclusive of roof supports, but this shall not prohibit the enclosure of a porch or terrace by latticing or screening or any other form of enclosure which permits 50% air to pass through at all times.

- 5.8 Public Uses Permitted The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the City of North Bay or by any local Board thereof as defined by the Department of Municipal Affairs Act, Chapter 98, R.S.O. 1960, any department of the Government of Ontario or Canada, including the Hydro-Electric Power Commission of Ontario, provided that:
- 5.8.1 The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with.
- 5.8.2 No goods, material, or equipment shall be stored in the open in a Residential Zone.
- 5.8.3 Any building erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with residential building of the type permitted in the zone.
- 5.8.4 Where a lot is used under the provisions of this subsection in a Residential Zone, the land not used for buildings shall be treated in a manner that is in general harmony with the surrounding Residential properties.
- 5.9 Accessory Buildings Uses and Structures Accessory uses, buildings and structures shall be permitted in any yard in any zone subject to the special provisions of this By-law applicable to the particular accessory use building or structure in question.
- 5.10 Temporary Construction Uses Permitted Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, tool shed, scaffold or other building or structure incidental to the construction, a sign having an area of not more than four and six-tenths (4.6) square metres incidental to the construction, provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither been finished nor abandoned, and that no such uses shall be permitted to include living accommodation.
- 5.11 Prohibited Uses Notwithstanding anything contained herein, the following uses are prohibited in any zone within the City of North Bay:
- Blood boiling
 - Bone boiling
 - Refining coal oil or petroleum products
 - Extracting oil from fish or animal matter
 - Storing hides
 - Soap boiling
 - Tallow melting
 - Tripe boiling
 - Slaughtering animals
 - Tanning Hides or Skins
 - Manufacturing gas
 - Manufacturing glue

Manufacturing or storing of fertilizers from dead animals or from human or animal waste

A track for the racing of motor vehicles or motor cycles

Scrap yard

The manufacture of cement, cement batching or storage, brick, concrete block, precast concrete products, ready mixed concrete plants, manufacture of asphalt, the storage of quarry limestone, sand or gravel for sale or further processing.

5.11.1 In addition to the prohibited uses listed in 5.11 above, no use shall be permitted within the City of North Bay which from its nature or the materials used therein is, under the Public Health Act or Regulations thereunder, declared to be a noxious trade, business or manufacture.

5.11.2 No land, building or structure except automobile service stations shall be used in the City of North Bay for Commercial or Industrial purposes which are likely to create danger from fire or explosion and without limiting the generality of the foregoing shall include storage or manufacture of coal oil, water oil, rock oil, fuel oil, burning fluid, gas, naphtha, benzene, gasoline, dynamite, dualine, nitroglycerine, gunpowder, petroleum and petroleum products.

5.12 Pits and Quarries The making or establishment of pits and quarries shall be prohibited within the City of North Bay.

5.13 Municipal Services No persons shall hereafter erect, alter or use any building other than an accessory building for residential, commercial, industrial or institutional purposes unless such building is served by and connected to the hydro electric power system, municipal water supply and sanitary sewerage systems, and unless the lot is served by satisfactory roads and adequate storm drainage facilities, all of which are of a satisfactory size and condition.

5.14 Basement or Cellar No cellar or part of a cellar of any building shall be used as a dwelling unit. In the case of the basement of an apartment building, not more than fifty per cent (50%) thereof may be used as dwelling units.

5.15 Multiple Uses Where a building or land is used for more than one purpose, all the provisions of this By-law relating to each use shall be complied with.

5.16 Existing Buildings Where a building has been erected prior to the day of the passing of this By-law on a lot having less than the minimum frontage and/or depth and/or area, or having less than minimum setback and/or side yard and/or rear yard and/or minimum usable open space required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:

5.16.1 The enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard and/or usable open space having less than the minimum required by this By-law, and

5.16.2 All other applicable provisions of this By-law are complied with.

5.17 Exemption from Lot Frontage or Area Requirements

Where a lot in Residential Zones R1, R2, R3 and RML, and in a Rural Zone (RU), having a lesser frontage and/or area than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for lands in the Land Titles or Registry Office, on the date of the passing of this By-law, a single family dwelling may be erected and used on such smaller lot, provided that it conforms to all other requirements of this By-law.

5.18 Restoration to a Safe Condition Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure, unless such alteration or repair increases the height, size or volume or changes the use of such building or structure in which case such works shall conform to all provisions of this By-law.

5.19 Automobile Parking Space Any person who erects a new building after the date of enactment of this By-law, in any zone other than a General Commercial Zone, shall provide an area for automobile parking, located on the same lot with the same building according to the provisions of 5.19.3.

5.19.1 In the case of a new building in a General Commercial Zone automobile parking, according to the requirements of 5.19.3 shall be deemed to be provided:

(i) if located within one hundred and fifty-two (152) metres of the said building,

(ii) if a cash payment in lieu of providing parking facilities is made to the City at rates which the City may set from time to time.

5.19.2 Where residential accommodation is permitted in a General Commercial Zone twenty-five (25) percent of the total parking spaces required by this By-law shall be located on the same lot with the residential accommodation. Adequate provisions for access to a street or public lane from each individual parking space unobstructed by any other parking space shall be provided. Such parking space shall be provided as follows:

5.19.3 Type of Building Minimum Parking Required

For each dwelling unit in a single-family detached, semi-detached, duplex, triplex, double-duplex.	One (1) space.
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For each dwelling unit in a multiple dwelling, maisonette, row-house, apartment building, or a building containing both commercial and residential uses.	One and one-quarter (1-1/4) spaces.
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<u>Type of Building</u>	<u>Minimum Parking Required</u>
Any commercial use in a Neighbourhood Commercial Zone or a Highway Commercial Zone, except those uses specifically listed elsewhere in this Section 5.19.3	One (1) parking space for each eighteen and six-tenths (18.6) square metres of commercial floor space of the building.
Any commercial use in a District Commercial Zone except those uses specifically listed elsewhere in this Section 5.19.3.	One (1) parking space for each nine (9) square metres of commercial floor space of the building.
Any commercial use in a General Commercial Zone except those uses specifically listed elsewhere in this Section 5.19.3.	One (1) parking space for each twenty-eight (28) square metres of commercial floor space of the building.
An office	One (1) parking space for each twenty-eight (28) square metres of commercial floor space of the building.
Auditorium, arena, hall, restaurant, theatre, club and other places of assembly.	Where there are fixed seats, one (1) parking space for every five (5) seats or three (3) metres of bench space of its maximum seating capacity. Where there are no fixed seats, one (1) parking space for each nine (9) square metres of floor area devoted to public use.
Animal Hospital	One (1) parking space for each twenty-eight (28) square metres of floor space of the building.
Hospital, Sanatorium, Nursing Home	One (1) parking space for each two (2) beds.
Elementary, Public and Separate Schools	One (1) parking space for each teaching staff member
High Schools	One (1) parking space for each teaching staff member plus twenty-five (25) additional parking spaces for student parking.
Libraries	Minimum ten (10) parking spaces.
Government buildings	One (1) parking space for each four (4) employees plus a parking area for visitors with a minimum capacity of ten (10) parking spaces

<u>Type of Building</u>	<u>Minimum Parking Required</u>
Hotels and Motels	One (1) parking space for each guest room or suite plus one (1) parking space for each nine (9) square metres of floor area of the building devoted to public uses.
Funeral Homes	One (1) parking space for each five (5) seat capacity of the chapel with a minimum of ten (10) parking spaces.
Bowling Alleys and Curling Rinks	One (1) parking space for each two (2) persons in the designed capacity of the establishment, (designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet) in addition to the requirements for the rest of the building. In addition, parking spaces shall be provided for other parts of the building in accordance with the requirements set out in this By-law for the use to which the said other parts of the building may be used.
Industrial Establishments	One (1) parking space for each ninety-three (93) square metres of building floor space on the lot.
Church	One (1) parking space for every ten (10) seats or six (6) metres of bench space of its maximum seating capacity.

5.20

Loading Spaces No person shall, in any zone, erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market freight or passenger terminal, hotel, hospital, mortuary, or other uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained in the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every one thousand, eight hundred and sixty (1,860) square metres or fraction thereof of building floor area used for any purpose in excess of two hundred and seventy-nine (279) square metres of such area, each such space shall be at least three and six-tenths (3.6) metres by nine (9) metres in area (with a minimum height of four and three-tenths (4.3) metres clearance).

5.21 Parking and Loading Requirements

Parking Areas and Loading Areas required by Section 5.19 and 5.20 of this By-law shall conform to the following requirements:

- 5.21.1 Adequate drainage facilities shall be provided.
- 5.21.2 When the parking or loading area is adjacent to a Residential Zone, the lighting facilities shall be so arranged as to reflect and/or deflect the light away from such zone.
- 5.21.3 In a Neighbourhood Commercial, District Commercial and Highway Commercial Zone, no parking or loading area shall be located closer than one and five-tenths (1.5) metres to any street line nor three (3) metres to any other side lot line or rear lot line where said side or rear lot line abuts a Residential, or Open Space Zone and the boundaries of such area shall be defined by a permanent curb or concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance.
- 5.21.4 Where a parking or loading area designed to accommodate more than four (4) automobiles is situated on the boundary between a Commercial Zone and a Residential or Open Space Zone, a strip of land not less than three (3) metres wide and lying in the Commercial Zone being along the said boundary shall not be used for any purpose other than landscaping.
- 5.21.5 When a parking area designed to accommodate more than four (4) automobiles is situated within a Residential Zone, a strip of land not less than one and five-tenths (1.5) metres wide around the periphery of the said parking area and within the lot on which the said parking area is situated shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits to the said parking area across the strip.
- 5.21.6 Any private garage, which has been built completely below grade, or partly below grade so that its height above grade is no more than one and four-tenths (1.4) metres shall not be considered to be an accessory building for the purpose of this By-law with regard to calculations of lot coverage and the following yard regulations shall apply:
- Front Yard - not less than the minimum distance required by this By-law for the main building on the lot.
- Side Yard or - not less than three (3) metres.
Rear Yard
- 5.21.7 Notwithstanding 5.21.6 no yards shall be required if the parking building is constructed completely below grade.

- 5.21.8 Where a three-tenth (0.3) metre reserve exists, no part of any garage whether above or below grade, shall be permitted closer than six (6) metres to such reserve.
- 5.21.9 The approaches to any parking area, other than those required for a single family detached, semi-detached or duplex dwelling, and the approaches to any loading area shall be defined by a curb of concrete or rolled asphalt.
- 5.21.10 All parking or loading areas and their approaches shall be constructed and maintained with a stable surface which is treated to prevent the raising of dust or loose particles and, except for the parking areas required for single-family and semi-detached dwellings, shall have a cement or asphaltic binder or any other permanent type of surfacing.
- 5.21.11 The width of a driveway leading to any parking or loading area, required by this By-law, designed to accommodate more than four (4) automobiles shall be a minimum width of three (3) metres if for one-way traffic, and a minimum width of six (6) metres if for two-way traffic, the maximum width of a driveway shall be seven and six-tenths (7.6) metres.
- 5.22 Trailers No trailer, as defined by the Municipal Act, R.S.O. 1960, Section 379, Sub-section 85, shall be used for one or more of the following purposes - living, sleeping or eating accommodation within the City except in an authorized trailer park.
- 5.23 Truck, Bus and Coach Bodies No truck, bus, coach or streetcar body shall be used for human habitation within the City, whether or not the same is mounted on wheels.
- 5.24 Parking of Motor Vehicle not in Running Order Notwithstanding anything else in this By-law, no person may use any lot in any Zone for the parking or storage of any vehicle that is not in running order except that one (1) such vehicle may be stored in a private garage in a Residential Zone and any number of such vehicles may be stored in a garage in a Commercial or Industrial Zone.
- 5.25 Where in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse or between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.
- 5.26 No person shall hereafter erect, alter or use any building on land where the slope of the said land is 30 degrees or more from the horizontal.

SECTION 6 - RESIDENTIAL ZONES (R)

6.1 General Provisions

6.1.1 Not more than one dwelling unless part of a dwelling group as defined by Section 4.17.11 of this By-law may be built on any lot. A dwelling may be erected on the sole parcel of land remaining to any owner and comprising part of one or more lots on a registered plan, as long as such parcel complies with the provisions of the residential zone in which it is located.

6.1.2 Front Yards

6.1.2.1 A front yard shall be provided in the front of the main building. Subject to 6.1.2.2 and 6.1.2.3 of this By-law and except as hereafter provided in the RM2, RM3, RM4, RM5 and RM6 Zones, the minimum distance of a building from the original centre line of the street in front thereof shall be sixteen (16) metres from the said centre line and in no case shall be less than six (6) metres from the street line.

6.1.2.2 The minimum distance from the front lot line of a building on a key lot shall be the average of the required front yard depth for the adjoining interior lot and the required yard depth from the same street on the adjoining corner lot. Where existing buildings on either or both of said adjoining lots are located near to the front or side lines than the distances required by 6.1.2 and 6.1.3 of this By-law, the distances established by such existing buildings shall be used in computing the front yard for a key lot.

6.1.2.3 Notwithstanding the provisions of 6.1.2.1 and 6.1.2.2 of this By-law, the distance from the lot line of any building erected between lots containing existing buildings which are not more than ninety-one and two-tenths (91.2) metres apart on the same street frontage of the same block shall conform to the following regulations:

- (1) Where one or two lots remain between existing buildings the minimum distance from the front lot line shall be established by a line connecting the front main walls of the said existing buildings.
- (2) Where more than two lots remain between existing buildings, the minimum distance from the front lot line shall be as required in 6.1.2.1 except for lots abutting the existing building, where said distance from the front lot line shall be the average between the setback established by the existing building and the requirement in 6.1.2.1.

6.1.3 Side Yards

- 6.1.3.1 A side yard shall be provided on each side of the main building. Subject to 6.1.3.2, 6.1.3.3 and 6.1.3.4 of this sub-section and except as hereafter provided in the RM2, RM3, RM4, RM5 and RM6 Zones the minimum distance from the side lot line to the main wall of the main building shall be one and two-tenths (1.2) metres for one storey dwellings and an additional six-tenths (0.6) metre for each additional storey or part thereof.
- 6.1.3.2 On every lot other than a corner lot where there is no attached garage or carport, or other provision for off street parking on the same lot, one side yard shall have a minimum width of three (3) metres.
- 6.1.3.3 Subject to 6.1.3.4 of this By-law the width of an exterior side yard shall be not less than three (3) metres.
- 6.1.3.4 In the case of a corner lot no garage shall be located closer than six (6) metres to the street line and no portion of any driveway shall be located closer than nine (9) metres to the intersection of any two streets measured along the street line and its projection to the intersection of such street line or its projection with another street line or its projection.
- 6.1.3.5 The minimum side yard width on the side of a lot abutting a three-tenths (0.3) metre reserve shall be six (6) metres.

6.1.4 Rear Yard

A rear yard shall be provided in the rear of the main building. Except as hereafter provided in RM2, RM3, RM4, RM5 and RM6 Zones the minimum distance from the rear lot line to rear main wall of the main building shall be not less than ten and five-tenths (10.5) metres except in the case of a corner lot where the rear yard shall be not less than seven and six-tenths (7.6) metres.

6.1.5 Distance Between Buildings

The minimum distance between buildings except accessory buildings or portions of a building on the same lot shall be equal to the average height of the two adjacent buildings or portions thereof.

6.1.6 Storage in Front Yard

No front yard shall be used for the storage of any material.

6.1.7 Accessory Uses and Buildings

- 6.1.7.1 The distance of any accessory building or structure located in the rear yard from any side or rear lot line shall be a minimum of six-tenths (0.6) metre except where a mutual garage is erected on the common property line between two adjoining properties.

- 6.1.7.2 The total lot coverage of all accessory buildings and structures shall not exceed ten (10) percent of the lot area.
- 6.1.7.3 The minimum distance of any accessory building or structure located in the side yard from the side lot line shall be not less than the minimum side yard required for a main building of the same number of storeys as the said accessory building.
- 6.1.7.4 On any lot used for single-family detached, semi-detached, duplex, triplex, or double-duplex dwellings the side lot line of which abuts a one-foot reserve, or the limits of a fully controlled access highway, any attached garage or carport shall be constructed on the side of the house furthest removed from the three-tenths (0.3) metre reserve.
- 6.1.7.5 No accessory building or structure shall be constructed closer to the front lot line than the minimum distance required by this By-law for the main building on the lot.
- 6.1.7.6 No accessory building or structure shall be constructed closer than six (6) metres to a side or rear lot line abutting a three-tenths (0.3) metre reserve.
- 6.1.7.7 Where a private swimming pool is constructed as an accessory use to a residential dwelling, no part of it shall be located closer than one and five-tenths (1.5) metres to any rear or side lot line.
- 6.1.7.8 No accessory building or structure shall be used for human habitation.
- 6.1.7.9 An accessory building or structure shall not exceed four and five-tenths (4.5) metres in height.
- 6.1.7.10 An accessory building or structure shall not be constructed closer than one and five-tenths (1.5) metres from the main building or other accessory building or structure.
- 6.1.7.11 An accessory building or structure shall not be considered an accessory building for the purpose of calculating the lot coverage if attached to the main building, but shall be considered to be part of the main building.

6.1.8 Non-Residential Buildings

Where a recreational, institutional or public building is constructed in any residential zone, the said building shall be located no closer than one-half the height of the building, or seven and six-tenths (7.6) metres whichever is the greater to any property line of the site on which said building is located.

6.1.9 Fences and Hedges

No fence or hedge within the required front yard shall exceed one and two-tenths (1.2) metres in height. No fence or hedge in the required side yards shall exceed one and eight-tenths (1.8) metres in height, on a corner lot the provision for the front yard shall apply to those portions of the required side and rear yards adjacent to the flanking street.

6.1.10 Parking Spaces Outside a Garage

Parking space required by Section 5.19 of this By-law may be provided in an attached or detached garage or in a side or rear yard provided that the maximum aggregate number of vehicles that may be parked on the lot outside a garage shall be two (2) for each dwelling unit on the lot and the said vehicles may only be parked in a driveway or parking area constructed in accordance with Section 5.21 of this By-law.

6.1.11 Parking of Commercial Motor Vehicles, Trailers and Boats

6.1.11.1 For the purpose of this Section, Commercial Motor Vehicles shall mean any motor vehicle having permanently attached hereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, motor buses and tractors.

6.1.11.2 No person shall in any Residential Zone, use any lot for the parking or storage of any commercial motor vehicle, for the storage of any trailer or snowmobile, or for the storage of any boat.

6.1.11.3 Notwithstanding the provisions of 6.1.11.2, the owner or occupant of any lot, building or structure in any residential zone, may use any private garage of which he is the owner or occupant, for the housing or storage of one commercial motor vehicle, not exceeding one (1) tonne capacity, operated by himself, provided such use is for housing or storage only and such commercial motor vehicle is not used in connection with any business or other use prohibited by this By-law in any such Residential Zone.

6.1.11.4 Notwithstanding the provisions of 6.1.11.2 the owner or occupant of any lot, building or structure in any Residential Zone may use any private garage of which he is the owner or lessee (if he is also the occupant) for the housing of one trailer and/or one boat or snowmobile.

6.1.11.5 Notwithstanding the provisions of 6.1.11.2 the owner or occupant of any lot may use the rear yard of his property for the storage of one (1) boat not exceeding six (6) metres in overall length and the said boat may be on a boat trailer in the yard.

6.1.12 Office Uses Permitted

Nothing in this By-law shall prevent, in a Residential Zone, the use of part of a dwelling for an office provided:

6.1.12.1 That only one person resident in the said dwelling, plus one assistant, who may or may not reside in the dwelling, may operate in and from the said office.

6.1.12.2 That an area equivalent to not more than thirty-five (35) percent of the total floor area of the dwelling, or a maximum of forty-six and five-tenths (46.5) square metres whichever is the lesser is devoted to such uses.

- 6.1.12.3 That there shall be no advertising other than a plate or sign which is not flashing and is not larger than one-tenth (0.1) square metre indicating only the name, occupation and practicing hours of the occupant.
- 6.1.12.4 The plate or sign shall be attached and parallel to a main wall of the building.
- 6.1.12.5 That there shall be at least one off-street parking space for every twenty-eight (28) square metres of floor space occupied as offices in addition to any residential requirements.
- 6.1.12.6 The residential character of the dwelling is not changed.
- 6.1.12.7 That no machinery or instrument shall be used in the said offices that is not normally used in a residence or is not compatible with a residential area.

6.1.13 Play Space for Apartments

Notwithstanding anything else in this By-law, no person shall use land for or erect or use an apartment building unless he provides on the lot at least:

- 6.1.13.1 The following play space for children for each dwelling unit:

Bachelor Unit	0 sq.metres
1 Bedroom	1.9 sq.metres
2 Bedroom	3.7 sq.metres
3 Bedroom or more	4.6 sq.metres

Such play space shall be:

- (a) enclosed with a chain link or equivalent fence at least one and two-tenths (1.2) metres in height;
- (b) located at least four and five-tenths (4.5) metres from the nearest wall of the building;
- (c) accessible to the building without the necessity of crossing a parking lot, or driveway;
- (d) in one location;
- (e) at the rear of the building.

6.1.14 Landscaping for Apartments

Notwithstanding anything else in this By-law, no person shall use land for or erect or use a building containing apartment dwelling units unless he provides on the lot:

- 6.1.14.1 A strip of land not less than one and five-tenths (1.5) metres wide for landscaping abutting on the side lot line, except where a building is permitted by this By-law to be constructed abutting on the side lot line in a General Commercial Zone.
- 6.1.14.2 A strip of land not less than one and five-tenths (1.5) metres wide for landscaping abutting on the rear lot line.
- 6.1.14.3 A strip of land not less than one and five-tenths (1.5) metres wide for landscaping abutting on the walls of the apartment

dwelling where units on the ground floor have windows to habitable rooms which face onto either a driveway or a parking lot in the said yards.

6.1.14.4 A screen in the form of landscaping to a height of not less than one and five-tenths (1.5) metres adjacent to the side and rear lot lines within three years of the date of the issuance of the building permit for the said apartment dwelling.

6.2 Residential First Density Zone (R1)

6.2.1 Use No building, structure or land shall be used and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and for the following uses:

6.2.1.1 Residential

Single family detached dwelling.

6.2.1.2 Business

Office use when part of the practitioner's own home.

6.2.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.2.1.4 Institutional

Private schools other than trade schools, churches, day nurseries licenced under and operated in accordance with the Day Nurseries Act 1966 and regulations made thereunder in a church hall or in a school building within the terms of the Schools' Administration Act and in a single family detached dwelling where the number of children accommodated at any one time is less than twenty (20).

6.2.1.5 Public

as set out in 5.8 of this By-law.

6.2.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.2.2.1 Single Family Detached Dwelling

Regulations

<u>Min. Lot Area</u>	<u>Min. Lot Frontage</u>	<u>Min. Floor Area</u>	<u>Max. Lot Coverage</u>
558 sq. metres	18 metres	1 Storey & Split Level - 93 sq. metres	30%
		1-1/2 storeys - 121 sq. metres	
		2 Storeys - 130 sq. metres	

6.3 Residential Second Density Zone (R2)

6.3.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and for the following uses:

6.3.1.1 Residential

Single family detached dwelling.

6.3.1.2 Business

Office use when part of the practitioner's own home.

6.3.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.3.1.4 Institutional

Private schools, other than trade schools, churches, day nurseries licenced under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder in a church hall or in a school building within the terms of the Schools' Administration Act and in a single family detached dwelling where the number of children accommodated at any one time is less than twenty (20).

6.3.1.5 Public

As set out in 5.8 of this By-law.

6.3.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.3.2.1 Single Family Detached Dwelling

Regulations

<u>Min. Lot Area</u>	<u>Min. Lot Frontage</u>	<u>Min. Floor Area</u>	<u>Max. Lot Coverage</u>
465 sq.metres	15 metres	1 Storey & Split Level - 79 sq.metres	30%
		1-1/2 Storeys - 112 sq. metres	
		2 Storeys - 121 sq. metres	

6.4 Residential Third Density Zone (R3)

6.4.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and for the following uses:

6.4.1.1 Residential

Single family detached, semi-detached and duplex dwellings.

6.4.1.2 Business

Office use when part of the practitioner's own home.

6.4.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.4.1.4 Institutional

Private schools other than trade schools, churches, day nurseries licenced under and operated in accordance with The Day Nurseries Act 1966, and regulations made thereunder in a church hall or in a school building within the terms of the Schools' Administration Act, and in a single-family detached dwelling where the number of children accommodated at any one time is less than twenty (20).

6.4.1.5 Public

As set out in 5.8 of this By-law.

6.4.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.4.2.1 Single Family Detached Dwelling

Regulations

<u>Min. Lot Area</u>	<u>Min. Lot Frontage</u>	<u>Min. Floor Area</u>	<u>Max. Lot Coverage</u>
418.5 sq.metres	13.7 metres	1 Storey & Split Level - 79 sq.metres	
		1-1/2 Storeys - 102 sq.metres	30%
		2 Storeys - 102 sq.metres	

6.4.2.2 Semi-Detached and Duplex Regulations

<u>Dwelling Type</u>	<u>Min.Lot Area Per Dwelling Unit In Square Metres</u>	<u>Min. Lot Frontage In Metres</u>	<u>Min.Floor Area Per Dwelling Unit In Square Metres</u>	<u>Max. Lot Coverage</u>
Semi-Detached	279 372 if corner lot	9 Per D.U. 12 corner lot	1 Storey & Split Level-79 1-1/2 Storeys- 102 2 Storeys - 102	35%
Duplex	279	9 per D.U.	79	35%

6.5 Residential Multiple First Density Zone (RML)

6.5.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and for the following uses:

6.5.1.1 Residential

Triplex and double-duplex dwellings.

6.5.1.2 Business

Office use when part of the practitioner's own home.

6.5.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.5.1.4 Institutional

Private schools other than trade schools, churches, nursery schools provided the said nursery school operation is conducted within a church hall or in a school building within the terms of the Schools' Administration Act.

6.5.1.5 Public

As set out in 5.8 of this By-law.

6.5.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.5.2.1 Residential Multiple First Density Regulations

<u>Dwelling Type</u>	<u>Min. Lot Area Per Dwelling Unit in Square Metres</u>	<u>Min. Lot Frontage in Metres</u>	<u>Min. Floor Area Per Dwelling Unit in Square Metres</u>	<u>Max. Lot Coverage</u>
Triplex	232.5	19.8 per bldg.	Bachelor 32.5 1-Bedroom 51 2-Bedroom 62.5 3-Bedroom 74	35%
Double-Duplex	232.5	21 per bldg.	Bachelor 32.5 1-Bedroom 51 2-Bedroom 62.5 3-Bedroom 74	35%

6.6 Residential Multiple Second Density Zone (RM2)

6.6.1 Use

No building, structure or land shall be used and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and for the following uses:

6.6.1.1 Residential

Maisonette, row-house and multiple dwellings.

6.6.1.2 Business

Nil

6.6.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.6.1.4 Institutional

Day Nurseries licenced under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

6.6.1.5 Public

As set out in 5.8 of this By-law.

6.6.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.6.2.1 Residential Multiple Second Density Regulations

<u>Dwelling Type</u>	<u>Min. Lot Area Per Dwelling Unit in Sq. Metres</u>	<u>Min. Lot Frontage/ Dwelling in Metres</u>	<u>Min. Floor Area Per Dwelling Unit In Square Metres</u>	<u>Max. Lot Coverage</u>	
Maisonette	232.5	36	Bachelor	32.5	30%
			1-Bedroom	51	
			2-Bedroom	62.5	
			3-Bedroom	74	
			And an additional 9 sq.metres for each additional bedroom		
Row-house	232.5	30	Bachelor	32.5	30%
			1-Bedroom	51	
			2-Bedroom	62.5	
			3-Bedroom	74	
			And an additional 9 sq.metres for each additional bedroom		
Multiple	232.5	30	Bachelor	32.5	30%
			1-Bedroom	51	
			2-Bedroom	62.5	
			3-Bedroom	74	
			And an additional 9 sq.metres for each additional bedroom		

6.6.2.2 No maisonette, row-house or multiple dwelling shall be hereafter erected or altered, except in accordance with the following yard regulations:

- (1) Front Yard minimum depth shall be six (6) metres.
- (2) Side Yard minimum width shall be one and two-tenths (1.2) metres for one storey and an additional six-tenths (0.6) metre for each additional storey or part thereof, but one side yard must have a minimum width of six (6) metres and an exterior side yard must have a minimum width of three (3) metres.
- (3) Rear Yard minimum depth shall be seven and six-tenths (7.6) metres.

6.6.2.3 Notwithstanding Section 6.6.2.2, each dwelling unit in a maisonette, row-house or multiple dwelling with an independent entrance to an outside yard shall have one yard area which serves as a private, outdoor living area for the occupants. This yard is normally associated with the living room, but to allow flexibility in design, the private outdoor area may alternatively be located adjacent to a dining room, family room, finished recreation room, study or den, or a kitchen which is combined with one of the above uses.

- (1) The private outdoor living area shall have a minimum yard depth of six (6) metres within which a privacy zone of four and five-tenths (4.5) metres shall be provided.
- (2) A yard adjacent to a living room which is not designated as a private outdoor living area shall have a minimum depth of six (6) metres within which a privacy zone of three and six-tenths (3.6) metres shall be provided. No privacy zone shall be required for such living room where glazing to the living room is a minimum of one and eight-tenths

metres above the adjacent exterior level.

(3) A yard adjacent to a habitable room other than a living room and which is not designated as a private outdoor living area shall have a minimum depth of five and three-tenths (5.3) metres within which a privacy zone of three and six-tenths (3.6) metres shall be provided. No privacy zone shall be required:

- (a) where glazing to the habitable room is a minimum of one and eight-tenths (1.8) metres above the adjacent exterior level.
- (b) for a kitchen which does not include the main dining area or any other communal family space.

6.6.2.4 Where dwelling units in a maisonette, row-house or multiple dwelling are constructed on separate lots, no side yard shall be required where a dwelling unit has a common wall with an adjacent dwelling unit.

6.7 Residential Multiple Third Density Zone (RM3)

6.7.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 and 6.1 of this By-law and for the following uses:

6.7.1.1 Residential

Apartment.

6.7.1.2 Business

Nil.

6.7.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.7.1.4 Institutional

Day Nurseries licenced under and operated in accordance with the Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

6.7.1.5 Public

As set out in 5.8 of this By-law.

6.7.2 Regulations

No building, structure or land shall be used and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.7.2.1 Residential Multiple Third Density Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area & Of Lot Area</u>	<u>Min. Lot Frontage In Metres</u>	<u>Min. Floor Area Per Dwelling Unit in Sq. Metres</u>	<u>Min. Usable Open Space & Of Gross Floor Area</u>	
Apartment	75%	30	Bachelor 1-Bedroom 2-Bedroom 3-Bedroom 4-Bedroom	32.5 51 62.5 74 83.6	50%

6.7.2.2 Not less than fifty percent (50%) of the usable open space required under 6.7.2 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

6.7.2.3 No apartment building shall be hereafter erected or altered, except in accordance with the following yard regulations:

- (1) Front Yard Minimum setback from the centreline of the street shall be one-half the height of the building, but in no case shall the front yard be less than seven and six-tenths (7.6) metres and the setback from the centreline be less than seventeen and seven-tenths (17.7) metres.
- (2) Side Yard Minimum width shall be one-half the height of the building but not less than six (6) metres.
- (3) Exterior Side Yard Minimum setback from the centreline of the flanking street shall be one-half the height of the building, but in no case shall the yard be less than six (6) metres and the setback from the centreline be less than sixteen (16) metres.
- (4) Rear Yard Minimum depth shall be one-half the height of the building but not less than seven and six-tenths (7.6) metres.

6.8 Residential Multiple Fourth Density Zone (RM4)

6.8.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 and 6.1 of this By-law and the following uses:

6.8.1.1 Residential
Apartment

6.8.1.2 Business
Nil

6.8.1.3 Recreational
Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.8.1.4 Institutional
Day nurseries licenced under and operated

in accordance with the Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

6.8.1.5 Public

As set out in 5.8 of this By-law.

6.8.2 Regulations

No building or structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of 5 and 6.1 of this By-law and the following regulations:

6.8.2.1 Residential Multiple Fourth Density Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area & of Lot Area</u>	<u>Min. Lot Frontage in Metres</u>	<u>Min. Floor Area Per Dwelling Unit in Square Metres</u>	<u>Min. Usable Open Space & of Gross Floor Area</u>	
Apartment	100%	30	Bachelor	32.5	50%
			1-Bedroom	51	
			2-Bedroom	62.5	
			3-Bedroom	74	
			4-Bedroom	83.6	

6.8.2.2 Not less than fifty percent (50%) of the usable open space required under 6.8.2.1 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

6.8.2.3 No apartment building shall be hereafter erected or altered, except in accordance with the following yard regulations:

- (1) Front Yard Minimum setback from the centreline of the street shall be one-half the height of the building, but in no case shall the front yard be less than seven and six-tenths (7.6) metres and the setback from the centreline be less than seventeen and seven-tenths (17.7) metres.
- (2) Side Yard Minimum width shall be one-half the height of the building but not less than six (6) metres.
- (3) Exterior Side Yard Minimum setback from the centreline of the flanking street shall be one-half the height of the building, but in no case shall the yard be less than six (6) metres and the setback from the centreline be less than sixteen (16) metres.
- (4) Rear Yard Minimum depth shall be one-half the height of the building but not less than seven and six-tenths (7.6) metres.

6.9 Residential Multiple Fifth Density Zone (RM5)

6.9.1 Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 6.1 of this By-law and the following uses:

6.9.1.1 Residential
Apartment

6.9.1.2 Business

Nil

6.9.1.3 Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.9.1.4 Institutional

Day nurseries licenced under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

6.9.1.5 Public

As set out in 5.8 of this By-law.

6.9.2 Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 6.1 of this By-law and the following regulations:

6.9.2.1 Residential Multiple Fifth

Density Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area % of Lot Area</u>	<u>Min. Lot Frontage in Metres</u>	<u>Min. Floor Area Per Dwelling Unit in Square Metres</u>	<u>Min. Usable Open Space % of Gross Floor Area</u>	
Apartment	125%	38	Bachelor	32.5	
			1-Bedroom	51	
			2-Bedroom	62.5	50%
			3-Bedroom	74	
			4-Bedroom	83.6	

6.9.2.2 Not less than fifty percent (50%) of the usable open space required under 6.9.2.1 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

6.9.2.3 No apartment building shall be hereafter erected or altered, except in accordance with the following regulations:

(1) Front Yard Minimum setback from the centreline of the street shall be one-half the height of the building but in no case shall the front yard be less than seven and six-tenths (7.6) metres and the setback from the centreline be less than seventeen and seven-tenths (17.7) metres.

(2) Side Yard
Minimum width shall be one-half the height of the building but not less than six (6) metres.

(3) Exterior Side Yard
Minimum setback from the centreline of the flanking street shall be one-half the height of the building but in no case shall the yard be less than six (6) metres and the setback from the centreline be less than sixteen (16) metres.

(4) Rear Yard

Minimum depth shall be one-half the height of the building but not less than seven and six-tenths (7.6) metres.

6.10 Residential Multiple Sixth Density Zone (RM6)

6.10.1 Use No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 and 6.1 of this By-law and the following uses:

6.10.1.1 Residential: Apartment

6.10.1.2 Business: Nil

6.10.1.3 Recreational: Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground.

6.10.1.4 Institutional: Day Nurseries licenced under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

6.10.1.5 Public: As set out in 5.8 of this By-law.

6.10.2 Regulations: No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 6.1 of this By-law and the following regulations:

6.10.2.1 Residential Multiple Sixth Density Regulations:

<u>Dwelling Type</u>	<u>Max. Gross Floor Area % of Lot Area</u>	<u>Min. Lot Frontage in Metres</u>	<u>Min. Floor Area Per Dwelling Unit in Sq.Metres</u>	<u>Min.Usable Open Space % of Gross Floor Area</u>	
Apartment	150%	38	Bachelor	32.5	45%
			1-Bedroom	51	
			2-Bedroom	62.5	
			3-Bedroom	74	
			4-Bedroom	83.6	

6.10.2.2 Not less than fifty percent (50%) of the usable open space required under 6.10.2.1 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

6.10.2.3 No apartment building shall be hereafter erected or altered, except in accordance with the following regulations:

(1) Front Yard Minimum setback from the centreline of the street shall be one-half the height of the building, but in no case shall the front yard be less than seven and six-tenths (7.6) metres and the setback from the centreline be less than seventeen and seven-tenths (17.7) metres.

(2) Side Yard Minimum width shall be one-half the height of the building but not less than six (6) metres.

- (3) Exterior Side Yard Minimum setback from the centreline of the flanking street shall be one-half the height of the building but in no case shall the yard be less than six (6) metres and the setback from the centreline be less than sixteen (16) metres.
- (4) Rear Yard Minimum depth shall be one-half the height of the building but not less than seven and six-tenths (7.6) metres.

SECTION 7 - COMMERCIAL ZONES (C)

7.1 General Provisions

7.1.1 Space for Landscaping Notwithstanding anything else in this By-law, where a Commercial Zone fronts opposite to or abuts a Residential or Open Space Zone, a strip of land not less than one and five-tenths (1.5) metres in width and inside and abutting the Commercial Zone Boundary shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits to the Commercial area across the landscape.

7.1.2 Special Regulations For Automobile Service Stations Notwithstanding anything else in this By-law, where a lot in a Commercial Zone is used for an Automobile Service Station or public garage, the following special regulations shall apply:

7.1.2.1	<u>Interior Lot</u>	<u>Corner Lot</u>
Minimum Lot Frontage	45.5 metres	45.5 metres
Minimum Lot Depth	30 metres	45.5 metres

7.1.2.2 (a) No portion of any pump island on a service station shall be located closer than four and five-tenths (4.5) metres from the street line of any street.

(b) No portion of any building or structure other than a pump island or canopy shall be located closer to the street than twelve (12) metres or to a side or rear lot line, that does not abut a street, than seven and six-tenths (7.6) metres.

7.1.2.3 The maximum width of a ramp at the street line shall be not more than nine (9) metres and the minimum width not less than seven and six-tenths (7.6) metres. The width of the ramp shall be seven and six-tenths (7.6) metres, measured perpendicular to the centreline of the ramp.

7.1.2.4 The minimum distance of a ramp to the intersection of two streets shall be fifteen (15) metres, measured along the street line, and its projection, to the intersection of such street line or its projection with another street line or its projection.

7.1.2.5 The minimum distance between ramps shall be not less than ten and five-tenths (10.5) metres.

7.1.2.6 The minimum interior angle of a ramp to a street line shall be seventy degrees (70°) and the maximum interior angle of a ramp to the street line shall be ninety degrees (90°).

7.1.2.7 The minimum distance from the intersection of any property line of the lot and the street line to the nearest ramp shall be three (3) metres.

- 7.1.2.8 The area included between ramps or between ramps and a street line or property line as required by 7.1.2.4, 7.1.2.5 and 7.1.2.7 of this By-law and a strip having a minimum width of one and five-tenths (1.5) metres adjacent to any side or rear lot line shall not be used for any purpose other than landscaping.
- 7.1.2.9 No storage of materials incidental to the operation of the Automobile Service Station shall be carried on outside a building that is not completely enclosed by adequate screening in the form of landscaping or fencing to a height of not less than one and eight-tenths (1.8) metres.

7.1.3 Special Regulations for Automobile Washing Establishment

- 7.1.3.1 Where a lot in a Commercial Zone is used for an automobile washing establishment, the entrance layout for progressive movement of cars entering the establishment shall be sufficient to accommodate not less than fifteen (15) cars outside the building and on the subject lot and the exit layout shall be sufficient to accommodate not less than five (5) cars outside the building and on the subject lot.
- 7.1.3.2 The said lanes in which vehicles shall move on the lot shall be clearly defined by lines painted on the surface of the lot and the edge of the lane nearest to the property line shall be defined by a curb of concrete or rolled asphalt or by a bumper fence.
- 7.1.3.3 The minimum inside turning radius for the said lanes shall be six (6) metres.
- 7.1.3.4 The said lanes shall be clear and unobstructed in every way.
- 7.1.3.5 The minimum width of ramps shall be three (3) metres for one way traffic and six (6) metres for two way traffic and the maximum width of ramps shall be six (6) metres for one way traffic and nine (9) metres for two way traffic.
- 7.1.3.6 The minimum distances of a ramp to the intersection of two streets shall be forty-five and five-tenths (45.5) metres measured along the street line, and its projection, to the intersection of such street line or its projection with another street line or its projection.
- 7.1.3.7 The minimum distance between ramps shall be not less than ten and five-tenths (10.5) metres.
- 7.1.3.8 The minimum interior angle of a ramp to a street line shall be seventy degrees (70°) and the maximum interior angle of a ramp to the street line shall be ninety degrees (90°).

- 7.1.3.9 The minimum distance from the intersection of any property line of the lot and the street line to the nearest ramp shall be three (3) metres.
- 7.1.3.10 The area included between ramps or between ramps and a street line or property line as required by 7.1.3.6, 7.1.3.7 and 7.1.3.9 of this By-law and a strip having a minimum width of one and five-tenths (1.5) metres adjacent to any side or rear lot line shall not be used for any purpose other than landscaping.
- 7.1.3.11 Notwithstanding Section 5.21 the entire lot used for an automobile washing establishment, except that required to be reserved for landscaping by this section, shall have a cement or asphaltic binder or any other permanent type of surfacing.
- 7.1.3.12 Adequate drainage facilities shall be provided.

7.1.4 Where a building is constructed for combined Residential and Commercial purposes, satisfactory access shall be provided for delivery vehicles to the residential portion of the building.

7.2 General Commercial Zone (GC)

7.2.1 Use In a General Commercial Zone no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered except in accordance with the provisions of Sections 5 and 7.1 of this By-law and for the following uses:

7.2.1.1 Commercial Uses

Bus Station

Custom Workshop that is not obnoxious, for goods sold at retail on the premises

Hotel, Motel

Offices

Open Air Market

Place of Entertainment or Recreation

Public or Private Parking Area

Restaurant

Retail and Wholesale Trade within an enclosed building

Service establishment that is not obnoxious.

7.2.1.2 Residential Uses Dwelling units connected to and forming an integral part of the commercial building provided that access to the dwelling units is separate from the access to the Commercial portion of the building, and no dwelling units will be permitted on the ground floor.

7.2.1.3 Institutional

Churches

Clubs and Fraternal Organizations

7.2.2 Regulations In a General Commercial Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 7.1 of this By-law and the following regulations:

7.2.2.1 Coverage Maximum fifty percent (50%).

7.2.2.2 Front Yard Nil, except that a setback of three (3) metres will be allowed, provided this is maintained over a street distance of no less than twelve (12) metres.

7.2.2.3 Side Yard

- (1) Where a side lot line abuts a Commercial or Industrial Zone, and access is available to the rear of the building by a public or private lane, the setback from the said lot line shall be a minimum of nil.
- (2) Where a side lot line abuts a Residential or Open Space Zone, the setback from the said side lot line shall be a minimum of four and five-tenths (4.5) metres.
- (3) Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of three (3) metres, but in no case shall the setback from the centreline of the flanking street be less than thirteen (13) metres.
- (4) Where the building contains residential accommodation of one or more storeys in height, and the windows of habitable rooms face the side lot line, the nearest main wall of the residential portion of the building shall be no less than one-half the height of the residential portion of the building from the side lot line but not less than six (6) metres.

7.2.2.4 Rear Yard

- (1) Where a rear lot line abuts a Commercial or Industrial Zone, and access is available to the rear of the building by a public or private lane, the setback from the said rear lot line shall be a minimum of nil.
- (2) Where a rear lot line abuts a Commercial or Industrial Zone, and no access is available to the rear of the building except by means of a yard, the setback from the said rear lot line shall be a minimum of six (6) metres.
- (3) Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of ten and five-tenths (10.5) metres.

(4) Where the building contains residential accommodation of one or more storeys in height, the nearest main wall of the residential portion of the building shall be no less than ten and five-tenths (10.5) metres from the rear lot line.

7.2.2.5 Residential Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area % of Lot Area</u>	<u>Min. Floor Area Per Dwelling Unit In Square Metres</u>		<u>Min. Usable Open Space % of Gross Floor Area</u>
Apartment	150%	Bachelor	32.5	45%
		1-Bedroom	51	
		2-Bedroom	62.5	
		3-Bedroom	74	
		4-Bedroom	83.6	

7.2.2.6 Not less than fifty percent (50%) of the usable open space required under 7.2.2.5 of this By-law shall be located in one place up to a maximum of four hundred and sixty-five (465) square metres.

7.3 Neighbourhood Commercial Zone (NC)

7.3.1 Use In a Neighbourhood Commercial Zone, no building, structure or land shall be used and no building or structure shall be hereafter erected or altered except in accordance with the provisions of Sections 5 and 7.1 of this By-law and for the following uses:

7.3.1.1 Commercial Uses

- Offices
- Public and Private Parking Areas
- Retail Trade, within an enclosed building
- Service Establishment that is not obnoxious

7.3.1.2 Residential Uses

Dwelling units connected to and forming an integral part of the Commercial building provided that access to the dwelling units is separate from the access to the Commercial portion of the building, and the dwelling units are located above or at the rear of business premises.

7.3.2 Regulations In a Neighbourhood Commercial Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered except in accordance with the provisions of Sections 5 and 7.1 of this By-law and the following regulations:

7.3.2.1 Vehicular Storage In a Neighbourhood Commercial Zone, any person who conducts a commercial undertaking for which commercial vehicles are stored on the premises, shall provide in such a zone, an area on the property for the exclusive storage of such vehicles and the said storage area shall be screened by a hedge not less than one and eight-tenths (1.8)

metres in height located in such a manner as to screen the said storage area from the surrounding residential properties.

7.3.2.2 Ownership The lands shall be in one ownership, or, if in several ownerships, all owners shall individually and jointly, comply with the provisions set forth herein.

7.3.2.3 Coverage Maximum twenty-five percent (25%).

7.3.2.4 Front Yard The setback from the front lot line shall be a minimum of nine (9) metres.

7.3.2.5 Side Yard

(1) Where a side lot line abuts a Commercial or Industrial Zone, and access is available to the rear of the building by a public or private lane, the setback from the said side lot line shall be a minimum of nil.

(2) Where a side lot line abuts a Commercial or Industrial Zone and no access is available to the rear of the building except by means of a side yard, the setback from one side lot line shall be a minimum of three and six-tenths (3.6) metres, the setback from the other side lot line shall be a minimum of nil.

(3) Where a side lot line abuts a Residential or Open Space Zone, the setback from the said side lot line shall be a minimum of four and five-tenths (4.5) metres.

(4) Where a side lot line abuts a street, the setback from the said lot line shall be a minimum of three (3) metres, but in no case shall the setback from the centreline of the flanking street be less than thirteen (13) metres.

(5) Where the building contains residential accommodation of one or more storeys in height, and the windows of habitable rooms face the side lot line, the nearest main wall of the residential portion of the building shall be no less than one-half the height of the residential portion of the building from the side lot line, but not less than six (6) metres.

7.3.2.6 Rear Yard

(1) Where a rear lot line abuts a Commercial or Industrial Zone, the setback from the said rear lot line shall be a minimum of six (6) metres.

(2) Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of ten and five-tenths (10.5) metres.

(3) Where the building contains residential accommodation of one or more storeys in height, the nearest main wall of the residential portion of the building shall be no less than ten and five-tenths (10.5) metres from the rear lot line.

7.3.2.7 Single Store Notwithstanding the provisions of 5.19 of this By-law, where a single store, having a maximum floor area of one hundred and eighty-six (186) square metres is located in a Neighbourhood Commercial Zone and does not form part of a group or string of stores, the said store shall provide on the same lot a minimum of two off-street parking spaces which shall conform to the requirements of 5.21 of this By-law.

7.3.2.8 Residential Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area % of Lot Area</u>	<u>Min. Floor Area per Dwelling Unit in Square Metres</u>	<u>Min. Usable Open Space % of Gross Floor Area</u>
Apartment	75%	Bachelor	32.5
		1-Bedroom	51
		2-Bedroom	62.5
		3-Bedroom	74
		4-Bedroom	83.6

7.3.2.9 Not less than fifty percent (50%) of the usable open space required under 7.3.2.8 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

7.4 Highway Commercial Zone (HC)

7.4.1 Use In a Highway Commercial Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 7.1 of this By-law and for the following uses:

7.4.1.1 Commercial Uses

- Automobile Service Station and Public Garage
- New and/or Used Car Lot
- Hotel and Motel
- Motor Vehicle Sales Outlet
- Public and Private Parking Area
- Restaurant
- Retail Uses, connected to and forming an integral part of and accessory to, any of the uses listed in 7.4.1.1 of this By-law
- Retail Lumber and Building Supplies Outlet
- Vegetable Market and Fruit Market
- Veterinarian establishment and Animal Hospital

7.4.1.2 Institutional

- Church, Club and Fraternal Organization

7.4.2 Regulations In a Highway Commercial Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered except in accordance

with the provisions of Sections 5 and 7.1 of this By-law, and the following regulations:

- 7.4.2.1 Coverage Maximum forty percent (40%).
- 7.4.2.2 Front Yard The setback from the front lot line shall be a minimum of eighteen (18) metres.
- 7.4.2.3 Side Yard The setback from the side yard shall be a minimum of four and five-tenths (4.5) metres except where the side lot line abuts a Residential or Open Space Zone in which case the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6) metres.
- 7.4.2.4 Exterior Side Yard Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of twelve (12) metres but in no case shall the setback from the centreline of the flanking street be less than twenty-two (22) metres.
- 7.4.2.5 Rear Yard The setback from the rear lot line shall be a minimum of seven and six-tenths (7.6) metres.

7.5 District Commercial Zone (DC)

7.5.1 Use In a District Commercial Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 7.1 of this By-law and the following uses:

7.5.1.1 Commercial Uses

- Hotel and Motel
- Offices
- Places of Entertainment or Recreation
- Public and Private Parking Area
- Retail Stores
- Service Establishment that is not obnoxious.

7.5.1.2 Residential Uses Dwelling units connected to and forming an integral part of the commercial building provided that access to the dwelling units is separate from the access to the Commercial portion of the building and no dwelling units will be permitted on the ground floor.

7.5.1.3 Institutional

- Church, Club and Fraternal Organizations

7.5.2 Regulations In a District Commercial Zone, no building, structure or land shall be used and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 7.1 of this By-law and the following regulations:

7.5.2.1 Ownership The lands shall be in one ownership, or, if in several ownerships, all owners shall individually and jointly comply with the provisions set forth herein.

7.5.2.2 Coverage Maximum twenty-five (25) percent

7.5.2.3 Front Yard The setback from the front lot line shall be a minimum of twenty-one (21) metres.

7.5.2.4 Side Yard

- (1) The setback from the side lot line shall be a minimum of seven and six-tenths (7.6) metres.
- (2) Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of twenty-one (21) metres.
- (3) Where the side lot line does not abut a street and where the building contains residential accommodation of one or more storeys in height, and the windows of habitable rooms face the lot line, the nearest main wall of the residential portion of the building shall be no less than one-half the height of the residential portion of the building from the lot line, but not less than seven and six-tenths (7.6) metres from the side lot line.

7.5.2.5 Rear Yard

- (1) Where a rear lot line abuts a Commercial or Industrial Zone, the setback from the said rear lot line shall be a minimum of seven and six-tenths (7.6) metres.
- (2) Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of ten and five-tenths (10.5) metres.
- (3) Where the rear lot line abuts a street the setback from the said rear lot line shall be a minimum of twenty-one (21) metres.
- (4) Where the rear lot line does not abut a street and where the building contains residential accommodation of one or more storeys in height, and the windows of habitable rooms face the lot line, the nearest main wall of the residential portion of the building shall be no less than one-half the height of the residential portion of the building from the lot line, but not less than ten and five-tenths (10.5) metres from the rear lot line.

7.5.2.6 Residential Regulations

<u>Dwelling Type</u>	<u>Max. Gross Floor Area % of Lot Area</u>	<u>Min. Floor Area per Dwelling Unit in Square Metres</u>	<u>Min. Usable Open Space % of Gross Floor Area</u>
Apartment	75%	Bachelor 32.5 1-Bedroom 51 2-Bedroom 62.5 3-Bedroom 74 4-Bedroom 83.6	50%

7.5.2.7 Not less than fifty percent (50%) of the usable open space required under 7.5.2.6 of this By-law shall be located in one place on the lot up to a maximum of four hundred and sixty-five (465) square metres.

SECTION 8 - INDUSTRIAL ZONES (I)

8.1 General Provisions

8.1.1 Landscaping Where a lot in an Industrial Zone fronts opposite to, or abuts a Residential or Open Space Zone, a strip of land not less than three (3) metres in width inside and abutting the Industrial Zone boundary shall not be used for any purposes other than landscaping, but this shall not prevent the provision of entrances and exits from the said lot through the required landscaping.

8.1.1.1 Where a lot in an Industrial Zone abuts a Residential or Open Space Zone, a screen in the form of landscaping to a height of not less than one and five-tenths (1.5) metres shall be provided adjacent to the lot lines that abut the said Residential or Open Space Zone within three years of the date of issuance of a building permit for the erection of the main building on the said lot.

8.1.2 Landscaping On any lot in an Industrial Zone, a strip of land not less than one and five-tenths (1.5) metres in width shall be reserved for landscaping inside and abutting the front lot line and the side lot line where it abuts a street and if any part of the front yard is used for parking, a strip of land not less than one and five-tenths (1.5) metres in width shall be reserved for landscaping adjacent to the front wall of the building.

8.1.3 Use of Front and Side Yard No person shall use the front or side yard of any lot in an Industrial Zone for any purpose other than for landscaping or the temporary parking of visitors' private passenger vehicles, provided that no parking shall be permitted in an area having a depth of four and five-tenths (4.5) metres across the entire frontage and flankage of the lot nearest the street line.

8.1.4 No land may be used or any building or structure permitted in an Industrial Zone for any purpose or in such a manner which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or otherwise.

- 8.1.5 No fence shall be erected upon any land in an Industrial Zone or any part thereof unless it is constructed of ornamental wire, iron or wood rail or post and wire of open construction, with or without brick or stone foundations; and no such fence shall be placed nearer to the street line in the front of the said land than fifteen (15) metres of the main front wall of the building or buildings erected on the said land, whichever is less.
- 8.1.6 All of the land in a lot in an Industrial Zone, excluding those portions covered by buildings, parking or storage areas, and driveways shall not be used for any purpose other than landscaping.

8.2 Industrial Class I Zone (I-C1)

8.2.1 Use In an Industrial Class 1 Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered except in accordance with the provisions of Sections 5 and 8.1 of this By-law and for the following uses:

8.2.1.1 Industrial and Commercial Uses Manufacturing and Industrial Operations, warehousing and storage uses, but not including scrap yards. Commercial uses incidental and subordinate to the main industrial use where the floor area devoted to the said Commercial use does not exceed ten percent (10%) of the floor area of the entire building, or a maximum floor area of two hundred and seventy-nine (279) square metres. All permitted uses shall be conducted within an enclosed building or structure.

8.2.1.2 Residential Use One apartment unit shall be permitted for a caretaker in an establishment permitted in 8.2.1.1 of this By-law provided that the said apartment unit is located within the main building of the establishment where the caretaker is employed.

8.2.2 Regulations In an Industrial Class 1 Zone, no building, structure or land shall be used and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 8.1 of this By-law and the following regulations:

8.2.2.1 Front Yard The setback from the front lot line shall be a minimum of fifteen (15) metres.

8.2.2.2 Side Yard

- (1) Except as required by (2), (3) and (4) of this sub-clause, the setback from the side lot line shall be a minimum of four and five-tenths (4.5) metres.
- (2) Where a side lot line abuts a Residential or Open Space Zone, the setback from the said side lot line shall be a minimum of nine (9) metres.
- (3) Where a side lot line abuts a street, the setback from the said lot line shall be a minimum of nine (9) metres, but in no case shall the setback from the centreline of the flanking street be less than nineteen (19) metres.
- (4) Where a side lot line abuts a railway, the setback from the said lot line shall be a minimum of nil.

8.2.2.3 Rear Yard

- (1) Except as required by (2) and (3) of this

sub-clause, the setback from the rear lot line shall be a minimum of twelve (12) metres.

- (2) Where the rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of fifteen (15) metres.
- (3) Where the rear lot line abuts a Railway, the setback from the said rear lot line shall be a minimum of nil.

8.3 Industrial Class 2 Zone (I-C2)

8.3.1 Use In the Industrial Class 2 Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 8.1 of this By-law and for the following uses:

8.3.1.1 Industrial and Commercial Uses Manufacturing and Industrial operations, warehousing and storage uses, but not including scrap yards.

Commercial uses incidental and subordinate to the main Industrial use where the floor area devoted to the said Commercial use does not exceed ten percent (10%) of the floor area of the entire building or a maximum floor area of two hundred and seventy-nine (279) square metres.

8.3.1.2 Residential Use One apartment unit shall be permitted for a caretaker in an establishment permitted in 8.2.1.1 of this By-law provided that the said apartment unit is located within the main building of the establishment where the caretaker is employed.

8.3.2 Regulations In an Industrial Class 2 Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Sections 5 and 8.1 of this By-law and the following regulations:

8.3.2.1 Front Yard The setback from the front lot line shall be a minimum of fifteen (15) metres.

8.3.2.2 Side Yard

- (1) Except as required by (2), (3) and (4) of this Sub-Clause, the setback from the side lot line shall be a minimum of four and five-tenths (4.5) metres.
- (2) Where a side lot line abuts a Residential or Open Space Zone, the setback from the said side lot line shall be a minimum of nine (9) metres.
- (3) Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of nine (9) metres, but in no case shall the setback from the centreline of the flanking street be less than nineteen (19) metres.
- (4) Where a side lot line abuts a railway, the setback from the said side lot line shall be a minimum of nil.

8.3.2.3 Rear Yard

- (1) Except as required by (2) and (3) of this Sub-clause, the setback from the rear lot line shall be a minimum of twelve (12) metres.
- (2) Where the rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of fifteen (15) metres.
- (3) Where the rear lot line abuts a Railway, the setback from the said rear lot line shall be a minimum of nil.

8.3.2.4 Storage Where part of the use permitted under 8.3.1.1 is carried on outside a building, that part of the operation shall not be conducted in the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than one and eight-tenths (1.8) metres, and not greater than the height of the first storey of the main building on the property.

8.4 Railway Zone (I-C3)

8.4.1 Use In a Railway Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered except in accordance with the provisions of Sections 5 and 8.1 of this By-law and for the following uses:

8.4.1.1 Industrial Uses

Railway lines and yards
Buildings and structures necessary for the operation and maintenance of railway facilities
and other operations that are incidental and accessory thereto.

SECTION 9 - OPEN SPACE ZONE (O)

9.1 Use In an Open Space Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 of this By-law and for the following uses:

9.1.1 Business Golf Courses, Ski Clubs

9.1.2 Recreational Local, district and regional parks, conservation areas, playgrounds, swimming pools, community centres, arenas, ball parks.

9.1.3 Institutional Cemeteries, fair grounds, sewage treatment works or water works facilities.

9.2 Regulations In an Open Space Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 of this By-law and the following regulations:

- 9.2.1 Yards The setback from the front, side and rear lot lines shall be a minimum of seven and six-tenths (7.6) metres.
- 9.2.2 Coverage The maximum area of the lot that may be covered by buildings or structure shall be ten percent (10%).

SECTION 10 - RURAL ZONE (RU)

- 10.1 Use In a Rural Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 of this By-law and for the following uses:
 - 10.1.1 Agricultural and Forestry Uses An agricultural use, including general farming, and the raising and harvesting of field, bush, berry, tree or vine crops, truck gardening, nurseries, dairying, animal husbandry, raising of poultry, and other similar enterprises; Forest Forestry and the processing of forestry products.
 - 10.1.2 Recreational Local, district and regional parks, private parks, camps or recreation establishments including a golf course, race track and flying club.
 - 10.1.3 Institutional Churches and cemeteries, establishment for the production of electric power.
 - 10.1.4 Residential Dwellings for the owner and resident staff or uses permitted in 10.1.1, and domestic or household arts permitted in Residential Zones.
- 10.2 Regulations In a Rural Zone, no building, structure or land shall be used, and no building or structure shall be hereafter erected or altered, except in accordance with the provisions of Section 5 of this By-law, and the following regulations:
 - 10.2.1 Lot Area Minimum four (4) hectares
 - 10.2.2 Front Yard The setback from any front lot line shall be a minimum of twelve (12) metres for any dwelling and thirty (30) metres for all other buildings.
 - 10.2.3 Side Yard The setback from any side lot line shall be not less than six (6) metres for any dwelling and thirty (30) metres for any other building.
 - 10.2.4 Separation of Buildings Notwithstanding Section 6.1.7.10, accessory buildings, other than garages, shall be separated from any dwelling by a minimum distance of seven and six-tenths (7.6) metres.
 - 10.2.5 Height Maximum fifteen (15) metres.
 - 10.2.6 Floor Area of Dwellings The floor area of dwellings shall be not less than:

1 Storey and Split Level	79 sq. metres
1-1/2 and 2 Storeys	102 sq. metres
 - 10.2.7 Agricultural Uses that are or may become obnoxious shall not be located closer to a Residential, Open Space or Commercial Zone than one hundred and fifty-two (152) metres.

SECTION 11 - SPECIAL PROVISIONS

11.1 Notwithstanding any other provisions of this By-law, St. Joseph's Girls College on Harriet Street may be allowed to exceed the height limitation of ten and five-tenths (10.5) metres and may be allowed to construct and operate a private hospital in association with the College.

SECTION 12 - ADMINISTRATION

12.1 Date of By-law

This By-law shall take effect from the date of passing by Council.

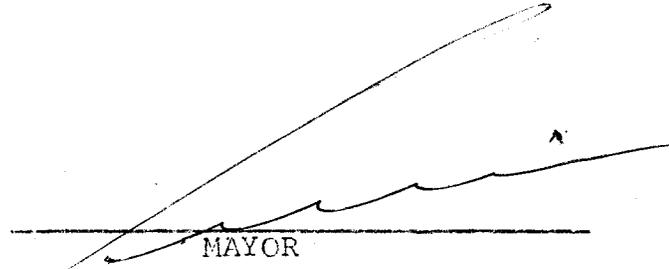
12.2 By-laws Repealed

By-law 9-69 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 10th DAY OF December 1979

READ A SECOND TIME IN OPEN COUNCIL THIS 10th DAY OF December 1979

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 10th DAY OF December 1979


MAYOR


CLERK