

Draft Zoning-Bylaw Amendment

File: OZ-9661

Within this draft underlined text indicates new wording to be added and strikethrough text indicates existing wording to be deleted. Bold text indicates an existing heading.

SECTION 2 - Definitions

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition creation of additional residential unit(s) does not change a single detached, semi-detached or street townhouse the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

"DETACHED ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

"DWELLING" means a building containing one or more dwelling units.

- a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604) ~~Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121033, July 22, 2013)~~
- b) "APARTMENT BUILDING, HANDICAPPED PERSONS" means an apartment building designed for the accommodation and occupancy by physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a place of worship.
- c) "APARTMENT BUILDING, SENIOR CITIZENS" means an apartment building designed for the accommodation of the elderly, which is owned and managed by a public housing authority or non-profit organization or a charitable institution and which may be associated with a place of worship.
- d) "CLUSTER HOUSING" means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot.
- e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser. ~~Within Near-Campus Neighbourhoods, as illustrated in Figure~~

~~4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)(Z. 1-98604)~~

- f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling. (Z.-1-98604) ~~Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~
- g) "FARM DWELLING" means a single detached dwelling located in a farm cluster which is incidental and exclusively used in conjunction with a farm and is situated on the same lot therewith. (Z.-1-051390)
- h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-93173) (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~
- i) "LINK DWELLING" - See "SEMI-DETACHED DWELLING". (Z.-1-98604)
- j) "MODULAR DWELLING" means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres (19.7 ft.) in width.
- k) "MULTIPLE DWELLING" means a dwelling containing more than three dwelling units.
- l) "RAISED RANCH DWELLING" means a dwelling with no more than two levels in which the basement has its ceiling not more than 1.8 m (5.9 ft.) above grade and not less than 1.0 m (3.3 ft.) above grade. For the purpose of this by-law a raised ranch dwelling shall be considered as a one storey dwelling. i. (Z.-1-98604) (For Dwelling Illustrations, see Figure 1 at the end of this Section)
- m) "SECONDARY FARM DWELLING" means a single detached dwelling on the farm unit of the farm owner for an immediate family member engaged in fulltime employment on the farm, a full-time employee or living quarters for seasonal help. (Z.-1-051390)
- n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~
- o) "SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
- p) "SINGLE DWELLING" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
- q) "SPLIT LEVEL DWELLING" means a dwelling that is designed and constructed to create no more than four different levels, where at least two levels make up the first storey and all other levels are considered to be basement, and the vertically distance between such levels being always less than the full storey, but in no case can the vertical difference be less than 0.6 m (2 ft.). For the purpose of this By-law, a split level dwelling house shall be considered as one-storey dwelling. (Z.-1-98604)
- r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a

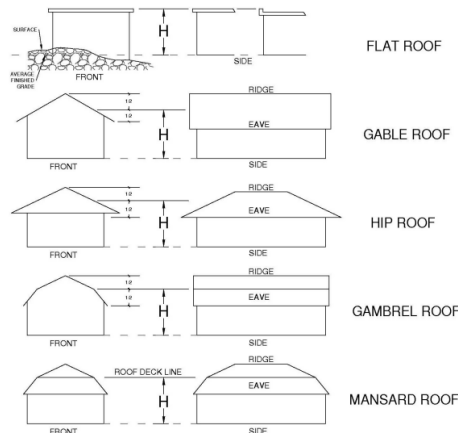
portion of the roof of any lower unit. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Stacked Townhouse shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~

- s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~
- t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)"~~
- u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. ~~A dwelling unit shall contain no more than five bedrooms. (Z. 1-93172)(Z. 1-041300—OMB Order 0780—March 15/06)~~ Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.

FIGURE 2

ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



H= HEIGHT OF BUILDING IN METRES

NOTE:
THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND
DO NOT FORM PART OF THIS BY-LAW.
PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-
LAW.
THESE REGULATIONS ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS
EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL
UNIT(S).

Section 4 – General Provisions

4.1 ACCESSORY USES

4) LOT REQUIREMENTS OR LOCATION

Accessory buildings or structures are permitted in the following locations: (Z.-1-051390)

- a) no accessory building or structure shall be permitted within a required front yard or the exterior side yard; (Z.-1-97490)
- b) when such accessory building or structure is located in an interior side yard or a rear yard, it shall be no closer than 0.6 metres (2.0 feet) to the side lot line and rear lot line. Where the height exceeds 4.0 metres (13.1 feet) but in no case more than 6 metres (19.7 feet), the side and rear lot line setback shall be increased by the difference in the height above 4.0 metres (13.1 feet); (Z.-1-97490)
- c) when such accessory building or structure is within a nonresidential zone and is located in an interior side yard or a rear yard, it shall be no closer than 1.2 metres (3.9 feet) to the side lot line and rear lot line. Where such an accessory building or structure abuts a residential zone, the setback requirement shall be equal to one-half of the overall height of the structure but in no case less than 1.2 metres (3.9 feet) to the side lot line and rear lot line; (Z.-1-97490)
- d) when such accessory building or structure is wholly or partly located in an exterior side yard, or a rear yard abutting a street, the minimum setback shall not be less than the required front yard setback for the zone in which the lot is located; (Z.-1-97490)
- e) when such an accessory building or structure is less than 10 square metres (108 square feet) no yard setbacks shall be required provided the building or structure is located entirely in the rear yard, except as provided in 4.1.4(d); (Z.-1-97490)
- f) when the accessory building or structure is a gatehouse, it may locate in the front yard or the exterior side yard in an industrial zone;
- g) when the accessory building or structure is a satellite dish, it shall be restricted to interior side yards or rear yards;
- h) swimming pools shall comply with the provisions of Subsection 4.25 (Swimming Pools) of this By-Law;
- i) air conditioning units and heat pumps shall comply with the provisions of Subsection 4.27 . (Yard Encroachments Permitted);
- j) Greenhouses shall comply with the provisions of Section 4.38 (Urban Agriculture) of this By-law. (Z.-1-222977)

5) PARKING STRUCTURES

Within this By-Law, a parking structure will be considered an accessory use but will not be subject to the general provisions subsections 4.1(2), (3) or (4), but rather, subject to the building regulations of the zone in which it is located.

6) Minor Motor Vehicle Service and Repair is permitted as an accessory and incidental residential use in all residential zones that permit single, duplex, semi-detached, duplex, triplex, fourplex or converted dwellings excluding uses ancillary to an existing agricultural use, if all of the following conditions are met:

1. The vehicle being serviced or repaired must have a current valid ownership permit issued to an occupant or a spouse, child or sibling of an occupant currently residing in the dwelling.
2. The minor motor vehicle service repair shall be conducted between the hours of 8:00 am to 8:00 pm.
3. No more than one vehicle may be serviced or repaired at the same time.
4. Minor motor vehicle service repair shall not occur for more than 6 consecutive calendar days.
5. Motor vehicle painting, except for minor touch-ups, is prohibited at all times.
6. Minor motor vehicle service repair as a commercial use is prohibited at all times. (Z.-1-071653)

7) Detached Additional Residential Units shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.

4.19 PARKING

4) YARDS WHERE PARKING AREAS PERMITTED

- a) No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.
- b) No person shall use any land or cause or permit the use of any land situated in any zone for the purposes of uncovered surface parking areas in any front yard or exterior side yard.
- c) Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas that conform to the provisions of Subsection 4.19(7) (Surface and Drainage of parking Areas and Driveways) of this By-law, shall be permitted in the yards or in the area between the required road allowance and the required setback as follows:

Zone Class

Office, Commercial, Institutional, Open Space, Recreational, Agricultural, Agricultural Commercial & Rural Settlement Commercial Zone and any Zone Class not specified
(Z.-1-051390)

Residential – R1, R2, R3, R4 and R11 Zones.

Yard in Which Required Parking Area is Permitted

All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres (9.8 feet) to any required road allowance except in the DA Zones, the BDC Zones or the OC zones where parking shall not be permitted in the front yard.

(a) The interior side yard and rear yard, provided that no part of any parking area

is located closer than 1.0 metres (3.3 feet) to any required road allowance and provided that no part of any rear yard parking area shall be located 99 closer than 3.0 metres (9.8 feet) from the rear lot line and 3.0 metres (9.8 feet) from any one side lot line except where access to a rear yard parking area is obtained by a lane in which case no part of any rear yard parking area shall be located closer than 3.0 metres (9.8 feet) from each side lot line; and. For the purposes of this By-law, where a Private Garage is an accessory use to a permitted use on a lot, such Private Garages shall be exempt from this regulation but shall comply with the provisions for accessory uses set out in Subsection 4.1, (Z.-1-122125, OMB Order PL121033, July 22, 2013) (z.-1-132233)

(b) Driveways in the front yard or driveways in the exterior side yard.

(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.

4.26 USES PERMITTED IN LISTED ZONES

Notwithstanding any other provisions of this By-Law, the following uses are permitted in the listed zones provided they can meet the specific provisions of this By-law:

Use	Zones Permitted	Governing General Provisions Section
Accessory Uses, Buildings Buildings or Structures	All Zones	4.1
Construction Uses	All Zones	4.5
Foster Homes (Z.-1-051390)	All residential and agricultural zones	4.7
Group Homes Type 1	All residential zones	4.8
Home Occupation reference deleted by Z.-1-94293		
Household Sales		
Private Home Day Care	All R1, R2, R3, R4 and R5 Residential Zones, the Agricultural (AG) Zone and	4.1

	the OC1 and OC2 Zone variations	
Public Uses	All Zones	See Section 2, Definition for Public Uses
Model Homes (Z.-1-95317)	All R1, R2, R3, R4, R5 and R6 (excluding apartment building) zones	4.5
Urban Agriculture	All Zones with the exception of the Agricultural (AG) Zones, the Open Space (OS4) Zone, the Open Space (OS5) Zone and the Environmental Review (ER) Zone.	4.38
<u>Additional Residential Unit</u>	<u>All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone</u>	<u>4.37</u>

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings
- d. Duplex dwellings
- e. Triplex dwellings
- f. Converted dwellings

2) Number of Additional Residential Units per Lot

A maximum of three (3) additional residential units shall be permitted ~~per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure. (Z. 1-233147)~~ up to a total combined maximum of four (4) dwelling units per lot.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which the basement is located.

~~4) Location of Additional Residential Units within Accessory Structures~~

~~An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.~~

4) Detached Additional Residential Units

- a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.
- b. A detached additional residential unit may only be permitted in the rear yard or interior side yard.
- c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).
- d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply.
- e. The side yard setback of the underlying zone or a side yard setback of 1.2 meters (3.94 feet) shall apply, whichever is greater, except where windows are facing shared side lot lines, where a side yard setback of 3.0 metres (9.8 feet) shall apply.
- f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.
- g. A detached additional residential unit shall be connected to municipal services.

5) Number of Bedrooms

~~The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.~~

Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.

6) Parking

- a. No additional parking is required for additional residential units.
- b. A new additional driveway in association with an additional residential unit is not permitted.

Section 5 – Residential R1 Zone

TABLE 5.3
RESIDENTIAL R1 ZONE
REGULATIONS FOR R1 ZONE VARIATIONS

17	NUMBER OF SINGLE DETACHED DWELLINGS	1	
18	MAXIMUM FLOOR AREA (%) (Z.-1-101938)	N/A *****	Maximum of 10% greater than the floor area that

			existed on the date of the passing of the by-law *****
19	<u>NUMBER OF UNITS PER LOT MAXIMUM</u>	<u>4</u>	

Section 6 – Residential R2 Zone

TABLE 6.3
RESIDENTIAL R2 ZONE
REGULATIONS FOR R2 ZONE VARIATIONS

17	<u>NUMBER OF UNITS PER LOT MAXIMUM</u>	<u>4</u>	<u>2</u>	<u>4</u>	<u>2</u>
		<u>4</u>			

Section 7 – Residential R3 Zone

TABLE 7.3
RESIDENTIAL R3 ZONE
REGULATIONS FOR R3 ZONE VARIATIONS

Residential Type	Single Detached			Semi-Detached			Duplex			Triplexes and Fourplexes			Converted			Single Detached	Semi-Detached	Duplex	Triplex	Converted
	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3					
Zone Variations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R3-4					
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3					
Number of Units Per Lot	<u>4</u>			<u>2</u>			<u>2</u>			<u>4</u>			See Section 7.3(3)			<u>4</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>3</u>
	<u>4</u>												See Section 7.3(3)			<u>4</u>				

Section 8 – Residential R4 Zone

TABLE 8.3
RESIDENTIAL R4 ZONE
REGULATIONS FOR R4 ZONE VARIATIONS

Height (M) Maximum	10.5	10.5	100.5	10.5	10.5	12.0
<u>Number of Units Per Lots</u>	<u>4</u>					