

Proposed Amendments to Former City of Hamilton Zoning By-law 6593

6593 Section	6593 Provision	Action	Description
Section 6 General Provisions			
6.1 1a)-1A	<p>Prohibition as to Use</p> <p>(1) Subject to the provisions of The Municipal Act, and save as hereinafter otherwise provided, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, in any district, for any purpose not in conformity with the requirements of this By-Law.</p> <p>(1a) No building or structure shall be erected, nor shall any land be used in any residential district, as defined in Section 2 (2) A of By-Law No. 6593, unless prior to the erection of the building or structure or use of the land, water services and access roads are available to service the land, buildings or structures.</p> <p>(1b) Subsection (1a) shall not apply where the Building Commissioner is in receipt of a written certificate, signed by a Professional Engineer, declaring that,</p> <ul style="list-style-type: none"> (i) an existing charged hydrant is located within 150m, and (ii) (ii) that an acceptable road access has been provided to within 90m, of the construction site lot line. <p>(1c) For the purposes of subsection (1b) above, "acceptable road access" means an asphalt surface road, or a road that has been accepted as an access road by the Commissioner of Engineering for The Regional Municipality of Hamilton-Wentworth. (88-143)</p> <p>(1A) This By-Law does not apply to uses regulated for the purposes of shipping and navigation or uses incidental thereto authorized by the Hamilton Harbour Commissioners Act or by any by-law, regulation, or other provision adopted pursuant to</p>	Not Carried Forward.	Addressed in Section 4 of 05-200.

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	the Hamilton Harbour Commissioners Act or other federal legislation. (83-238) (OMB Decision/Order No. 0464 issued date February 20, 1998)		
6.2	<p>Prohibition as to Height</p> <p>No building or structure in any district shall be erected or altered so as to be not in conformity with the requirements of this By-Law as to height.</p>	Not Carried Forward.	Addressed in 05-200 through height provisions within zone.
6.3 – 3b)	<p>No Encroachment upon Yard Areas</p> <p>(3) Except as provided in subsection 3a the minimum yard and intensity of use requirements as indicated or set forth in this By-Law for any building or structure hereafter erected in any district shall not be encroached upon or considered as yard or intensity of use requirements for any other building or structure, nor shall any building or structure hereafter erected encroach for its yard or intensity of use requirements upon the yard or intensity of use of any other building or structure to such an extent that the yard or intensity of use of such other building or structure is thereby reduced below what the yard or intensity of use requirements would be for the same if it were a new building or structure. (82-78)</p> <p>(3a) Where in any district one side yard is not required for a single family dwelling, eaves, gutters and footings for a single family dwelling may encroach onto an abutting lot in the same district on which the single family dwelling is situate, a distance of not greater than 0.4 metres. (82-78)</p> <p>(3b) Notwithstanding subsection 3a, no eaves, gutters or footings for a single family dwelling may encroach onto the abutting lot in the same district except in accordance with,</p> <p style="padding-left: 40px;">(a) an encroachment agreement between the owners of the abutting land; and</p> <p style="padding-left: 40px;">(b) a maintenance easement entered into between the parties, properly registered on the title of each of the abutting lots. (82-78)</p>	<p>3) Not Carried Forward.</p> <p>3a) N/A</p> <p>3b) Not Carried Forward.</p>	<p>3) Not required.</p> <p>3b) Not required.</p>

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6.4	<p>Yards of Existing Buildings, Etc. (Not to be reduced below minimum requirements)</p> <p>No lot or tract of land shall be reduced in area, by alienation, building construction or otherwise, so as to make any yard, either of a building or structure hereafter erected or of an existing building or structure, less than as required for a building or structure hereafter erected, nor shall any lot or tract of land upon which an existing building or structure is situate, and which provides less than the yard requirements would be for such existing building or structure if it were one hereafter erected, be further reduced by building construction, alienation or otherwise, but this provision shall not be deemed to prohibit the sale of one dwelling of a pair of semi-detached dwellings or of any dwelling of a row of attached dwellings, provided all the rooms of the same are lighted and ventilated from a yard upon the premises so sold, and from a street, (8835/59)</p>	Not Carried Forward.	Not required.
6.4 a)	<p>Required Open Area Not to be Reduced</p> <p>The required open area of any lot or tract of land upon which any building or structure is hereafter erected shall not be reduced by alienation, building construction or otherwise, so as to make any such open area less than that required by the provisions of this By-Law; nor shall any lot or tract of land upon which any existing building or structure is situate and which provides less than the open area requirements would be for such existing building or structure if it were one hereafter erected, be further reduced by alienation, building construction or otherwise; (10379/64)</p>	Not Carried Forward.	Not required.
6.5	<p>Add Yards and Loading Spaces upon Change of Use</p> <p>For every building or structure hereafter erected or altered for, or changed to, a commercial or industrial use, there shall be provided yards and loading space in conformity with the requirements set forth in this By-Law pertaining to such commercial or industrial use.</p>	N/A	

6593 Section	6593 Provision	Action	Description
6.6	<p>Parking Spaces upon Change of Use</p> <p>For every building or structure hereafter erected or altered for, or changed to, a commercial purpose, or to the purpose of a place of assembly other than a Church or Sunday School, there shall be provided parking spaces in conformity with the requirements set forth in this By-Law pertaining to such commercial use or place of assembly.</p>	N/A	
6.7	<p>Zoning Verification Certificates (Certificates of Occupancy)</p> <p>Any person may make application to the Building Commissioner for a zoning verification certificate, and every such certificate shall show the zoning designation of the lands in question, and whether or not the use or proposed use is permitted in the district in which the land is situate; by the provisions of the By-Law; and every such certificate shall also show, that it is not a certificate that any building or structure on the land complies with the provisions of The Ontario Building Code and Health By-Law for the purpose for which it is used or proposed to be used, or that a licence will be granted for such use. (6996/52) (9543/61) (92-170)</p>	N/A	
6.8	<p>Parking Spaces</p> <p>Parking spaces provided for a commercial use or a place of assembly but not located on the same lot as the principal use shall not by alienation, building construction or otherwise be reduced to a number fewer than would be required if the principal use were to be hereafter first established, nor shall the number of parking spaces provided for an existing commercial use or place of assembly being fewer than would be required 6-4 if one of those uses were to be hereafter first established, be further reduced. (10088/63)</p>	N/A	
6.9	<p>Conveyances to Canada or Ontario</p> <p>No person shall be deemed to have contravened any provision of this By-Law by reason only of the fact that any part or parts of any lot or tract of land has or have been conveyed to or acquired by Her</p>	N/A	

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	Majesty in the right of Canada, Her Majesty in the right of Ontario or by any municipality or county. (10544/64).		
6.10-6.18	<p>Table of Uses</p> <p>(10) Where a table is headed "Residential Uses", a named permitted use in the table is a use of the land for residential purposes. (83-228)</p> <p>(11) Where a table is headed "Public Uses", a named permitted use in the table is a use of the land for public purposes. (83-228)</p> <p>(12) Where a table is headed "Institutional Uses", a named use in the table is the use of land for institutional purposes. (83-228)</p> <p>(13) Where a table is headed "Commercial Uses", a named permitted use in the table is a use of land for commercial purposes. (83-228)</p> <p>(14) Where a table is headed "Industrial Uses", a named permitted use in the table is a use of the land for industrial purposes. (83-228)</p> <p>(15) Where a table contains a list for which one or more members of the list may have a corresponding identification number, the member of list shall be the use or purpose for which land may be used that is either Residential, Public, Institutional, Commercial or Industrial, as the case may be, and the member may be referred to by the name of the use or purpose in the list. (83-228) (92-246)</p> <p>(16) Where a designated use in a table contains the word "other", the designated use defines a use of land in general terms so as to permit a particular use of land not elsewhere referred to that conforms with any use designated in a table that may have at least the same first two digits in its corresponding identification number as in the four digit number identifying the use of the land in general terms. (83-228) (92-246)</p>	N/A	

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	<p>(17) Where a use may be identified by a number and designated in a table as a use not prohibited in a district, the use is the principal use and does not include any designated use identified by a different number. (83-228) (92- 246) 6-5</p> <p>(18) Every designated use in a table may be referred to by its identification number in lieu of the designated use and the reference shall mean and have the same force and effect as a reference to the designated use. (83-228)</p>		
6.19 a)-b)	<p>Freeway Standards</p> <p>(a) Notwithstanding any other provision of this By-Law, no residential structure shall be located closer than 22.86m (75 feet) from the Mountain Freeway right-of-way proper (excluding access ramps); (92-170)</p> <p>(b) Notwithstanding any other provision of this By-Law, no structure shall be located within 15.24m (50 feet) of the limits of the Mountain Freeway. (92-170)</p>	Carried Forward	To be added to Section 4.23 of 05-200, applied to the Lincoln M. Alexander Highway, Highway 6 at Flamborough.
6.20 i)-v)	<p>Notwithstanding any other provision of this By-Law, where a subdivision agreement has been executed (signed) by the owner, more than one model home may be constructed on a lot prior to registration of the plan of subdivision or on a lot or block within a registered plan of subdivision subject to the following restrictions:</p> <p>i. the use shall be permitted in the zone in which the dwelling is to be located;</p> <p>ii. each dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;</p> <p>iii. the maximum number of model homes shall not exceed 10% of the total number of lots intended for single detached dwellings, semidetached dwellings or townhouse dwelling unit purposes within the draft approved plan of subdivision or registered</p>	Not Carried Forward.	Addressed in Section 4.15 of 05-200.

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	<p>plan of subdivision, to a maximum of 20 dwelling units;</p> <p>iv. the model home shall comply with all other provisions of this By-Law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivision; and</p> <p>v. the model home shall comply with all applicable terms and conditions of the said subdivision agreement. (Deleted 03-163) (15-291)</p>		
6.21	<p>Regulation for Consolidated Lot Development</p> <p>Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-Law relative to the consolidated lot development and its external lot lines are complied with. (05-238)</p>	Not Carried Forward.	Addressed in Section 4.16 of 05-200.
6.22 i)-iii)	<p>Adequate Services</p> <p>Except for Section 6.(20) – Model Homes in Draft Plans of Subdivision, no building or structures may be erected, used or occupied unless:</p> <p>i) adequate watermains, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; or</p> <p>ii) where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the use of land for buildings or structures of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; and</p>	Not Carried Forward.	Addressed in Section 4.22 of 05-200.

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	iii) the dedication of lands for parkland or payment of cash-in-lieu of parkland in accordance with the City of Hamilton Parkland Dedication and Cash-in-Lieu of Parkland Policy has been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate. (09-267 replaces 06-038 per OMB PL060290 issue date December 10, 2009)		
Section 9 "C" (Urban Protected Residential, etc.) District			
9.1	Requirements as to Use- Subject to the provisions of Sections 3, 18, 18A, and 19, in a "C" District, no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)	N/A	
9.1 i)-iiC)	<p>Residential Uses</p> <p>(i)A single family dwelling, together with the accommodation of lodgers to the number of not more than three; (81-27)</p> <p>(ii) (6902/52) (81-27) (Deleted by 92-281)</p> <p>(iia) A foster home; (10837/65) (81-27)</p> <p>(iib) A residential care facility for the accommodation of not more than 6 residents; (81-27)</p> <p>(iic) Retirement home for the accommodation of not more than six residents. (01-143)</p>	<p>i) Changed.</p> <p>ii) N/A</p> <p>iia) Not Carried Forward.</p> <p>iib) Carried Forward</p> <p>iic) Carried Forward.</p>	<p>i) Single Detached Dwellings permitted in 05-200, lodger provisions removed.</p> <p>ii) Not a defined use in 05-200 Residential.</p>
9.1 iii)	<p>Institutional Uses</p> <p>(iii) A day nursery, provided that:</p> <p style="padding-left: 40px;">(vi) Subject to subsection (b), every such day nursery,</p> <p style="padding-left: 40px;">(vi) shall accommodate not more than 25 children, and</p> <p>(ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line</p>	<p>iii)Carried Forward</p>	<p>iii) Deleted by By-law 22-156, June 22, 8, 2022. Not included in 05-200</p> <p>liia)-b) Deleted by By-law 22-156, June</p>

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	to the lot line of any other lot occupied or as may be occupied by a day nursery. (b) Subsection (a) shall not apply to a day nursery located 9-2 within a school, church, community centre, or other public building. (10743/65) (79-288) (80-049) (90-248)	iiia)-b) Not Carried Forward.	22, 8, 2022. Not included in 05-200.
9.1 iv)-vi)	<p>Public Uses</p> <p>(iv) A school of learning except a commercial school or sanatorium school, and not including a dormitory; (66-273) (92-170)</p> <p>(iva) A seminary. (92-170)</p> <p>(v) A library, art gallery, museum, observatory, community centre or other such cultural, recreational or community building or structure, except one carried on as a business, or of a kind that is customarily carried on as a business. Provided that a Community Centre, permitted under this paragraph shall be one that is operated for the benefit of all residents of a given neighbourhood, and where all such residents are afforded opportunity for recreational activities, and where individuals may be permitted to combine into groups to do their own canning and for any other self-help programs with respect to home economy or the household arts; and (6692/51)</p> <p>(vi) A bowling green, tennis court, playground, playfield, play lot or other such recreational use except one carried on as a business, or of a kind that is customarily carried on as a business, Provided, however, that any building permitted in connection with any such tennis court, bowling green or other recreational use shall be limited to such locker-rooms, dressing rooms, shower baths, and other such accessory uses necessary for their operation; (7085/53)</p>	<p>iv) Not Carried Forward.</p> <p>iva) Not Carried Forward.</p> <p>v) Carried Forward</p> <p>vi) Carried Forward</p>	<p>iv) Institutional use not carried forward.</p> <p>Iva) Institutional use not carried forward.</p> <p>v) Considered a Public Use in Section 4.4 of 05-200.</p> <p>vi) Considered a Public Use in Section 4.4 of 05-200.</p>
9.1 via)-vib)	<p>Farming Uses</p> <p>(via) Urban farm:</p> <p>(a) In accordance with Section 18(17).</p>	via) Carried Forward.	

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	<p>(b) Notwithstanding Section 18(17)(i) and (ii) and in addition to the provisions of Section 18(17)(iii), an urban farm shall only be located in the rear yard or on a roof top of a principle building in the following areas:</p> <table border="1"> <thead> <tr> <th></th><th>Street</th><th>From</th><th>To</th></tr> </thead> <tbody> <tr> <td>1</td><td>King Street West</td><td>Longwood Road</td><td>Sterling Street</td></tr> <tr> <td>2</td><td>James Street North</td><td>CN Railway Tracks</td><td>Cannon Street</td></tr> </tbody> </table> <p align="right">9-2</p> <hr/> <table border="1"> <tbody> <tr> <td>3</td><td>James Street South</td><td>Hunter Street East</td><td>Markland Avenue</td></tr> <tr> <td>4</td><td>Locke Street</td><td>Main Street West</td><td>Herkimer Street</td></tr> <tr> <td>5</td><td>Kenilworth Avenue North</td><td>Barton Street</td><td>Main Street East</td></tr> <tr> <td>6</td><td>Ottawa Street North</td><td>Barton Street</td><td>Main Street East</td></tr> <tr> <td>7</td><td>Barton Street East</td><td>Sherman Ave. North</td><td>Wellington St. N.</td></tr> <tr> <td>8</td><td>Concession Street</td><td>East 33rd Street</td><td>East 15th Street</td></tr> <tr> <td>9</td><td>Upper James Street</td><td>Bruce Dale Avenue</td><td>Fennell Avenue</td></tr> <tr> <td>10</td><td>Upper Wellington Street</td><td>473 Upper Wellington Street on east side and 476 – 478 Upper Wellington Street on west side</td><td>Queensdale Ave.</td></tr> </tbody> </table> <p>vib) community garden:</p> <p>(a) in accordance with Section 18(18).</p> <p>(b) Notwithstanding Section 18(18)(i) and in addition to the provisions of Section 18(18)(ii), a community garden shall only be located in the rear yard or on a roof top of a principle building in the following areas:</p> <table border="1"> <thead> <tr> <th></th><th>Street</th><th>From</th><th>To</th></tr> </thead> <tbody> <tr> <td>1</td><td>King Street West</td><td>Longwood Road</td><td>Sterling Street</td></tr> <tr> <td>2</td><td>James Street North</td><td>CN Railway Tracks</td><td>Cannon Street</td></tr> <tr> <td>3</td><td>James Street South</td><td>Hunter Street East</td><td>Markland Avenue</td></tr> <tr> <td>4</td><td>Locke Street</td><td>Main Street West</td><td>Herkimer Street</td></tr> <tr> <td>5</td><td>Kenilworth Avenue North</td><td>Barton Street</td><td>Main Street East</td></tr> <tr> <td>6</td><td>Ottawa Street North</td><td>Barton Street</td><td>Main Street East</td></tr> <tr> <td>7</td><td>Barton Street East</td><td>Sherman Ave. North</td><td>Wellington St. N.</td></tr> <tr> <td>8</td><td>Concession Street</td><td>East 33rd Street</td><td>East 15th Street</td></tr> <tr> <td>9</td><td>Upper James Street</td><td>Bruce Dale Avenue</td><td>Fennell Avenue</td></tr> <tr> <td>10</td><td>Upper Wellington Street</td><td>473 Upper Wellington Street on east side and 476 – 478 Upper Wellington Street on west side</td><td>Queensdale Ave.</td></tr> </tbody> </table>		Street	From	To	1	King Street West	Longwood Road	Sterling Street	2	James Street North	CN Railway Tracks	Cannon Street	3	James Street South	Hunter Street East	Markland Avenue	4	Locke Street	Main Street West	Herkimer Street	5	Kenilworth Avenue North	Barton Street	Main Street East	6	Ottawa Street North	Barton Street	Main Street East	7	Barton Street East	Sherman Ave. North	Wellington St. N.	8	Concession Street	East 33 rd Street	East 15 th Street	9	Upper James Street	Bruce Dale Avenue	Fennell Avenue	10	Upper Wellington Street	473 Upper Wellington Street on east side and 476 – 478 Upper Wellington Street on west side	Queensdale Ave.		Street	From	To	1	King Street West	Longwood Road	Sterling Street	2	James Street North	CN Railway Tracks	Cannon Street	3	James Street South	Hunter Street East	Markland Avenue	4	Locke Street	Main Street West	Herkimer Street	5	Kenilworth Avenue North	Barton Street	Main Street East	6	Ottawa Street North	Barton Street	Main Street East	7	Barton Street East	Sherman Ave. North	Wellington St. N.	8	Concession Street	East 33 rd Street	East 15 th Street	9	Upper James Street	Bruce Dale Avenue	Fennell Avenue	10	Upper Wellington Street	473 Upper Wellington Street on east side and 476 – 478 Upper Wellington Street on west side	Queensdale Ave.	vib) Carried Forward.	
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9.1 vii)-ix)	<p>Miscellaneous or Incidental Uses</p> <p>vii) A private garage; (92-170)</p> <p>viii) Parking spaces to such a number as is reasonably necessary for a permitted use to which</p>	vii) Not Carried Forward.	vii) Considered an accessory structure not a principle use.																																																																																								

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	<p>the same is appurtenant, provided that 9-4 the same are hard-surfaced and abut upon a hard-surfaced driveway giving ready access to a street or alley, and that same are used only as appurtenant to such permitted use, (6902/52) And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose of a non-conforming use; (6902/52)</p> <p>ix) A storage garage of such capacity as is reasonably necessary for a permitted use to which the same is appurtenant, provided that same is used only as appurtenant to such permitted use, (6902/52) And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose, of a non-conforming use; (6902/52)</p>	<p>viii) Not Carried Forward.</p> <p>ix) Not Carried Forward.</p>	<p>viii) Regulated by Section 5 of 05-200.</p> <p>ix) Considered an accessory use in 05-200.</p>
9.2	<p>Height Requirements</p> <p>In a "C" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)</p>	Changed.	No storey provision, maximum height of 10.5 metres consistent with 05-200
9.3 i)-iii)	<p>Area Requirements</p> <p>The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60)</p> <p>(i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049)</p> <p>(ii) a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet); (6902/52) (79-288) (80-049)</p> <p>(iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79- 288) (80-049)</p>	<p>i) Carried Forward.</p> <p>ii) Carried Forward</p> <p>iii) Carried Forward.</p>	i) Same for R1 Zone. Minimum 3.0 metres for R1a Zone.
9.4	<p>Intensity of Use</p> <p>Every lot or tract of land in a "C" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13</p>	Carried Forward.	

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	square feet) within the district. (8927/60) (6908/52) (79-288) (80-049)		
9.5	Distance of Requirements Except as provided in Subsection 6, every residential care facility shall be 9-5 situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. (81-27) (01-143) (07-107)	Not Carried Forward	R1 and R1a zone implement the direction approved in Report PED19091(a). No radial distance separation going forward in 05-200.
9.6	Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27) (01-143) (07-107)	Not Carried Forward.	R1 and R1a zone implement the direction approved in Report PED19091(a). No radial distance separation going forward in 05-200.
Section 10 'D' (Urban Protected Residential – One and Two Family Dwellings, etc.) District			
10.1 i)	Subject to the provisions of Sections 3, 18, 18A, and 19, in a "D" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66) (i) A use as permitted in a "C" District;	N/A	
10.1 ii)	Residential Uses- A two family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (81-27)	Carried Forward.	
10.1 iii)	(8069/57) (8421/58) (9016/60) (72-239) (Deleted by 93-161)	N/A	
10.1 iiia)	(8772/59) (10718/65) (10840/65) (Deleted by 01-143)	N/A	
10.1 iv)	(81-27) (Deleted by 92-281)	N/A	
10.1 v)	A lodging house for the accommodation of not more than 6 lodgers having the principal entrance to each residential unit comprised in the lodging house, located within the lodging house. (8696/59) (81-27)	Carried Forward.	
10.1 vi)	Repealed. (81-27)	N/A	

6593 Section	6593 Provision	Action	Description
10.1 vii)	Institutional Uses - Repealed. (81-27)	N/A	
10.1 viii)	(8696/59) (79-288) (80-049) (83-66) (Deleted by 01-143)	N/A	
10.1 ix)	Changed to (iiia) (8772/59) (10718/65) (10840/65)	N/A	
10.1 x)	(8696/59) (79-288) (80-049) Repealed. (81-27)	N/A	
10.1 xa)	(xa) A day nursery, provided that: (90-248)	Carried Forward.	Use is permitted.
10.1 xa) i-ii)	(i) Subject to subsection (ii), every such day nursery, a) shall accommodate not more than 25 children, and (B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery. (ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building.	Not Carried Forward.	Deleted by By-law 22-156, June 22, 8, 2022. Not included in 05-200
10.1 xi)	Public Uses - A district yard of a municipal corporation; (8696/59) (92-170)	Carried Forward.	Use is considered a Public Use in Section 4.4 of 05-200.
10.1 xii)	A college or university; (66-273)	Not Carried Forward.	Use is considered an Institutional Use through Zoning By-law 05-200.
10.2	Height Requirements - In a "D" District, no building shall exceed three storeys, and no structure shall exceed 14.0 metres (45.93 feet), in height. (9141/60) (79-288) (80-049)	Amended	Zoning By-law 05-200 standard allows for a maximum of 10.5 metres.
10.3 i)-iii)	Area Requirements - The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "D" District: (8927/60) (i) a front yard of a depth of at least 6.0 metres (19.69 feet); (79-288) (80-049) (ii) for a building or structure not over two and a half storeys or 11.0 metres (36.09 feet) in height, a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet), and for any other building or structure, side yards of a width each of at least 2.7 metres (8.86 feet); and (6902/52) (79-288) (80-049)	i) Changed ii) Not Carried Forward.	i) Same for R1 Zone. Minimum 3.0 metres for R1a Zone. ii) 05-200 Reduces max height to 10.5 metres, and a 1.2 metre side yard setback.

6593 Section	6593 Provision	Action	Description
	(iii) a rear yard of a depth of at least 7.5 metres (24.61 feet). (79-288) (80-049)	iii) Carried Forward.	
10.4 i)-iv)	<p>Intensity of Use - Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in a "D" District shall have within the district; (8927/60)</p> <p>(i) for a single family dwelling, residential care facility or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet); (6908/52) (79-288) (80-049) (81-27)</p> <p>(ii) for a two family dwelling a width of at least 18.0 metres (59.06 feet) and an area of at least 540.0 square metres (5812.70 square feet). (8069/57) (76-331) (79-288) (80-049)</p> <p>(iii) Repealed by 72-239 (Row Dwellings) (8069/57)</p> <p>(iv) for a home for elderly persons a width of at least 27.0 metres (88.58 feet) and an area of at least 810.0 square metres (8719.05 square feet) and there shall be an area of at least 140.0 square metres (1507 square feet) for each dwelling unit. (10718/65) (79-288) (80-049)</p>	<p>i) Carried Forward</p> <p>ii) Carried forward in part.</p> <p>iii) N/A</p> <p>iv) Carried forward in part.</p>	<p>ii) The use has been carried forward and regulations established in 05-200.</p> <p>iv) The use has been carried forward and regulations established in 05-200.</p>
10.5	(Deleted by 10718/65) (8013/57) (8772/59)	N/A	
10.6	Distance Requirements - Except as provided in Subsection 7, every residential care facility shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. (81-27) (01-143) (07-107)	Not Carried Forward.	R1 and R1a zone implement the direction approved in Report PED19091(a). No radial distance separation going forward in 05-200.
10.7	Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency	Not Carried Forward.	R1 and R1a zone implement the direction approved in Report

6593 Section	6593 Provision	Action	Description
	shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27) (01-143) (07-107)		PED19091(a). No radial distance separation going forward in 05-200.
10.8 i)-ii)	<p>Prior Existing Uses - The following uses existing on the date of the passing of By-Law No. 93- 161 and any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:</p> <p>(i) A Townhouse Dwelling subject to the "RT-10" District provisions;</p> <p>(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions. (93-161)</p>	<p>i) Not Carried Forward.</p> <p>ii) Not Carried Forward.</p>	<p>i) Street Town houses are permitted in the R1 and R1a Zones of 05-200.</p> <p>ii) Street Town houses are permitted in the R1 and R1a Zones of 05-200.</p>
Section 18 Supplementary Requirements and Modifications (Supplementary use requirements)			
18.1	Notwithstanding the provisions of Sections 3 to 17 inclusive, no land, building or structure shall be used in the area covered by this By-Law for any commercial or industrial purpose likely to create danger to health or danger from fire or explosion and specified following, namely; (8556/59) (92-170)	N/A	
18.1 i)	<p>Public Uses</p> <p>(i) A public garbage dump;</p>	N/A	Public uses captured by Section 4.4 of 05-200.
18.1 ii)-v)	<p>Commercial Uses</p> <p>(ii) A stock yard;</p> <p>(iii) The storage of celluloid, cellulose, pyroxylin, gasoline, fireworks, acetylene gas or other such highly inflammable or explosive substance, save in retail quantities or less, lawfully and properly kept in accordance with good practice;</p> <p>(iv) Storage of acid (including hydrogen cyanide), ammonia, or other such corrosive or highly toxic substance, save in retail quantities or less, lawfully</p>	N/A	

6593 Section	6593 Provision	Action	Description
	<p>and properly kept in accordance with good practice;</p> <p>(v) Garbage incineration or dumping on a commercial basis, the storage of raw hides or skins, or any other use that may be an offensive trade, business or manufacture within the meaning of The Public Health Act or regulations thereunder, or any other use which may be obnoxious by reason of the emission of odour, dust, gas, fumes, noise or vibration;</p>		
18.1 vi)	<p>Industrial Uses</p> <p>Animal Products</p> <p>(vi) An animal by-products plant, an abattoir or slaughter house for other than the killing of rabbits or poultry, a tannery, and any other use which may be an offensive manufacture. (OMB Decision/Order No. 1016 issued July 24, 2003)</p>	N/A	
18.1 vii)	<p>Iron and Steel and Their Products, and Manufactures of the Non-Ferrous Metals</p> <p>(vii) A primary metals plant, or any process for recovery or the smelting or reduction of scrap metal or waste metal products;</p>	N/A	
18.1 viii)	<p>Manufactures of Non-Metallic Minerals</p> <p>(viii) The manufacture of cement, lime or plaster of paris;</p>	N/A	
18.1 ix)-xiii)	<p>Chemicals and Allied Products</p> <p>(ix) A distillation plant;</p> <p>(x) The manufacture of acetylene gas, propane gas or other highly inflammable or highly toxic or corrosive gas;</p> <p>(xi) The manufacture of celluloid, cellulose, fireworks, pyroxylin or other such highly inflammable or explosive substance;</p> <p>(xii) The manufacture of acids (including hydrogen cyanide), ammonia or other highly corrosive or highly toxic substance;</p> <p>(xiii) The manufacture of inorganic fertilizer;</p>	N/A	

6593 Section	6593 Provision	Action	Description
18.1 xiv)-xvi)	Mining Uses xiv) A quarry; xv) An oil well, gas well or salt mine; or xvi) An iron mine or any other mine.	N/A	
18.1 1a)	(8556/59) Repealed (92-170)	N/A	
18.2 i)-iii)	<p>Height Requirements Modifications</p> <p>(2) Notwithstanding the provisions of Section 3 to 17 inclusive,</p> <p>(i) A single family dwelling in any district in which the height of a building is limited to not more than two and a half storeys, may be increased in height to not more than three storeys, (9438/61) Provided that each side yard is increased in width by at least 1.5 metres (4.92 feet), and each rear yard in depth by at least 3.0 metres (9.84 feet) beyond the ordinary requirements for the 18-3 district; (9438/61)</p> <p>(ii) (8770/59) (10380/64) (79-288) (80-049) (80-248) Repealed.</p> <p>(iia) Wherever such use is permitted, the height of a public hospital or a private hospital may be increased above the height permitted in the district, provided that for that part of the building or buildings which exceeds such a height each yard, as normally required for the district shall be increased in width or depth by 0.5 metres (1.64 feet) for each 1.0 metres (3.28 feet) that the height is so increased. (79-288) (8770/59) (80-049)</p> <p>(iii) No building or structure situate within the area of land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "E" and more particularly described in Schedule "F" hereto annexed, shall exceed eight storeys or 26.0 metres (85.30 feet) in height. (7535/55) (8394/58) (8436/58) (9141/60) (9748/62) (76-148) (79-288) (80-049)</p>	<p>i) Not Carried Forward.</p> <p>ii) N/A</p> <p>iia) N/A</p> <p>iii) N/A</p>	<p>i) 10.5 metres is permitted, which allows up to 3 storeys.</p>
18.3 i)-ive)	Supplementary Area Requirements and Modifications		

6593 Section	6593 Provision	Action	Description
	<p>(3) (i) Yards for Lots where Street Line Curved: Where a lot abuts upon a street line of such a curve that tangents drawn from the street extremities of the lot lines contain an angle of not more than one hundred and thirty-five degrees, the lot for the purpose of calculating yard requirements shall be deemed to be a corner lot, and the corner shall be deemed to be that point on the street line, which is nearest to the point of intersection of the said tangents; and in all other cases of irregular-shaped lots where the foregoing cannot apply, whether by reason of the greatness of the arc between the lot lines, or otherwise, yard requirements shall be determined as nearly as may be in accordance with the requirements for regular-shaped lots;</p> <p>(iii) Through Lots: In the case of a through lot wherever front yards are required, there shall be a front yard abutting upon each street, and, wherever a through lot has a depth of at least 53.0 metres (173.88 feet) there shall also be provided, in addition to any required side yard, additional open space upon the lot, of an area at least as great as the area of the rear yard which would be required for such lot if it were not a through lot, and, where a through lot is in a residential district, such additional open space shall be provided adjoining one face of the principal building or structure, or shall be equally divided between two of the faces of the same; (9255/61) (79-288) (80-049)</p> <p>(iii) Notwithstanding any provisions of this By-Law, where a building or structure is to be erected on an interior lot between two 18-4 existing buildings or structures located not more than 30.0 metres from the proposed building or structure, such building or structure may be erected closer to the front lot line than required by the district in which the lot is situated, provided that, (79-288), (9438/61) (80-049) (80-216)</p> <p>a) the minimum front yard shall be equal to the average depth of the two adjoining front yards, and (9438/61) (80-216)</p>	<p>i) Not Carried Forward.</p> <p>ii) Not Carried Forward.</p> <p>iii) Not Carried Forward.</p>	<p>i) Addressed in 05-200.</p> <p>ii) Addressed in 05-200.</p> <p>iii) 05-200 required R1 to have a front yard setback of 6.0 metres, Minimum 3.0 metres for R1a.</p>

6593 Section	6593 Provision	Action	Description
	<p>b) the reduction of the minimum front yard as permitted by this provision shall not exceed thirty percent (30%) of the depth ordinarily required by the district provisions in which the lot is situate. (9438/61) (80-216)</p> <p>(iv) Repealed (83-66)</p> <p>(iva) Repealed (83-66)</p> <p>(ivb) Repealed (83-66)</p> <p>(ivc) Additional Requirements for Automobile Service Stations and Other Public Garages on Land Adjoining Residential Districts: Wherever an automobile service station or other public garage is established on any lot or tract of land adjoining a residential district, the following regulations shall be complied with: (8947/60) (9086/60) (9175/60) (81-97)</p> <p>(a) Every building and structure shall be distant at least 6.0 metres (19.69 feet) from the nearest boundary of a residential district, except gasoline pumps, pump islands, gas vents and retaining walls; (9175/60) (79-288) (8974/60) (80-049)</p> <p>(b) A planting strip at least 3.0 metres (9.84 feet) wide shall be provided and maintained along and within every side lot line and rear lot line adjoining a residential district, either within or without the residential district, and no parking or other use shall be permitted within the said 3.0 metres (9.84 feet) strip or within the residential district; (9175/60) (79-288) (8974/60) (9086/60) (80-049)</p> <p>I A visual barrier not less than 1.2 metres in height and not greater than 2.0 metres shall be erected and maintained along every such side lot line and rear lot line except that no visual barrier shall be situate</p>	<p>iv) N/A</p> <p>iva) N/A</p> <p>ivb) N/A</p> <p>ivc) N/A</p>	

6593 Section	6593 Provision	Action	Description
	<p>less than 3.0 metres in distance from a front lot line; (9175/60) (8974/60) (82-186)</p> <p>(d) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from any lands designated for residential purposes; (9086/60) (8974/60)</p> <p>I No gasoline pump shall be located nearer to a street line than the minimum required for depth of front yard in any such adjacent residential district; (9175/60) (9086/60) (79-288) (8974/60) (80-049) (07-050)</p> <p>(f) The requirements of subclauses a, b, d, e of this clause do not apply, where the adjoining land in a residential district is used for commercial purposes; (9518/61) (9086/60) (79-288) (8974/60) (80-049) (83-66)</p> <p>(g) All open areas except areas required to be landscaped shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands. (8974/60) (79-288) (80-049) (83-66)</p> <p>(ivd) Wherever an automobile service station or other public garage and any car wash as defined in clause H of subsection 2 of Section 2 is established on any lot or tract of land adjoining a residential district, the regulations set forth in clause (ivc) shall be complied with. (72-224) (74-44) (76-40) (81-97)</p> <p>(ive) Wherever any car wash as defined in clause H of subsection 2 of Section 2 is established on any lot or tract of land adjoining a residential district, the following regulations shall be complied with:</p> <p style="padding-left: 40px;">(a) subclauses (b), (c), (d), (f) of clause (ivc);</p> <p style="padding-left: 40px;">(b) Every building and structure shall be distant at least 6.0 metres (19.69 feet) from the nearest boundary of a residential district; (79-288) (80-049)</p>	<p>N/A</p> <p>ive) N/A</p>	

6593 Section	6593 Provision	Action	Description
	I No car wash operation shall be located nearer to a street line than the minimum required depth of front yard in any such adjacent residential district. (72-224) (74-44) (76-40) (79-288) (80-049) (81-97) (07-050)		
18.3 v)	(v) Abatement of Yards, etc., for Lots of Record: In the case of a lot of record without sufficient width, depth or area to meet the requirements of this By-Law, a single family dwelling may nevertheless be erected upon it, provided that each side yard has a width of at least ten per cent of the width of the lot, but in 18-6 no case less than 0.9 metres (2.95 feet), and that the rear yard has a depth of at least twenty-five per cent of the depth of the lot, but in no case less than 3.0 metres (9.84 feet); (8174/58) (9140/60) (7634/55) (79-288) (80-049)	Not carried forward.	Addressed in Section 4.7 of 05-200.
18.3 vi) a)-k)	<p>vi) Encroachments On Yards: Every part of a required yard shall be unobstructed from its lowest level upwards, except that</p> <p>(a) A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard; (79-288) (80-049)</p> <p>(b) A canopy, cornice, eave or gutter may project, (8544/59) (8909/60) (81-308)</p> <p>(i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)</p> <p>(ii) into a required rear yard not more than 1.5 metre (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)</p>	<p>vi) Not Carried Forward.</p> <p>a) Not Carried Forward.</p> <p>b) Not Carried Forward.</p>	<p>vi) Addressed in Section 4.6 of 05-200.</p> <p>a) Addressed in Section 4.6 of 05-200. 0.6 metres or half the yard length is required, whichever is less.</p> <p>b) Addressed in Section 4.6 of 05-200, 1.5 metre or half the yard.</p>

6593 Section	6593 Provision	Action	Description
	<p>(iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (8909/60) (9820/62) (79-288) (80-049)</p> <p>(bb) A fuel-oil-tank for fuel for the heating of a building or buildings on the premises may project into a required side-yard or rear yard, but shall not project to a distance of more than one-third of the required width of any such side yard or one-third of the required depth of any such rear yard, or to a distance of more than 1.0 metres (3.28 feet), whichever is the lesser distance. (8909/60) (79-288) (80-049)</p> <p>(c) An open fire escape or open stairway may project (8544/59)</p> <p>(i) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049) (ii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (9688/62) (9747/62) (9748/62) (79-288) (80-049)</p> <p>(cc) A bay, balcony or dormer may project (8544/59)</p> <p>(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (79-288) (80-049)</p> <p>(ii) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049)</p> <p>(iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser, (8544/59) (9688/62) (9747/62) (9748/62) (79-288) (80-049)</p>	<p>bb) N/A</p> <p>c) Not Carried Forward.</p> <p>cc) Changed.</p>	<p>c) Addressed in 05-200 Section 4.6 b). 1.5 metres or half of the required yard.</p> <p>cc) Addressed in 05-200 Section 4.6 f). 0.6 metres or half of the required yard.</p>

6593 Section	6593 Provision	Action	Description
	<p>(ccc) A vestibule may project (8544/59)</p> <p>(i) into a required front yard not more than 1.2 metres (3.94 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (79-288) (80-049)</p> <p>(ii) into a required rear yard not more than 1.2 metres (3.94 feet); or (79-288) (80-049)</p> <p>(iii) into a required side yard not more than one-third of its width or 1.2 metres (3.94 feet), whichever is the lesser; (79-288) (80-049)</p> <p>Provided that the sum of the lengths of such projections shall not exceed one-third of the width of the front yard or rear yard nor one-third the length of the side yard into which they project, but no case shall exceed 3.0 metres (9.84 feet). (8544/59) (79-288) (80-049)</p>	ccc) Not Carried Forward.	ccc) Addressed in 05-200 Section 4.6.d) 1.5 metres or half of the required yard.
	<p>(cccc) An alcove may project into a required side yard or rear yard not more than 0.6m and have a length of not more than 3.0m. (86-298)</p>	cccc) Not Carried Forward.	cccc) Addressed in Section 4.6.f) of 05-200.
	<p>(d) A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the 18-8 enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section: (79-190) (80-049)</p> <p>(i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres (3.28 feet) in height measured from the floor of the porch; (79-190) (80-049)</p>	d) Changed.	d) Addressed in Section 4.6.d) of 05-200. Considered a porch in 05-200.

6593 Section	6593 Provision	Action	Description
	<p>(ii) the roof may be supported on columns or piers having maximum width of 0.5 metres (1.64 feet); (79-190) (80-049)</p> <p>(iii) the beam, lintel or crown of an arch shall be no more than 0.3 metres (0.98 feet) in depth; (80-049)</p> <p>(iv) the minimum distance between piers or columns shall be 1.0 metre (3.28 feet) and in the case of arches, the arches shall have a minimum clear width of 1.0 metre (3.28 feet). (70-190) (80-049)</p> <p>(dd) A carriage porch may project into a required front yard or side yard where the same abuts a street, but every such projecting carriage porch shall be distant at least 1.5 metres (4.92 feet) from the nearest street line. (10450/64) (79-288) (80-049)</p> <p>(ddd) A ramp for use by physically disabled persons may project into a required yard. (80-210)</p> <p>(e) A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line; and (79-288) (80-049)</p> <p>(ee) A building or structure used for parking purposes in conjunction with a multiple dwelling may project into a required front, side or rear yard, providing such building or structure is not above curb level when such yard adjoins a street, or not above the ground elevation of any adjoining land of any required yard where it does not abut a street. (69/60)</p>	<p>dd) Not Carried Forward.</p> <p>ddd) Not Carried Forward.</p> <p>e) Not Carried Forward.</p> <p>ee) N/A</p>	<p>dd) Addressed in Section 4.6 d) of 05-200.</p> <p>ddd) Addressed in Section 4.6 c) of 05-200.</p> <p>e) Addressed in 05-200, considered a porch, deck, canopy.</p>

6593 Section	6593 Provision	Action	Description
	<p>(eee) (81-30) (Deleted by 07-050)</p> <p>(f) Within the limits of a required yard in an industrial district, a hedge, fence or wall, may be erected and maintained to a height of not more than 3.0 metres (9.84 feet), and in all other districts, a hedge, fence or wall, may be erected or maintained to a height of not more than 2.0 metres (6.56 feet), but no such hedge, fence or wall shall be erected or maintained to a height of more than 0.8 metres (2.62 feet) within 9.0 metres (29.53 feet) of the intersection of two or more streets. (7252/54) (8069/57) (9438/61) (76-277) (77-269) (78-45) (79-288) (80-049) Provided that the foregoing shall not be deemed to prohibit the erection of a fence to such height or other specifications as may be required for reasons of safety to be erected in or about or around any premises pursuant to any By-Law or pursuant to any lawful order of the Chief Fire Prevention Officer or Building Commissioner under any by-law of the City of Hamilton. (7252/54) (7814/56) (8069/57) Notwithstanding the above, a fence may be temporarily erected or maintained in conjunction with a tent erected in accordance with Subsection 4.(2)(c), to a height of not more than 2.2m. (94-110)</p> <p>(g) In the case of a dwelling erected prior to the 25th day of July, 1940, and which at that time had a front verandah which extended for approximately the full width of the dwelling, such verandah may be enclosed as additional living space, provided that the enclosing construction does not extend beyond the limits of the verandah as it was on said date, and provided further that no step, stair or other construction projects into the front yard or either side yard, farther than it did on the 25th day of July, 1940; (6801/51)</p>	<p>eee) N/A</p> <p>f) N/A</p> <p>g) Not Carried Forward.</p>	<p>g) Not required.</p> <p>h) Not required.</p>

6593 Section	6593 Provision	Action	Description
	<p>(h) In the case of semi-detached or attached dwellings having adjoining back-kitchens or other such adjoining additions at the rear wall thereof, the reconstruction of such additions adjoining each other as before shall not be deemed to be a breach of the side yard requirements of this By-Law. (7252/54)</p> <p>(j) In any commercial or industrial district in which a billboard is a permitted use, the billboard may project into the required side yard of a corner lot that abuts a flankage street. (7108/53) (9438/61) (81-30)</p> <p>(k) An existing building may encroach or further encroach for 18-10 the purpose only of refacing the building into a required yard to a distance not exceeding 0.15 metres. (80-248)</p>	<p>h) Not Carried Forward.</p> <p>j) N/A</p> <p>k) Not Carried Forward.</p>	<p>j) N/A</p> <p>k) Addressed in Section 4.6 g) of 05-200.</p>
18.4 i)-v)	<p>Supplementary Accessory Building Requirements and Modifications</p> <p>(i) Part of Principal Building: Any accessory building except a stable may be erected as part of the principal building, provided all height and area requirements of this By-Law are complied with;</p> <p>(ia) Subject to clauses (ib), (ic), (id), (ie) and (if) an above ground or inground swimming pool may be installed in a rear yard, side yard or front yard; (9639/62) (75-86)</p> <p>(ib) An above ground swimming pool installed in, (75-86)</p> <p>A. a rear yard shall be distant from the nearest lot line not less than 1.2 metres (3.94 feet); (79-288) (80-049)</p> <p>B. a front yard or side yard shall be distant from the nearest lot line at least the minimum distance required for a building</p>	<p>i) Not Carried Forward.</p> <p>ia) Not Carried Forward.</p> <p>ib) Not Carried Forward.</p>	

6593 Section	6593 Provision	Action	Description
	<p>or structure on the lot on which it is situate in accordance with the provisions applicable to the district; (75-86)</p> <p>(ic) An inground swimming pool installed in, A. a rear yard shall be distant from the nearest lot line not less than 1.0 metres (3.28 feet); (79-288) (80-049) B. a front yard or side yard shall be distant from the nearest lot line in accordance with subclause B of clause (ib). (75-86)</p> <p>(id) A swimming pool installed on a corner lot in the rear yard that is, A. an above ground swimming pool, shall be distant from the street line not less than the depth of the required front yard for a dwelling on the adjacent property; (75-86) B. an inground swimming pool, shall be distant from the street line not less than the width of the side yard of the lot on which it is situate in accordance with the provisions applicable to the district. (75-86)</p> <p>(ie) Not more than 50% of the area of the rear yard shall be used for, an above ground swimming pool or combined accessory building coverage except for inground pools. (75-86)</p> <p>(if) All facilities for changing clothes in conjunction with swimming pools, or other such accessory uses shall be subject to the provisions of this By-Law applicable to accessory buildings. (75-86) (92-170)</p> <p>(ii) Prior to Erection of Principal Building: No accessory building shall be erected prior to the erection of the principal building on the same lot, except where it is necessary for the storage of tools and materials for use in connection with the construction of the principal building or structure, and no such accessory building shall, prior to the erection of the principal building, be used for any purpose other than such storage;</p> <p>(iii) Restriction as to Height: No accessory building shall exceed 4.0 metres (13.12 feet) in height,</p>	<p>ic) Not Carried Forward.</p> <p>id) Not Carried Forward.</p> <p>ie) Changed.</p> <p>if) Not Carried Forward.</p> <p>ii) Not Carried Forward.</p>	<p>ie) Addressed in Section 4.8.1.b) of 05-200. Change from 50% to 30%.</p> <p>ii) Addressed in Section 4.8 f) of 05-200.</p>

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	<p>except one accessory to a farming use, and every such accessory building over 4.0 metres (13.12 feet) in height shall be at least 3.0 metres (9.84 feet) from the nearest lot line; (79-288) (80-049)</p> <p>(iv) Restriction as to Location: Save as hereinafter in this section otherwise provided, no accessory building shall be erected in a front yard or required side yard, and every accessory building which is not part of the principal building which is located entirely within the rear yard, shall be distant at least 0.45 metres (1.48 feet) from the nearest lot line, and shall occupy not more than thirty per cent of the required rear yard and side yard combined. In a residential district no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot, except where such accessory building is separated from the adjoining lot by a distance at least as great as the depth of the required rear yard, in which case it need not be further from the street line than the width of the required side yard; (6692/51) (6902/52) (9438/61) (79-288) (80-049) (15-071) Provided, however, that where the foregoing will not permit the erection of a private garage having a dimension of no more than 6.0 metres (19.69 feet), measured at right angles to that side lot line which is also a street line, the required distance of such private garage from the said street line may be reduced to an ultimate minimum distance equal to the mean width of the minimum side yard required for the principal building to which such private garage is appurtenant, (6902/52) (79-288) (80-049) And provided further that wherever the mean elevation of the ground along the rear boundary of a required front yard is more than 2.5 metres (8.20 feet) higher than the mean elevation along the front boundary, a private garage may be erected in any yard, subject to the following conditions, namely; (6902/52) (79-288) (80-049)</p> <p style="padding-left: 40px;">(a) that the elevation of the surface of the floor is not more than 0.5 metres (1.64 feet) higher than the mean elevation of the nearest portion of the roadway opposite; and (6902/52) (79-288) (80-049)</p>	<p>iii) Not Carried Forward.</p> <p>iv) Not Carried Forward.</p>	<p>iii) Addressed in 05-200. Height of 4.5 metres.</p> <p>iv) Addressed in 05-200.</p>

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	<p>(b) that the private garage is at least 1.5 metres (4.92 feet) from the street line and at least 0.6 metres (1.97 feet) from the nearest other lot line, except that where a retaining wall at least 1.2 metres (3.94 feet) high is erected less than 1.5 metres (4.92 feet) from the street line, the front of the private garage may extend to the front of the retaining wall, so long as the doors are so arranged that no door opens wholly or partly across the street line. (6902/52) (79-288) (80-049)</p> <p>(v) Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>(a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line. (Deleted 81-308 & 92-170) (15-071)</p>	v) Not Carried Forward.	v) Addressed in Section 4.9 a) b) of 05-200.
18.5	<p>Permitted Changes of Non-Conforming Uses</p> <p>(5) A non-conforming use in any district may be authorized to be changed to any other use which conforms more closely to the uses permitted in such district upon successful application to the Committee of Adjustment pursuant to the provisions made and provided in that behalf in The Planning Act. (6902/52) (92-170)</p>	Not Carried Forward.	Dictated by the Planning Act.
18.6 i)-iii)	<p>Parking and Loading Requirements</p> <p>(i) Repealed by 8987/60</p> <p>(ii) Loading Spaces: In any district, whenever a building or structure is erected, converted or altered for, or its use converted 18-13 to, an industrial use, loading space shall be provided and maintained on the same premises with every such building or structure in such a manner and to such</p>	<p>i)N/A</p> <p>ii)N/A</p>	

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	<p>an extent as to render unnecessary any obstruction of or interference with traffic upon any street or alley by reason of any loading or unloading operations, and, for every 1,848.0 square metres (19,892.36 square feet) or fraction thereof, of building floor area used for any such principal purpose aforesaid, in excess of 270.0 square metres (2,906.35 square feet) of such area, there shall be provided one loading space at least 3.0 metres (9.84 feet) wide, 7.5 metres (24.61 feet) long, and with a vertical clearance of at least 4.3 metres (14.11 feet); (79-288) (80-049) (83-66)</p> <p>(iii) Repealed (8039/57)</p>	iii) N/A	
18.7	Blank	N/A	
18.8	<p>Special Requirements for Groups of Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings, Etc.</p> <p>(8) Notwithstanding subsection 3 of Section 4 of this By-Law, a group of the following classes of dwellings in any combination with each other, (9016/60) (10765/65) (72-239) (74-117)</p> <ul style="list-style-type: none"> (a) Townhouse Dwellings, and (b) Maisonette Dwellings, and (c) Multiple Dwellings, <p>may be erected, altered, extended or enlarged on any lot or tract of land in a district in which such a use is permitted by this By-Law. (72-239) (74-117)</p> <p>1. For multiple dwellings, the entire lot or tract of land shall be shown on a plan under By-Law No. 79-275 which shall indicate which street line is to be considered the front lot line in the case of a corner lot and which shall the location of all buildings and that the yards as required by the district provisions are provided around all boundaries of the lot or tract of land and that each building is distant from every other building by at least by at least ½ of the height of the taller of the two buildings provided that the same encroachments into the distance separating buildings shall be permitted as are</p>	N/A	

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	permitted into a required side yard and provided further that the same provisions with regard to parking spaces, manoeuvring spaces and access driveways 18-14 shall be observed in the distance separating buildings as if that distance was a rear yard. (9016/60) (10765/65) (76-277) (77-269) (78-45) (74-117) (82-185)		
18.9	<p>Dwellings on School Grounds</p> <p>(9) In any residential district there may be erected and maintained on the same lot, with a school, college, university, or seminary of learning, single family dwellings or two family dwellings or both provided that the same are used only as dwellings for members of the staff, that each has a land area appurtenant thereto, of at least 690.0 square metres (7,427.34 square feet), that each is distant at least 9.0 metres (29.53 feet) from the nearest other dwelling or other principal building, and at least 6.0 metres (19.69 feet) from the nearest private road or driveway. (9817/62) (10759/65) (79-288) (80-049)</p>	N/A	
18.10 i)-iii)	<p>Setback of Buildings</p> <p>(10) (i) Where a lot is adjacent to a street referred to in Schedule "C", and (71-216) (78-37) (78-38)</p> <p style="padding-left: 40px;">(a) there is a yard requirement, no required yard or part thereof shall be nearer to the centre line of the adjacent street than the distance set forth in column 4 of Schedule "C", measured from the centre line of the street to a line parallel to the centre line of the street and on that side of the street to which the lot is adjacent;</p> <p style="padding-left: 40px;">(b) there is no yard requirement, no building or part thereof shall be nearer to the centre line of the adjacent street than the distance set forth in column 4 of Schedule "C", measured from the centre line of the street to a line parallel to the centre line of the street and on that side of the street to which the lot is adjacent;</p> <p>(ii) The distances referred to in clauses (a) and (b) shall be measured on the streets referred to in column 1 and shall apply to the streets or part of</p>	Not Carried Forward.	Addressed in Schedule C of the City of Hamilton Official Plan.

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	<p>each street from location A shown in column 2 to location B shown in column 3 in Schedule "C".</p> <p>(iii) In this subsection "centre line" means the centre line of the original road allowance of the streets referred to in Schedule "C". (71-216) (78-37) (78-38)</p>		
18.11 a)-g)	<p>Special Requirements for Outdoor Patios</p> <p>Notwithstanding any provisions of this By-Law, every Outdoor Commercial 18-15 Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following: (15-071)</p> <p>(a) Design Requirements: Outdoor Patios shall be designed and used to accommodate seating of customers. (09-120)</p> <p>(b) Seating Capacity Requirements: An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person. (Deleted 09-120) (15-071)</p> <p>(c) Location Requirements:</p> <p>(i) Except as provided in Subsection b)</p> <p>(ii) below, no Outdoor Patio shall be permitted on a lot where any lot line abuts a Residential Zone or where such lot is separated from a Residential Zone by a laneway; and, (ii) Where only the rear lot line abuts a Residential Zone or the lot is separated from the Residential Zone by a laneway, an Outdoor Patio shall only be permitted in the front yard. (09-120)</p> <p>(d) Prohibition of Commercial Entertainment and Recreation: That portion of a lot on which the Outdoor Patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities. (09-210)</p> <p>(e) Lighting Requirement:</p> <p>1. All lighting for an outdoor patio shall be directed only towards and onto the area occupied by the</p>	N/A	

6593 Section	6593 Provision	Action	Description
	<p>outdoor patio and away from adjoining land, buildings and streets; (86-223) (15-071)</p> <p>(f) Parking Requirement: 1. Notwithstanding Section 18A, no parking spaces or loading spaces shall be required for an outdoor patio; (86-223) (15- 071)</p> <p>(g) Land Use Requirement: 1. No part of the land on which the outdoor patio is situate shall be used as a place of entertainment for the purpose of providing 18-16 entertainment or amusement including live or recorded music or dance facilities. (86-223) (15-071)</p>		
18.12 1-2	<p>Special Requirements for Establishments Selling/Repairing Firearms</p> <p>(12) Notwithstanding any other provision of this By-Law, the following provisions shall apply to every gun shop, (90-232) (90-354)</p> <p>1. Display No firearms shall be displayed in any shop or store window. (90- 232)</p> <p>2. Location Requirement A radial separation distance of not less than 300 m. shall be provided from the lot line of the shop or store to the lot line of any school. (90-232)</p>	N/A	
18.13 i)-ii)	<p>Special Requirements for Satellite Dishes</p> <p>(13) Notwithstanding any other provision of this By-Law, the following provisions shall apply to every satellite dish:</p> <p style="padding-left: 40px;">(i) Except as provided in paragraph (ii), only one satellite dish shall be permitted on every lot in a residential district, and shall comply with the following:</p> <p style="padding-left: 80px;">(a) located only in a rear yard;</p> <p style="padding-left: 80px;">(b) set back a distance of not less than the diameter of the dish from every side and rear lot line;</p>	Not Carried Forward	Addressed in Section 4.10 of 05-200.

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	<p>(c) a height of not more than 4.5m including the support structure;</p> <p>(ii) Satellite dishes shall be permitted and only be located on the roof of a multiple dwelling or the roof of a principle building in a nonresidential district, and Section 2.(2)J.(ix) shall not apply to every such satellite dish. (92-188)</p>		
18.14 i)-iii)	<p>Special Requirements for Front Yard Landscaping</p> <p>(14) Notwithstanding any other provisions of this By-Law, for any single family dwelling, two family dwelling or three family dwelling: 18-17</p> <p>(i) not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials;</p> <p>(ii) for the purposes of clause 14.(i), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:</p> <ul style="list-style-type: none"> (a) unenclosed entrance porches; (b) vestibules; (c) ramps; (d) front steps; (e) chimneys; (f) bay windows; (g) ornamental projections; (h) terraces; (i) platforms; and, (j) a walkway between the front entrance of the principle building and the front lot line or driveway with a maximum width of 0.6m; <p>(iii) Notwithstanding clause 14.(i), in cases where at least half of the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply;</p>	Carried Forward.	To be added to Section 4 of 05-200.

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	<p>(a) a driveway between the front entrance of the garage and the front lot line with a maximum width of:</p> <p style="padding-left: 40px;">1) 3.0m for each door of a one, two or three car garage; or,</p> <p style="padding-left: 40px;">2) 5.5m for a double door of a two car garage; and,</p> <p>(b) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m, provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers, or other similar materials. (96- 032)</p>		
18.15	<p>Special Requirements for Third Party/Billboard Signs</p> <p>(15) (98-156) (96-092) (Deleted by 07-050)</p>	N/A	
18.16	<p>Phased Registration of Condominiums</p> <p>(16) Where a comprehensive Condominium Plan of Subdivision has received Draft Plan Approval as well as Site Plan Approval and where registration of the Plan is intended to occur in phases and/or stages, the draft approved plan of condominium shall be deemed to be one lot for the purposes of applying zoning provisions. Zoning regulations shall apply only to the external limits of the Plan, prior to the registration of any phase, not to interior boundaries resulting from the registration of any phase. (02-209)</p>	N/A	
18.17 i)-iii)	<p>(17) (i) Every urban farm, as a principle use, in any District shall comply with the following regulations:</p> <p style="padding-left: 40px;">(a) Notwithstanding the minimum lot area of any zone, the minimum lot area shall be not less than 0.4 ha.</p> <p style="padding-left: 40px;">(b) Notwithstanding the size of the accessory structures of the particular zone in which the farm produce/product stand is located, only one farm produce/product stand shall be permitted and it shall not exceed a maximum area of 18.5 metres squared.</p> <p style="padding-left: 40px;">(c) Notwithstanding the maximum building size of any zone, the maximum gross floor area of all buildings and structures on the</p>	Not Carried Forward	Addressed in Section 4.26 of 05-200.

6593 Section	6593 Provision	Action	Description
	<p>site associated with the urban farm use shall not exceed 280 metres squared, and no single building shall exceed 140 metres squared.</p> <p>(d) Any building or structure associated with the urban farm use which is greater than 35 metres squared shall be considered as a principle building.</p> <p>(e) Notwithstanding the height requirement of any zone in which the principle building is located, the maximum height of any building or structure associated with the urban farm use shall not exceed 10.5 metres.</p> <p>(f) Any building or structure associated with the urban farm use which is 35 metres squared or less shall be considered as an accessory building or structure.</p> <p>(g) Notwithstanding the setback requirements for a principle building or accessory structure in any zone, a greenhouse shall have a minimum 7.5 metre setback from any property line. 18-19</p> <p>(h) All mechanical equipment shall be located within a building or structure. (14-278)</p> <p>(ii) Notwithstanding Section 18(17)(i), an urban farm, as a principle use, may locate on a lot less than 0.4 ha in size provided that:</p> <p>(a) There are no buildings or structures erected on the lot in which the urban farm is located.</p> <p>(b) Notwithstanding Subsection 2(2)G(ii), no retail sales shall be permitted on-site.</p> <p>(iii) Every urban farm in any District that locates on the same lot as another principle use, shall comply with the following regulations:</p> <p>(a) All mechanical equipment shall be located within a building or structures.</p> <p>(b) All buildings and structures shall comply with the accessory structure regulations of the zone in which it is located.</p>		

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	<p>(c) Notwithstanding Section 18(4)(iii), where an urban farm is located on a roof top, the height of the accessory structure shall not exceed the maximum building height.</p> <p>(d) Notwithstanding Subsection 2(2)G(ii), no retail sales shall be permitted on-site. (14-278)</p>		
18.18 i)-ii)	<p>Community Gardens</p> <p>(i) All buildings and structures shall comply with the accessory structure regulations of the District in which the use is located.</p> <p>(ii) All structures that are located on a roof top shall not exceed the maximum building height of the District in which the use is located. (14-278)</p>	Not Carried Forward.	Addressed in Section 4.27 of 05-200.
18.19 i)-ii)	<p>Special Requirements for an Urban Farmers Market</p> <p>(i) Notwithstanding the definition of accessory, an urban farmers market may be permitted on the same lot as the following existing uses in any Residential District:</p> <ol style="list-style-type: none"> 1. Arena; 2. Community Centre; 3. Day Nursery; 4. Educational Establishment; 18-20 5. Long Term Care Facility; 6. Hospital; 7. Place of Worship; 8. Stadium; and, 9. Swimming Pool. <p>(ii) Every urban farmers market in any District shall comply with the following regulations:</p> <p>(a) the majority of the local agricultural products or local value added agricultural products sold from vendor stalls shall be grown or produced by the person who operates the vendor stall;</p> <p>(b) 75% of vendors shall sell local agricultural products, local value added agricultural products or VQA wines;</p>	N/A	

6593 Section	6593 Provision	Action	Description
	(c) 25% of the vendors may include entertainment, food premises/demonstrations, baked goods, but shall not include the sale of personal services and second hand goods; (d) the sale of VQA wines shall only be permitted in accordance with provincial regulations governing the sale of wine; (e) include a minimum of 5 vendor stalls and a maximum of 50 vendor stalls; (f) operates a maximum of 2 days each week; and, (g) may occupy the required parking spaces and the required yards of the principle use. (15-105).		
Section 18 A Parking and Loading Requirements (Required Parking for Residential, Institutional, Public and Commercial Uses)			
18A. 1. a)	(1) Except as otherwise provided, for every building or structure and use identified in this Section, there shall be provided and maintained within each district on the same lot on which one or more buildings are erected, altered, extended or enlarged, (a) not less than the number of parking spaces at the ratio mentioned in column 2 for the corresponding use mentioned in paragraphs numbered 1, 2, 3 and 4 of column 1 of Table 1,	Not carried forward	Section 5 of 05-200 includes similar regulation.
18A. 1. b)	Residential Visitor Parking (b) not less than the number of parking spaces exclusively for visitors at the ratio mentioned in column 2 for the corresponding residential use mentioned in column 1 of Table 2, as already included in the minimum number of required parking spaces for residential uses mentioned in Table 1,	N/A	
18A. 1. c)	Minimum Required Loading Space for Multiple Dwellings (c) where a building is a multiple dwelling containing more than four dwelling units, a minimum number of loading spaces conveniently located for the building having the minimum dimensions mentioned in columns 2 and 3 for the	N/A	

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	corresponding number of dwelling units mentioned in column 1 of Table 3,		
18A. 1. d)	Minimum Required Loading Space for Commercial Uses (d) where a building, structure or land is used for commercial purposes and except as provided in clause (e), a minimum number of loading spaces having minimum dimensions mentioned in columns 2 and 3 for the corresponding floor area of the building mentioned in column 1 of Table 4, (Shall not apply to a public parking structure) (86-348)	N/A	
18A. 1. e)	Minimum Required Loading Space for Office Uses (e) where a building, structure or land is used exclusively for office purposes, a minimum number of loading spaces having minimum dimensions mentioned in column 2 for the corresponding floor area 18A-2 of the building mentioned in column 1 of Table 5,	N/A	
18A. 1. f)	Minimum Required Maneuvering Space for Parking Areas (f) manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1,	Carried Forward in part.	Carried forward in 05-200.
18A. 2. – 5.	(2) Where the total commercial floor area of all commercial buildings or structures comprised in an undertaking, work project or scheme exceeds 450.0 square metres, not more than one exemption shall be permitted from the total commercial floor area by deducting a maximum of 450.0 square metres from the total commercial floor area for the purpose of calculating the minimum number of parking spaces required to be provided under paragraph 4 of Table 1 of clause (a) of subsection 1. (3) Where the uses mentioned in paragraphs 2, 3, and 4 of Table 1 of clause (a) of subsection 1 are located in Areas "A" and "B" shown on Schedule "I", the minimum number of parking spaces mentioned in column 2 of Table 7 shall be provided and	N/A	

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	<p>maintained for the corresponding Area mentioned in column 1.</p> <p>(4) Where required parking spaces are provided for schools in accordance with subparagraph (b) of paragraph 3 of Table 1, no additional parking space shall be required to be provided for a place of assembly or recreation centre accessory to the use of the premises for a school.</p> <p>(5) For the purpose of calculating the minimum number of,</p> <ul style="list-style-type: none"> (a) required parking spaces; and (b) required loading spaces, for commercial uses, "floor area" means the total floor area which is the sum of, (c) the area contained within the perimeter of the building at each floor level including storeys below grade, other than a cellar; and (92-170) (d) the area contained in any mezzanine level. 		
18A. 6.	(6) Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.	Changed.	05-200 allows parking spaces to be rounded down.
18A. 7.	(7) Every required parking space, other than a parallel parking space, shall 18A-3 have dimensions not less than 2.7 metres wide and 6.0 metres long.	Changed.	05-200 requires 2.8 x 5.8 metres.
18A. 7a.	(7a) Notwithstanding Subsection (7), for a single family dwelling where more than one parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metres provided that the height of the stairway does not exceed 0.5 metres. (97-112)	Not Carried Forward.	Addressed in Section 5.2 b) iv) of 05-200.
18A. 7b.	(7b) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade. (97-112)	Carried Forward.	To be added to 05-200.
18A. 8.	(8) Every parallel parking space shall have dimensions not less than 2.5 metres wide and 6.7 metres long.	Not Carried Forward.	Addressed in Section 5.2 d) i) of 05-200.
18A. 9.	(9) Required parking space, loading space and manoeuvring space shall be provided and	Changed.	Section 5.1 a) i) of 05-200 facilitates spaces to be

6593 Section	6593 Provision	Action	Description
	maintained only on the lot on which the principle use, building or structure is located.		maneuvering and loading.
18A. 10.	(10) Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. (97-112)	Not Carried Forward.	Not required.
18A. 11 a)-b)	<p>(11) The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed,</p> <p>(a) not less than 1.5 metres from the adjoining residential district boundary; and</p> <p>(b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district.</p>	<p>a) Carried Forward</p> <p>b) N/A</p>	a) To be added to Section 5.2 a) of 05-200.
18A. 12 a)-c)	<p>(12) For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,</p> <p>(a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and</p> <p>(b) between the boundary of the loading area and the residential district, an area landscaped with a planting strip; and</p> <p>(c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 18A-4 metres in height.</p>	<p>a) Carried Forward</p> <p>b) N/A</p> <p>c) N/A</p>	a) To be added to Section 5.2 a) of 05-200.
18A. 13 a)-b)	<p>(13) Where illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from,</p> <p>(a) any adjacent use;</p>	N/A	

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	(b) any highway.		
18A. 14.	(14) (Deleted by 92-281)	N/A	
18A. 14A.	(14a) Except for single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. (92-281) (93-063) (94-145)	Not Carried Forward.	05-200 will allow 3 space in front yard as long as 50% landscaped space is maintained. Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.
18A. 14B. i)-ii)	<p>(14b) For single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that: (92-281) (93-063) (94- 145)</p> <p>(i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and, (92-281) (93-063)</p> <p>(ii) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (92-281)</p>	Not Carried Forward.	05-200 will allow 3 space in front yard as long as 50% landscaped space is maintained. Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.
18A. 14C. i)-ii)	<p>(14c) Where a single family dwelling, two family dwelling or three family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that:</p> <p>(i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and,</p> <p>(ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (94-145)</p>	Carried forward.	Section 5 of 05-200 includes the provision. Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.
18A. 14D. i)-x)	(14d) For the purposes of clauses (14a), (14b) and (14h), the gross area of the front yard shall be calculated as the area between the front lot line	Not Carried Forward.	Legally existing front yards will be recognized by the

6593 Section	6593 Provision	Action	Description
	<p>and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:</p> <ul style="list-style-type: none"> (i) unenclosed entrance porches; 18A-5 (ii) vestibules; (iii) ramps; (iv) front steps; (v) chimneys; (vi) bay windows; (vii) ornamental projections; (viii) terraces; (ix) platforms; and, (x) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m. (94- 145) (97-112) 		<p>Vacuum Clause in Section 4.12 of 05-200.</p>
18A. 14E. i)-xii)	<p>(14e) For purposes of clause (14c), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:</p> <ul style="list-style-type: none"> (i) unenclosed entrance porches; (ii) vestibules; (iii) ramps; (iv) side steps; (v) chimneys; (vi) bay windows; (vii) ornamental projections; (viii) terraces; (ix) platforms; (x) alcoves; (xi) stairwells; and, (xii) a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6m. (94-145) 	<p>Not Carried Forward.</p>	<p>Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.</p>
18A. 14F. i)-ii	<p>(14f) Notwithstanding clauses (14a), (14b) and (14h), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:</p> <ul style="list-style-type: none"> (i) a driveway between the front entrance of the garage and the front lot line with 	<p>Not Carried Forward.</p>	<p>Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.</p>

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	<p>maximum width of: 1) 3.0m for each door of a one, two or three car garage; or, 2) 5.5m for a double door of a two car garage; and,</p> <p>(ii) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m, provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials. (94-145) (97-112)</p>		
18A. 14G)	(14g) Except as provided for in clauses (14a), (14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard. (94-145) (97-112)	Not Carried Forward.	Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.
18A. 14H) i)-ii)	<p>(14h) For the purpose of a single family dwelling, the following shall apply:</p> <p>(i) only one of the required parking spaces may be located in the front yard, and</p> <p>(ii) notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces. (97-112)</p>	<p>i) Not Carried Forward.</p> <p>ii) Carried Forward</p>	i) Legally existing front yards will be recognized by the Vacuum Clause in Section 4.12 of 05-200.
18A. 15) 1-7	<p>(15) The following vehicles shall not be parked in a residential district:</p> <ol style="list-style-type: none"> 1. A vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes; or 2. A vehicle which exceeds 6.5 metres in length; or 3. A vehicle which is equipped with dual wheels or tandem axles; or 4. A vehicle which is a tow truck; or 5. A vehicle which is a bus; or 6. A vehicle which is a bus converted into a mobile home; or 7. A vehicle which is a bus used for commercial purposes. 	Not Carried Forward	Addressed in Sections 5.3 and 5.4 of 05-200.

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18A. 16) a)-c)	(16) Each required visitor parking space shall, a) be maintained for the exclusive use of visitors; and b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and c) (c) be maintained readily accessible to visitors and free and clear of all obstructions.	N/A	
18A. 17) a)-b)	(17) Except as provided in subsections 18, 19 and 20, where more than one use is made of land, or a building, or a structure, there shall be provided and maintained a total number of, a) parking spaces, equal to the aggregate number of parking spaces required to be provided for each use; b) (b) loading spaces, equal to the aggregate number of loading spaces 18A-7 required to be provided for each use.	N/A	
18A. 18)	(18) Where more than one use is made of a building constructed as a shopping centre, there shall be provided and maintained a total number of parking spaces not less than the number of parking spaces calculated on the total floor area of the shopping centre without deduction of any amount of parking spaces for each individual use.	N/A	
18A. 19)	(19) Where office space is provided in conjunction with retail commercial uses and the total floor area of such uses exceeds 9,300 square metres, parking for the office use shall be provided and maintained only for that portion of the office floor area that exceeds 20% of the total floor area of the retail commercial uses.	N/A	
18A. 20) a)-b)	(20) Where a building or structure is comprised of a joint residential use and a commercial use, (a) the aggregate of the required residential and commercial parking spaces may be reduced by not more than 20% of either the required residential parking spaces or the required commercial parking spaces whichever is the lesser only if, (i) the number of parking spaces equal to the amount of the reduction are	N/A	

6593 Section	6593 Provision	Action	Description
	<p style="text-align: center;">accessible to both the residential and commercial uses at all times; and,</p> <p style="text-align: center;">(ii) not less than 80% of the parking spaces accessory to the residential uses are fully and completely separated from parking spaces accessory to the commercial uses; and,</p> <p style="text-align: center;">(b) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.</p>		
18A. 21. a)-c)	<p>(21) All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,</p> <p style="margin-left: 40px;">a) located on the lot; or</p> <p style="margin-left: 40px;">b) located partly on the lot in the case of a mutual driveway; or</p> <p style="margin-left: 40px;">c) (c) by means of a right of way. (84-45)</p>	Carried Forward.	To be added to Section 5 of 05-200.
18A. 22.	<p>(22) All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.</p>	Carried Forward.	To be added to Section 5 of 05-200.
18A. 23.	<p>(23) Every access driveway shall provide easy access from a highway to the 18A-8 parking area to which the access driveway is accessory.</p>	Not Carried Forward.	
18A. 24 a)-b)	<p>(24) Every parking area for a use where,</p> <p style="margin-left: 40px;">a) there are five or less parking spaces shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres;</p> <p style="margin-left: 40px;">b) there are more than five parking spaces shall have,</p> <p style="margin-left: 80px;">(i) not less than one access driveway or mutual access driveway, having a width of at least 5.5 metres; or</p> <p style="margin-left: 80px;">(ii) a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0 metres and each operated in a one way but opposite direction to each other and so designed</p>	Not Carried Forward.	Addressed in Section 5.1.b) iii) of 05-200 allowing a 3.0 metre width.

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	<p>that vehicles shall not back out onto an adjoining highway.</p> <p>(iii) markings on the surface of the parking area delineating the separate parking spaces; and</p> <p>(iv) bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.</p>		
18A. 25.	(25) Where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.	N/A	
18A. 26.	(26) Where a use other than a residential use is adjacent to a residential district, every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 3.0 metres from the common boundary with the residential district.	N/A	
18A. 27.	(27) No land in any residential district shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.	Not carried forward.	Access to a commercial or industrial district would not be permitted by 05-200.
18A. 28	(28) No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.	Not carried forward.	Access to a multiple dwelling would not be permitted by 05-200.
18A. 29.	(29) Where a parking space for a townhouse dwelling or maisonette dwelling is 18A-9 covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be located not less than 6.0 metres from the entrance to the individual driveway.	N/A	
18A. 30.	(30) Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking	Not Carried Forward.	Addressed in Section 5.2 e) i) a) of 05-200.

6593 Section	6593 Provision	Action	Description
	area, manoeuvring space, loading space and access driveway.		
18A. 31.	(31) A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, a two family dwelling, and to street townhouse dwellings each having separate access driveways.	Not Carried Forward.	Addressed in Section 5.2 e) i) a) of 05-200.
18A. 32.	(32) Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. (97-112)	N/A	
18A. 33.	(33) Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway.	N/A	
18A. 34.	(34) Wherever a lot is partly in a residential district and partly in a district or districts other than a residential district, parking spaces for any use permitted in residential districts and being in the residential district may be provided in any such adjoining district.	N/A	
18A. 35.	(35) Wherever a lot is partly in a commercial district and partly in an industrial district, parking spaces for any use permitted in commercial districts and being in the commercial district may be provided in any such industrial district.	N/A	
18A. 36. 1.-2.	<p>(36) Notwithstanding any other provisions of this By-Law, the following shall apply to restaurants in the "H" District: (78-184) (83-66)</p> <p>1. There shall be provided and maintained accessory to a restaurant in an "H" District, (78-184) (83-66)</p> <p style="padding-left: 40px;">(a) a parking area containing parking space at the rate of one space for every six persons who may be lawfully accommodated except that,</p> <p style="padding-left: 80px;">(i) no parking space shall be required within the area more particularly described as area "A"</p>	N/A	

6593 Section	6593 Provision	Action	Description
	<p>shown on 18A-10 Schedule "I"; (83-66)</p> <p>(ii) parking space at the rate of one space for every twelve persons who may be lawfully accommodated shall be provided and maintained within the area more particularly described as area "B" shown on Schedule "I"; (78-184) (83-66)</p> <p>(b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant; (78-184) (80-049) (83-66) (92-170)</p> <p>(c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way. (78-184) (80-049) (83-66) 2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary. (78-184) (80-049) (83-66) (99-041)</p>		
18A. 37.	(37) Clause (b) of paragraph 1 of subsection 36 of this section and paragraph 2 of the said subsection 36 shall not apply to the land situate within areas "A" and "B" shown on Schedule "I". (80-029) (83-66)	N/A	
18A. 38.	<p>(38) Notwithstanding any other provision in this By-Law, the following shall apply to day nurseries: (90-248)</p> <p>1. There shall be provided and maintained accessory to the day nursery,</p>	Not Carried Forward.	Addressed in 05-200.

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	<p>(a) a parking area containing parking space at the rate of one space for every six children who may be lawfully accommodated except that,</p> <ul style="list-style-type: none"> (i) notwithstanding subsection 14, the required area for parking, manoeuvring and access in respect of the day nursery use within a residential district shall not occupy more than 50% of the gross area of the front yard, and (ii) not less than 50% of the gross area of the front yard shall be landscaped, and (iii) the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring 		
18A. 39.	(39) Subsection 38 shall not apply to a day nursery existing on the date of the passing of By-Law No. 90-248 and alteration extension or enlargement thereof. (90-248)	N/A	
18A. 40.	(40) Every public parking lot shall be subject to the provisions of Section 13C. (93-261)	N/A	
18A. 41.	(41) The provisions of Subsection 18A.(1) shall not apply to temporary accessory business uses established within a tent in accordance with Subsection 4.(2)(c). Furthermore, notwithstanding Subsection 18A.(1), the number of required parking spaces may be temporarily reduced on any lot, to provide for a tent for temporary business uses established in accordance with Subsection 4.(2)(c). (94-110)	N/A	
18A. 42.	(42) Except for residential care facilities, retirement homes, correctional facilities, corrections residences and emergency shelters, where residential uses mentioned in paragraph 1 in Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for residential uses established within the period from September 1, 2002 and September 1, 2005. (97-015) (99-117) (02-207)	N/A	
18A. 43.	(43) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-Law, within the areas shown on Schedules "P", "Q", "S" and "T", attached as Schedules "A4",	N/A	

6593 Section	6593 Provision	Action	Description
	<p>"A5", "A7" and "A8" to this By-Law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-Law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area. (15-071)</p>		
18A. 44.	<p>(44) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except "Restaurant" and "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-Law, within the area shown on Schedule "R", attached as Schedule "A6" to this By-Law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-Law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area. (15-071)</p>	N/A	
18A. 45.	<p>(45) Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18(A)(1) shall not apply to any permitted commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-Law, within the areas shown on Schedule "U" – James Street North and "U" – James Street South, attached as Schedules "A1" and "A2" to this By-Law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-Law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area. (15-171)</p>	N/A	
18A. 46.	<p>(46) Notwithstanding Section 18A(3) and Table 7 and Section 18A(36)(1)(a), the provisions of Subsection 18A(1) shall not apply to any permitted</p>	N/A	

6593 Section	6593 Provision	Action	Description
	commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-Law that is zoned "H" (Community Shopping and Commercial, etc.) District or a site specific "H" District, except those properties identified on Schedule "R", no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-Law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A(1) above, shall only apply to the commercial use or uses contained within the increased gross floor area. (15-171)		