

**NATIONAL RESEARCH COUNCIL OF CANADA**  
**CODES AND SPECIFICATIONS SECTION**

**A MODEL ZONING BY-LAW**

**OTTAWA**

**OCTOBER, 1939**

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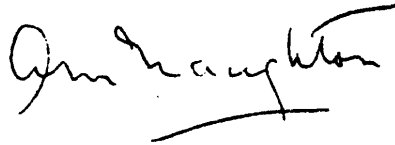
**OTTAWA  
OCTOBER, 1939**

## FOREWORD

= This model zoning by-law is the first result of the activities of committees formed nearly two years ago to prepare a model building code for Canada. This task was undertaken and completed by the Committee on Health and Sanitation.

The Committee has asked me to place on record their appreciation of the support given to the building code project by the Hon. Charles Dunning, former Minister of Finance. In the work of the Dominion Housing Administration under the Department of Finance he took a keen interest and in cooperation with the Hon. W. D. Euler, Minister of Trade and Commerce and Chairman of the Committee of the Privy Council on Scientific and Industrial Research, advanced the National Building Code project.

Completion of the building code and of such ancillary documents as the model zoning by-law has been delayed owing to the press of other and more urgent work but it has been considered that under conditions arising out of war the need for both building codes and zoning by-laws would be even greater in many communities than in times of peace. Accordingly the work is being pressed forward and it is hoped it will be possible to complete and publish the full series of documents in due course.



Chairman,  
National Building Code Project

Ottawa,  
10 October, 1939.

## A MODEL ZONING BY-LAW

### PREFACE

Zoning regulations have a two-fold function in any community - first, the provision of adequate lighting, ventilation, and general amenity of living conditions in any building; second, the general control of occupancies in any area so as to eliminate undue depreciation of any structure brought about by undesirable adjoining occupancies, thus preserving the investment of the owner and the taxable value of the property.

This model zoning by-law is intended to provide municipalities, whether urban or rural, with a concrete basis for dealing with the problem of zoning. Any zoning ordinance must, of necessity, be drafted with local conditions in mind and from the preliminary studies to the final enactment of the by-law the best-qualified advice available should be sought. This model by-law presupposes that such advice has been employed, and that the geographical boundaries of the various "use districts" have been set. The regulations given herein are applicable to the various use districts once they have been so established.

The requirements of different communities, depending upon their size, topography and general economy are by no means uniform. For this reason in some municipalities study might indicate that it was not necessary to employ all the use districts that have been set forth in this document. On the other hand, in some localities additional use districts might be considered desirable. For example, a three-storey business district might be provided. Such a district would bear approximately the same relation to general business districts as do three-storey multiple dwelling districts to general multiple dwelling districts. In such instances, modification of the permissible uses within the various districts would be necessary to provide for all types of occupancy.

The application of zoning regulations to communities that have previously been allowed to develop without restriction introduces many administrative problems and the utmost care and competence become necessary in order that on the one hand, the public interest may not suffer, and on the other, that excessive restriction may not be placed upon the legitimate rights of individual property owners. Special consideration is often needed in respect of setbacks, particularly on corner lots, and on interior lots in partially built-up streets. The problem of the twenty-five foot building lot is an admittedly difficult and undesirable feature of many Canadian cities. The dimensional requirements relative to yards, courts, and areas will necessarily be subject, in some measure, to local practices and limitations.

Legislation authorizing the passage and administration of zoning by-laws varies considerably in different provinces. In most provinces, they are dealt with under a provincial Town Planning Act. In some provinces zoning by-laws passed by municipalities must be approved by some provincial jurisdiction while in others provision is made for a Zoning Appeal Board. In this model by-law regulations relating to appeals have not been included. These must be added where such procedure is required by provincial law.

Attention is also called to the fact that these regulations comprise only those to be observed by the private owner, as distinct from the municipality. Hence no provision will be found for publicly owned parks and playgrounds, for a Civic Centre, or for civic buildings generally. The importance of planning for such facilities is well recognized but in so far as municipal property is always involved it is believed that provision for them may best be made by separate enactments.

This by-law was prepared under the auspices of the committees responsible for the preparation of a model building code for Canada, a project sponsored by the Department of Finance and the National Research Council. The committees particularly concerned with this by-law are as follows:

ADMINISTRATIVE COMMITTEE

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F. S. Parney, Department of Pensions and National Health  
A. H. Perry, Department of Pensions and National Health

## MODEL ZONING BY-LAW

### SECTION 1. GENERAL

#### 1.1 Scope of this By-law

No dwelling, business, trade or industry shall be located, nor shall any building or structure be erected, altered or used, nor shall any land be used, except in conformity with the regulations of this By-law.\*

#### 1.2 Use Districts

For the purposes of this By-law the municipality is hereby divided into "USE DISTRICTS". The boundaries of these districts are particularly described in the Schedule of Use Districts annexed hereto and which is hereby declared to form part of this By-law.

#### 1.3 Classification of Use Districts

Use districts are classified into:

- A. ONE FAMILY DWELLING DISTRICTS
- B. TWO FAMILY DWELLING DISTRICTS
- C. THREE STOREY MULTIPLE DWELLING DISTRICTS
- D. MULTIPLE DWELLING DISTRICTS
- E. LOCAL BUSINESS DISTRICTS
- F. GENERAL BUSINESS DISTRICTS
- G. LIGHT INDUSTRIAL DISTRICTS
- H. HEAVY INDUSTRIAL DISTRICTS
- J. GREEN-BELT DISTRICTS.

For purposes of reference, groupings of Districts A to D inclusive and of Districts E to H inclusive may be referred to as RESIDENTIAL DISTRICTS and COMMERCIAL AND INDUSTRIAL DISTRICTS respectively.

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\* These regulations define the principles governing the occupancies permitted in any Use District. Exceptions to these regulations may be permitted on application to the authority having jurisdiction over the administration of this By-law when it can be shown that in any instance an exception is in the public interest.

SECTION 2. REGULATIONS GOVERNING "CLASS A" -  
ONE FAMILY DWELLING DISTRICTS

2.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class A" District, shall conform to the regulations of this Section.

2.2 Permissible Uses

No building or part thereof and no land shall be used for purposes other than:

- (a) A ONE-FAMILY DWELLING,
- (b) AN ACCESSORY BUILDING,
- (c) A PRIVATE GARAGE,
- (d) A LIBRARY, AN ART GALLERY OR A MUSEUM,
- (e) A PARK (including open air swimming pools and usual park buildings),
- (f) A BOWLING GREEN OR A TENNIS COURT (including club-houses appurtenant to same),
- (g) A FARM, A TRUCK GARDEN, A NURSERY or a greenhouse, or,
- (h) AN OFFICE OR A CONSULTING ROOM for use by a physician, a dentist, or other professional person, when located in his or her residence.

2.3 Height

The height of any building shall not exceed thirty-five feet, nor shall it exceed the width of the lot on which it is situated.

2.4 Percentage of Lot Occupancy

(a) Subject to Clause (b), no building shall occupy more than thirty-three per cent. of the area of the lot on which it is situated.

(b) In computing the percentage of lot occupancy for any building on a lot which has a registered lane on the side or rear thereof, one-half of the area of that portion of the lane adjacent and opposite to such lot, not exceeding in any case ten per cent. of the area of the lot proper, may be deemed to be a portion of that lot.

2.5 Accessory Buildings

The total area of accessory buildings shall not exceed eight per cent. of the area of the lot. Such buildings shall not exceed one storey in height above the yard level,



and shall be located in the rear yard of the building to which they are accessory.

## 2.6 Line of Setback

Except as hereinafter provided, no building or part thereof shall be so situated on the lot that any main front wall will be closer to the street line than twenty-five feet or than as may be defined by a building line established by By-law or by existing buildings on adjacent lots in the same city block and fronting on the same street. ( See Item 11.4.4 for regulations governing existing building lines.)

The front yard so provided shall be unobstructed, except that there may be permitted (a) an uncovered terrace having a maximum projection from the street wall of eight feet, and bays having a maximum projection from the street wall, excluding eaves and cornices, of three feet and a maximum width of ten feet, (b) an open, roofed porchway or verandah, limited to one storey in height, and having a maximum projection from the street wall, excluding eaves and cornices, of eight feet and a maximum width of forty per cent. of the frontage width of such street wall; provided that any enclosure to any such terrace, porchway or verandah shall not exceed five feet six inches in height from the ground level, exclusive of roof supports.

## 2.7 Rear Yard?

(a) Subject to Clause (b), a rear yard shall be provided having a depth such that the distance from the rear lot line to any wall of the main building that is nearest to such line, will not be less than the height of such rear wall, provided that in no case shall such distance be less than twenty-five per cent. of the lot depth, but need not exceed twenty-five feet.

(b) In computing the depth of the rear yard of any building on a lot which has a registered lane extending across the rear thereof, one-half of the width of such lane may be deemed to be a portion of such lot.

## 2.8 Side Yards

(a) Subject to Clauses (b) and (c), a side yard shall be provided on each side of the main building. The minimum width of each such side yard shall not be less than three feet, provided that the aggregate width shall not be less than three-tenths of the width of the lot but need not exceed twelve feet.

(b) No window located on the first floor storey of any building and admitting light to any habitable room, shall be constructed in any side wall, unless there is an open space having a width of not less than eight feet between such wall and the side lot line, if other than a street line, upon which it faces, or unless another window or windows, having a net glass area equivalent to one-tenth of the floor area of such room, and located in a portion of the side wall having such an open space or in a front or rear wall, is provided and used for the purpose of lighting the same. When such a window is located on the second floor storey, an open space having a width of not less than six feet shall be maintained between the side wall in which it is constructed and the side lot line upon which it faces, unless another window or windows is provided as above described.

(c) In computing the width of a side yard of any building on a lot which has a registered lane at the side one-half of the width of such lane adjacent and opposite to such side yard may be deemed to be a portion of that lot.

#### 2.9 Inner Courts

The least horizontal dimension of any inner court shall not be less than the height of such court.

#### 2.10 Outer Courts

The width of an outer court shall not be less, and the length of the side walls forming it shall not be more, than the height of such court.

#### 2.11 Air Wells

Air wells are prohibited.

### SECTION 3. REGULATIONS GOVERNING "CLASS B" - TWO FAMILY DWELLING DISTRICTS

#### 3.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class B" District shall conform to the regulations of this Section.

#### 3.2 Permissible Uses

No building or part thereof and no land shall be used, for purposes other than:

- (a) THOSE PERMISSIBLE WITHIN A "CLASS A" DISTRICT and which conform to the regulations controlling use, areas and heights specified in Section 2,
- (b) A TWO-FAMILY DWELLING,
- (c) A PLAYGROUND, or,
- (d) A PUBLIC OR PRIVATE SCHOOL.

### 3.3 Height

The height of any building shall not exceed forty feet, nor shall it exceed twice the horizontal distance from the centre of the street upon which the building fronts to the face of the street wall fronting upon such street.

### 3.4 Percentage of Lot Occupancy

(a) Subject to Clause (b), no building shall occupy more than fifty per cent. of the area of the lot upon which it is situated.

(b) In computing the percentage of lot occupancy for any building on a lot which has a registered lane on the side or rear thereof, one-half of the area of that portion of the lane adjacent and opposite to such lot, not exceeding in any case ten per cent. of the area of the lot proper, may be deemed to be a portion of that lot.

### 3.5 Accessory Buildings

The total area of accessory buildings shall not exceed ten per cent. of the area of the lot. Such buildings shall not exceed one storey in height above the yard level, and shall be located in the rear yard of the building to which they are accessory.

### 3.6 Line of Setback

Except as hereinafter provided, no building or part thereof shall be so situated on the lot that any main front wall will be closer to the street line than twenty-five feet, or than as may be defined by a building line established by By-law or by existing buildings on adjacent lots in the same city block and fronting on the same street. (See Item 11.4.4 for regulations governing existing building lines.)

The front yard so provided shall be unobstructed except that there may be provided (a) uncovered terraces having maximum projections from the street wall of eight feet, and bays having a maximum projection from the street wall, excluding eaves and cornices, of three feet and a maximum width of ten feet, (b) open, roofed porchways or verandahs, limited to one storey in height, and having maximum projections

from the street wall, excluding eaves and cornices, of eight feet, and each having a maximum width of fifty per cent. of the frontage of the ground floor dwelling unit served, provided that any enclosure to any such terrace, porchway or verandah shall not exceed five feet six inches in height from the ground level, exclusive of roof supports.

### 3.7 Rear Yards

(a) Subject to Clause (b), a rear yard shall be provided having a depth such that the distance from the rear lot line to any wall of the main building that is nearest to such line, will not be less than the height of such rear wall, provided that in no case shall such distance be less than twenty-five per cent. of the lot depth, but need not exceed twenty feet.

(b) In computing the depth of the rear yard of any building on a lot which has a registered lane extending across the rear thereof, one-half of the width of such lane may be deemed to be a portion of such lot.

### 3.8 Side Yards

(a) Subject to Clauses (b) and (c), a side yard shall be provided on each side of the main building. The minimum width of each such side yard shall not be less than three feet, provided that the aggregate width shall not be less than three-tenths of the width of the lot, but need not exceed twelve feet.

(b) No window, located on the first floor storey of any building and admitting light to any habitable room shall be constructed in any side wall, unless there is an open space having a width of not less than eight feet between such wall and the side lot line, if other than a street line, upon which it faces, or unless another window or windows having a net glass area equivalent to one-tenth of the floor area of such room, and located in a portion of the side wall having such an open space or in a front or rear wall, is provided and used for the purpose of lighting the same. When such a window is located on the second floor storey, an open space having a width of not less than six feet shall be maintained between the side wall in which it is constructed and the side lot line upon which it faces, unless another window or windows is provided as above described.

(c) In computing the width of a side yard of any building on a lot which has a registered lane at the side, one-half of the width of such lane adjacent and opposite to such side yard may be deemed to be a portion of that lot.

### 3.9 Inner Courts

The least horizontal dimension of any inner court shall not be less than the height of such court.

### 3.10 Outer Courts

The width of any outer court shall not be less than twelve feet, and the length of the side walls forming it shall not be more than three-fourths of the height of such court.

### 3.11 Air Wells

Air wells are prohibited.

## SECTION 4. REGULATIONS GOVERNING "CLASS C" THREE STOREY MULTIPLE DWELLING DISTRICTS

### 4.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class C" District shall conform to the regulations of this Section.

### 4.2 Permissible Uses.

No building or part thereof and no land shall be used for purposes other than those permissible within a "Class A", "Class B", or "Class D" District and which conform to the regulations controlling use, areas and heights specified for the most restricted class in which they are permissible.

### 4.3 Height

The height of any building shall not exceed twice the horizontal distance from the centre of the street upon which the building fronts to the face of the street wall fronting upon such street, provided that in no case shall such building exceed three storeys or 45 feet in height.

### 4.4 Percentage of Lot Occupancy

(a) Subject to Clause (b), no building shall occupy more than fifty per cent of the area of the lot upon which it is situated, if an interior lot, nor more than sixty per cent of the area, if a corner lot.

(b) In computing the percentage of lot occupancy for any building on a lot which has a registered lane

on the side or rear thereof, one-half of the area of that portion of the lane adjacent and opposite to such lot, not exceeding in any case ten per cent. of the area of the lot proper, may be deemed to be a portion of that lot.

#### 4.5 Exception

The regulations of this Section shall apply to the uses permissible in a Class D District only when they occur within a Class C District.

### SECTION 5. REGULATIONS GOVERNING "CLASS D" MULTIPLE DWELLING DISTRICTS

#### 5.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class D" District shall conform to the regulations of this Section.

#### 5.2 Permissible Uses

No building or part thereof and no land shall be used for purposes other than:

- (a) THOSE PERMISSIBLE WITHIN A "CLASS A" or "CLASS B" DISTRICT, and which conform to the regulations controlling use, areas and heights specified for the more restricted class in which they are permissible,
- (b) A MULTIPLE DWELLING,
- (c) A BOARDING HOUSE,
- (d) A ROOMING HOUSE, OR RESIDENTIAL HOTEL,
- (e) A CHURCH, A COMMUNITY HALL OR PARISH HALL,
- (f) A CLUB HOUSE,
- (g) A BATH HOUSE,
- (h) A HOSPITAL, A SANATORIUM, OR AN INSTITUTION FOR PHILANTHROPIC OR CHARITABLE USES, other than correctional uses, and other than for the treatment of inebriates or persons suffering from insanity, other mental disease, infectious or contagious disease,
- (j) A LAY OR RELIGIOUS FRATERNITY HOUSE OR BOARDING HOUSE, where occupied by students, used exclusively for purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution.

#### 5.3 Height

(a) Subject to Clause (b), the height of such building shall not exceed twice the horizontal distance from

the centre of the street upon which the building fronts to the face of the street wall fronting upon such street.

(b) The upper part of a building may be erected or altered to a height in excess of that determined by the next preceding regulation, provided that such excess height shall lie within the angle contained between a horizontal plane at the street curb level and a line extending from the junction of such plane with the centre of the street upon which the building fronts, and intersecting the prescribed line of minimum setback at a height equal to the total width of the street.

#### 5.4 Percentage of Lot Occupancy

(a) Subject to Clause (b), no building shall occupy more than sixty per cent. of the area of the lot upon which it is situated if an interior lot, nor more than seventy-five per cent. of the area if a corner lot.

(b) In computing the percentage of lot occupancy for any building on a lot which has a registered lane on the side or rear thereof, one-half of the area of that portion of the lane adjacent and opposite to such lot, not exceeding in any case ten per cent. of the area of the lot proper, may be deemed to be a portion of that lot.

#### 5.5 Accessory Buildings

The total area of accessory buildings shall not exceed ten per cent. of the area of the lot. Such buildings shall not exceed one storey in height above the yard level, and shall be located in the rear yard of the building to which they are accessory.

#### 5.6 Line of Setback

No building or part thereof shall be so situated on the lot that any main front wall will be closer to the street line than twenty feet or than a building line established by By-law or by existing buildings on adjacent lots in the same city block and fronting on the same street. (See Item 11.4.4 for regulations governing existing building lines.)

#### 5.7 Rear Yards

(a) Subject to Clause (b), a rear yard shall be provided having a depth such that the distance from the rear lot line to any wall of the main building that is nearest to such line will not be less than one-half of the height of such

rear wall, provided that in no case shall such distance be less than twenty feet.

(b) In computing the depth of the rear yard of any building on a lot which has a registered lane extending across the rear thereof, one-half of the width of such lane may be deemed to be a portion of such lot.

#### 5.8. Side Yards

(a) Subject to Clause (b), a side yard shall be provided on each side of the main building, the minimum width of which shall be eight feet for a two-storey building. This width shall be increased by two feet for each storey in height above the second storey, but in no instance need it exceed fifteen feet, except that when the length of any side yard is in excess of fifty feet, the required width shall be increased by at least one inch for every foot by which such length exceeds fifty feet.

(b) In computing the width of a side yard of any building on a lot which has a registered lane at the side, one-half of the width of such lane adjacent and opposite to such side yard may be deemed to be a portion of that lot.

#### 5.9. Inner Courts

The least horizontal dimension of any inner court shall not be less than the height of such court.

#### 5.10. Outer Courts

The least width of any outer court shall not be less than its length.

#### 5.11. Air Wells

The cross-sectional area of any air well shall not be less than 100 sq. ft. When a well is in excess of two storeys in height, this area shall be increased throughout by ten per cent. for each storey above the second. Air wells shall be ventilated at their lowest level by a free air inlet and at their extreme height by a free air outlet, each of which shall have a minimum free cross-sectional area equivalent to ten per cent. of the minimum cross-sectional area of the well, and shall be installed in such a manner as to ensure a free and continuous current of air.



SECTION 6. REGULATIONS GOVERNING "CLASS E"  
LOCAL BUSINESS DISTRICTS

6.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class E" District shall conform to the regulations of this Section.

6.2 Permissible Uses

No building or part thereof and no land shall be used for purposes other than:

- (a) THOSE PERMISSIBLE WITHIN A "CLASS A", "CLASS B", or "CLASS D" DISTRICT, and which conform to the regulations controlling use, areas and heights specified for the most restricted class in which they are permissible,
- (b) A RETAIL STORE OR SHOP,
- (c) AN OFFICE for or in connection with a business or profession,
- (d) A GARAGE, used only for the storage of motor vehicles, in connection with a business carried on upon the same or adjoining premises,
- (e) A MOTOR SERVICE STATION,
- (f) A BANK.

6.3 Height

The height of any building shall not exceed the height of greatest restriction prescribed in this By-law for any Residential District upon which the lot or lots, comprising the "Class E" District in which such building is located, abuts or is adjacent to.

6.4 Percentage of Lot Occupancy

Subject to Article 6.5 the percentage of lot occupancy shall be governed by the area regulations prescribed herein for yards and courts.

6.5 Accessory Buildings

The total area of accessory buildings shall not exceed ten per cent. of the area of the lot. Such buildings shall not exceed one storey in height above the yard level, shall be located in the rear yard of the building to which they are accessory and shall conform to the further restrictions hereinafter prescribed in this Section.

6.6 Line of Setback

No building or part thereof shall be so situated

on the lot that any main front wall will be closer to the street line than twenty feet, or than a building line established by By-law or by existing buildings on adjacent lots in the same city block and fronting on the same street.

#### 6.7 Rear Yards

(a) Subject to Clause (b), a rear yard shall be provided having a depth such that the distance from the rear lot line to any wall of the main building that is nearest to such line will not be less than twenty feet nor less than one-half of the height of such rear wall. Such a rear yard shall be unoccupied and unobstructed by buildings or structures other than accessory buildings or roofs having a clear height of not more than fifteen feet, the latter being used and maintained solely for purposes of affording protection against the elements in loading and unloading spaces.

(b) In computing the depth of a rear yard of any building on a lot which has a registered lane extending across the rear thereof, one-half of the width of such lane may be deemed to be a portion of that lot.

#### 6.8 Side Yards

No side yard shall be required in respect of any building erected in a "Class E" District provided that if such building is located on a lot immediately adjoining a Residential District a side yard shall be provided on the side adjacent to such district.

Any such side yard, or any side yard that forms the open end of an outer court, shall have a width of not less than one-fourth the height of the side wall of the building flanking such yard, provided that its minimum width shall be eight feet.

#### 6.9 Inner Courts

The least horizontal dimension of any inner court shall not be less than one-half the height of such court,

#### 6.10 Outer Courts

The least width of any outer court shall not be less than its length.

#### 6.11 Air Wells

The cross-sectional area of any air well shall not be less than 100 sq. ft. When an air well is in excess of two storeys in height this area shall be increased throughout by ten per cent. for each storey above the second. Any air

well shall be ventilated at its lowest level by a free air inlet and at its extreme height by a free air outlet, each of which shall have a minimum free cross-sectional area equivalent to ten per cent. of the minimum cross-sectional area of the well, and shall be installed in such a manner as to ensure a free and continuous current of air.

#### 6.12 Exception

The regulations of this Section shall apply to the permissible uses set forth in (b), (c), (d) and (e) of Article 6.2, only when they occur within a "Class E" District.

### SECTION 7. REGULATIONS GOVERNING "CLASS F" GENERAL BUSINESS DISTRICTS

#### 7.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class F" District shall conform with the regulations of this Section.

#### 7.2 Permissible Uses

No building or part thereof and no land shall be used for purposes other than:

- (a) THOSE PERMISSIBLE WITHIN A "CLASS A", "CLASS B", or "CLASS D" DISTRICT, and which conform to the regulations controlling use, areas and heights specified for the most restricted class in which they are permissible; also those permissible uses set forth in Article 6.2 (b), (c), (d) and (e) and which conform to the regulations controlling use, areas and heights specified in this Section,
- (b) AN HOTEL,
- (c) AN OFFICE FOR THE PRINTING OR PUBLISHING OF A NEWSPAPER,
- (d) A SALESROOM OR YARD FOR MOTOR VEHICLES,
- (e) AN UNDERTAKER'S ESTABLISHMENT,
- (f) A RESTAURANT,
- (g) A YOUNG MEN'S CHRISTIAN ASSOCIATION OR A YOUNG WOMEN'S CHRISTIAN ASSOCIATION or other institution of a similar semi-public character,
- (h) A TELEPHONE EXCHANGE OR TELEGRAPH OFFICE,
- (j) AN AUDITORIUM,
- (k) A FIRE HALL, A POLICE STATION, OR MUNICIPAL OR GOVERNMENT BUILDING,
- (l) A BILLBOARD FOR ADVERTISING PURPOSES,
- (m) A THEATRE, A MOTION PICTURE THEATRE, A DANCE HALL, A SKATING RINK, or other like place of amusement but not including a shooting gallery, a merry-go-round,

or any other occupancy likely to constitute a public nuisance,

- (n) A CLUB OR FRATERNAL SOCIETY, or
- (o) AN ACCESSORY USE, limited to the purpose to which the main building, or part thereof, is devoted, and where such use is one permitted only in buildings classified under Sections 8 and 9 of this By-law, and is an industry ancillary to a use permitted within this Section, provided that it shall not occupy in excess of one-quarter of the floor space of the building, or part thereof, occupied by the use to which it is ancillary, and provided further, that no machinery requiring for its operation power in excess of 10 horsepower shall be installed or operated therein for industrial purposes, and that wholesaling is not conducted therein.

### 7.3 Height

(a) Subject to Clause (b), the height of any building shall not exceed twice the horizontal distance from the centre of the street upon which the building fronts to the face of the wall of the building fronting upon such street.

(b) The upper part of a building may be erected or altered to a height in excess of that determined by the immediately preceding regulation, provided that such excess height shall lie within the angle contained between a horizontal plane at the street curb level and a line extending from the junction of such plane with the centre of the street upon which the building fronts and intersecting the prescribed line of minimum setback at a height equal to the total width of the street.

### 7.4 Percentage of Lot Occupancy

(a) Subject to Clause (b), any building may occupy one hundred per cent. of the area of the lot for the first storey in height.

(b) Above the horizontal plane forming the first storey the percentage of lot occupancy for interior lots shall be limited by the use to which the building is put, as determined by the area regulations prescribed hereunder for yards and courts. Such regulations as are hereunder prescribed for rear yards shall not be applicable to corner or through lots.

### 7.5 Accessory Buildings

The percentage of lot occupancy of any accessory building shall be included with that prescribed as the total percentage of lot occupancy of the main building to which it is accessory. Such accessory building shall not exceed one storey in height above the yard level and shall be located in the rear yard of the building to which it is accessory.

### 7.6 Line of Setback

No line of setback is required.

### 7.7 Rear Yards

A rear yard shall be provided, having a depth such that, above the horizontal plane formed by the roof of the first storey, the distance from the rear limit of permissible occupancy to the rear wall of the building above such plane will not be less than one-third the height of such rear wall above such plane. When the first storey does not project beyond the rear of subsequent storeys the floor level of the second storey shall be considered to form such plane.

### 7.8 Side Yards

No side yard shall be required, but any side yard that forms the open end of an outer court shall have a width above the horizontal plane formed by the roof of the first storey such that the distance measured from the junction of the side lot line with such plane to the side wall of the building above such plane will not be less than one-fourth the height of such side wall, provided that its minimum width shall be eight feet.

### 7.9 Inner Courts

The least horizontal dimension of any inner court shall not be less than one-half the height of such court.

### 7.10 Outer Courts

The width of any outer court shall not be less than one-third of the height of such court, provided that it need not exceed the length; nor shall the length

of the side walls forming such court be more than the height of such walls.

### 7.11 Air Wells

The cross-sectional area of any air well shall not be less than 100 sq. ft. When an air well is in excess of two storeys in height, this area shall be increased throughout by ten per cent. for each storey above the second. Any air well shall be ventilated at its lowest level by a free air inlet and at its extreme height by a free air outlet, each of which shall have a minimum free cross-sectional area equivalent to ten per cent. of the minimum cross-sectional area of the well, and shall be installed in such a manner as to ensure a free and continuous current of air.

## SECTION 8. REGULATIONS GOVERNING "CLASS G" LIGHT INDUSTRIAL DISTRICTS

### 8.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class G" District shall conform to the regulations of this Section.

### 8.2 Permissible Uses

In any "Class G" District, no building or part thereof and no land shall be used for purposes other than:

- (a) THOSE PERMISSIBLE WITHIN A "CLASS A", "CLASS B", "CLASS D", or "CLASS F" DISTRICT, and which conform to the regulations controlling use, areas and heights specified for the most restricted class in which they are permissible,
- (b) A WHOLESALE OR STORAGE WAREHOUSE,
- (c) AN ELECTRICAL SUB-STATION,
- (d) A CAR BARN,
- (e) A PUBLIC GARAGE,
- (f) A PUBLIC STABLE,
- (g) AN ACCESSORY USE as related to the use to which the main building or part thereof concerned is devoted,
- (h) A LIGHT INDUSTRY, which shall include any industry, in or about which not more than ten persons are directly employed in some mechanical or industrial process, and which is not an offensive trade within

the meaning of the Public Health Act, and for greater particularity shall include the following:-

- A PRINTING ESTABLISHMENT,
- A BUILDING FOR THE STORAGE OF COKE OR COAL,
- A CLOTHES CLEANING AND PRESSING ESTABLISHMENT,
- A DOG OR CAT HOME,
- A BOTTLING ESTABLISHMENT,
- A SOFT DRINK MANUFACTORY,
- A LIQUOR OR SPIRIT BREWING OR DISTILLING MANUFACTORY,
- A CARPET CLEANING ESTABLISHMENT,
- A CARPENTER'S SHOP,
- A COOPER'S ESTABLISHMENT,
- A DYEING OR DRY CLEANING ESTABLISHMENT,
- A FURNITURE MANUFACTORY OR FURNITURE REPAIRING ESTABLISHMENT,
- A LAUNDRY,
- A LEATHER GOODS MANUFACTORY,
- A MACHINE SHOP,
- A MILK BOTTLING ESTABLISHMENT OR A MILK DISTRIBUTION STATION.
- A RUBBER OR RUBBER GOODS MANUFACTORY OR REPAIR ESTABLISHMENT.
- A STONE DRESSING OR MONUMENT WORKS,
- A TEXTILE MANUFACTORY,
- A TINSMITH'S SHOP,
- A BLACKSMITH'S SHOP, OR HORSESHOEING SHOP,
- A WHOLESALE ICE CREAM MANUFACTURING ESTABLISHMENT,
- A WHOLESALE ICE MANUFACTORY,
- A TRANSFER OR BAGGAGE DELIVERY.

### 8.3 General Regulations

Except as hereinafter provided, all buildings and parts thereof in a "Class E" District shall be constructed in conformity with the regulations controlling heights, percentages of lot occupancy, setbacks, courts and yards set forth in Section 7 of this By-law with the exception set forth in Article 8.4, for rear yards.

### 8.4 Rear Yards

A rear yard shall be provided, having a depth such that, above the horizontal plane formed by the roof of the first storey, the distance from the rear limit of permissible occupancy to the rear wall of the building above such plane will not be less than one-fourth the height of such rear wall above such plane. When the first storey does not project beyond the rear of subsequent storeys the floor level of the second storey shall be considered to form such plane.

SECTION 9. REGULATIONS GOVERNING "CLASS H"  
HEAVY INDUSTRIAL DISTRICTS

9.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class H" District shall conform to the regulations of this Section.

9.2 Permissible Uses

(a) Subject to the provisions of Clauses (b) and (c), of this article, in any "Class H" District, any structure or part thereof and any land may be used, for any purpose, provided that such use shall be in conformity with existing laws and by-laws, including the regulations herein set forth, and that any building permissible within a "Class A", "Class B", "Class D", "Class F", or "Class G" District which may be erected within a "Class H" District shall conform to the regulations controlling use, areas and heights specified for the most restricted class in which they are permissible.

(b) No building shall be used in whole or in part as a dwelling for one or more families or individuals. This provision, however, shall not prohibit the erection of dwelling quarters in a commercial or industrial establishment and their use solely by a watchman or other employee whose residence on the premises is essential, such employee's family included.

(c) No building or part thereof and no land shall be used for any business, trade or industry, which from its nature or the materials used therein, will be dangerous in causing or promoting fires, or which shall emit noxious or offensive fumes, gases, smells, smoke or other nuisance, unless its erection or maintenance has been authorized in accordance with the Public Health Act.

9.3 General Regulations

Except as hereinafter provided, all buildings and parts thereof erected or altered in a "Class H" District shall conform to the regulations controlling heights, percentages of occupancy, setbacks, courts and yards set forth in Section 7 of this By-law with the following exception:

9.4 Rear Yards

A rear yard shall be provided, having a depth such that, above the horizontal plane formed by the roof of the first storey, the distance from the rear limit of permissible



occupancy to the rear wall of the building above such plane will not be less than one-fourth the height of such rear wall above such plane. When the first storey does not project beyond the rear of subsequent storeys the floor level of the second storey shall be considered to form such plane.

SECTION 10. REGULATIONS GOVERNING "CLASS J"  
"GREEN-BELT" DISTRICTS

10.1 General

Except as hereinafter provided, all structures and parts thereof erected or altered in a "Class J" District shall conform to the regulations of this Section.

10.2 Permissible Uses

No building or part thereof and no land shall be used for purposes other than:

- (a) A FARM,
- (b) A TRUCK GARDEN,
- (c) A NURSERY,
- (d) A GREENHOUSE,
- (e) A TOURISTS CAMP,
- (f) A PUBLIC PARK,
- (g) A SPORTS OR RECREATION FIELD,
- (h) A PUBLIC STABLE,
- (j) A GOLF COURSE or similar activity,
- (k) AN AIR PORT,
- (l) A CEMETERY,
- (m) A STRUCTURE OR BUILDING incidental solely to any of the above enumerated uses,
- (n) A ONE OR TWO FAMILY DWELLING subject to the regulations governing "Class A" and "Class B" Districts respectively,
- (o) A MULTIPLE DWELLING subject to the regulations governing "Class D" Districts with the exception that the height shall not exceed six storeys and that a minimum site area of not less than 4000 square feet shall be provided for each room, exclusive of bathrooms, on any one floor.

10.3 Restrictions

On any lot in a "Green-Belt District" including those employed for the uses set forth in Article 10.2 (n) and (o) a front and rear yard each of not less than 30 feet and side yards each of not less than 60 feet shall be maintained, clear and unobstructed by any building.

## SECTION 11. SUPPLEMENTARY REGULATIONS

### 11.1 EXCEPTIONS TO HEIGHT REGULATIONS

#### 11.1.1 General

The height regulations herein set forth shall not apply to church spires, church belfreys, or chimneys, water tanks, elevator enclosures, or pent houses occupying in the aggregate less than ten per cent. of the area of the roof of the building on which they are located, nor shall they apply to windmills, silos, grain elevators, sugar refineries, scenery lofts, flag or radio poles.

#### 11.1.2 Increased Height

In any "Class D", "Class E", or "Class F" District, the maximum height of a building as authorized herein may be increased by not more than eight feet, if, by so doing, the height of such building will conform to the height of existing buildings on adjacent lots in the same city block and fronting on the same street.

#### 11.1.3 Buildings on Corner Lots

The permissible height of any building on a corner lot at the junction of two streets of unequal width and located in any "Class E", "Class F", or "Class G" District, shall be governed by the width of the wider street.

### 11.2 EXCEPTIONS TO AREA REGULATIONS

#### 11.2.1 Reduction of Lot Area

When any part of a lot is required by this By-law to be reserved as an open space it shall continue to be so used regardless of changes in the ownership of such land and shall not be deemed to form a part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

#### 11.2.2 Buildings not Requiring Natural Lighting

Any building or portion thereof used as a cold storage or dead storage warehouse may, above the first storey, occupy ninety per cent. of the permissible lot occupancy, provided that, above such first storey, a rear yard having a minimum depth of ten feet shall be reserved, and that the height of the rear wall above the first storey shall be such that the vertical distance from the roof of such first storey to the coping level does not exceed six

times the distance measured from the junction of the rear limit of permissible occupancy at such roof level to such exterior wall. Where the rear lot line is formed by a street line, the foregoing provision for a rear yard shall not apply.

#### 11.2.3 Air Wells

Air wells or shafts shall not be considered as open spaces in computing the percentage of lot occupancy, nor shall any air well or shaft be constructed or used except for the purpose of lighting or ventilating an accessory room.

#### 11.2.4 Avoidance of Obstructions in Court and Yard Areas

The area of a court or yard at any level shall be open and unobstructed above such level, except for parapets, window sills, belt courses, cornices, and other ornamental features, projecting not more than four inches from the walls bounding such court or yard; or for drop awnings; or for clothes poles, garden trellises or similar accessories; provided that, subject to Item 11.2.9, permissible accessory buildings may be located on the ground level of an outer court opening on a rear yard if the distance of any such building from any wall of such court is not less than the height of such building.

#### 11.2.5 Rear Yard Equivalents

When in any "Class A", "Class B", or "Class C" District, the shape of a lot is such that it does not permit of a rear yard having the dimensions required by this By-law, there may be substituted for such rear yard, an equal area, located between the main building and the side lot line, provided that there shall be, at any point, a distance of not less than ten feet between any rear wall of such building and the rear lot line, and that such substituted area, and the side yard on that side of the building opposite to it, shall be subject to the provisions of this By-law controlling rear and side yards and the walls facing thereon.

#### 11.2.6 Height Additions to Existing Buildings as Affecting Areas

If it is proposed that an additional storey or storeys be added to a building existing at the date of enactment of this By-law, and if the existing court or yard areas would not, after the construction of the additional storey or storeys, conform to the requirements of this By-law, the dimensions of such yards or courts shall be increased at the level of the top of the existing

yard or court walls, and shall be of the dimensions at such heights as are prescribed in this By-law, provided that this article shall not prohibit an existing elevator or stair enclosure from being carried up to the additional height.

11.2.7 Apartment Houses in "Class E", "Class F" and "Class G" Districts

In any "Class E", "Class F" or "Class G" District, the requirements of this By-law regarding side yards may be waived for apartment houses, in respect of that part of the building which does not exceed forty feet in depth from the front of the building.

11.2.8 Side Yards of Institutions in "Class A", "Class B" and "Class C" Districts

When educational, religious, governmental, public service and such similar public or semi-public buildings are permitted in a "Class A", "Class B" or "Class C" District, side yards shall be provided on each side, other than on a street, each having a width not less than one-half of the height of such buildings, and the other area provisions of the use district in which they are located shall be observed.

11.2.9 Accessory Buildings

(a) Subject to (b), in any "Class A" or "Class B" District a private garage may be located in any side yard provided that such garage shall then be subject to the same restrictions respecting setback and side yards as the building which it serves, its location with respect to such building being dictated by an imaginary lot line between such building and such garage.

(b) No accessory building shall be located within ten feet of any window or door of any building other than an accessory building.

In the case of a corner lot at the rear of which, (whether a lane intervenes or not), there is a lot restricted to residential purpose fronting on a street which flanks such corner lot, any accessory building erected upon such corner lot shall be located in such a manner that no part of it shall be nearer the street line of the flanking street than the distance prescribed as a setback line for the lot so in the rear.

### 11.3 NON-CONFORMING USES

#### 11.3.1 Existing Structures

Subject to Item 11.3.2 a building, which, at the date of enactment of this By-law, is used for a purpose not permissible within the district in which it is located, shall not be enlarged, extended, reconstructed, or altered structurally, unless such building is thereafter to be used for a purpose permitted within such district, provided that the interior of such building may be reconstructed or altered, in order to render the same more convenient or commodious for the same purpose for which, at the date of enactment of this By-law, such building is used.

#### 11.3.2 Partial Destruction of Existing Buildings

When damaged to the extent of one-half of the whole, exclusive of foundations, no building which does not conform with the requirements of this By-law in respect of use, lot occupancy or height, shall be restored, except in conformity with the regulations for the use district in which such building is located.

#### 11.3.5 Extension of Non-Conforming Uses

Any use made of buildings or lands at the date of enactment of this By-law may be continued, although not conforming with the regulations of the use district in which they are located, or such use may be extended throughout the building, provided, in either case, that no structural alterations, other than those provided in Item 11.3.1, or as may be required by existing law or by-law, are made therein, and that no new building or extension to such building is erected.

### 11.4 GENERAL

#### 11.4.1 Vacant Buildings

Any building, vacant at the time of the enactment of this By-law, shall be classified according to its previous use, and shall be so designated in the records and use charts.

#### 11.4.2 Dwellings

(a) Subject to Clause (c), no building fronting upon a lane shall be erected or altered for use as a dwelling.

(b) Subject to Clause (c), when it is intended to erect, alter or use a building at the rear of any other building upon the same lot, or in the front of any other building on the same lot in such a manner as to produce the condition of a dwelling located in the rear of any other building, the regulations governing the line of setback, percentage of lot occupancy, yards and courts of the use district of greatest restriction in which such building is permissible shall be observed for each building, the setback of the rear building being referred to the rear line of the land appurtenant to the building fronting on the street.

(c) Notwithstanding the provisions of Clauses (a) and (b), dwelling accommodation may be provided above a private garage or private stable building for the accommodation of a chauffeur, coachman or other domestic employee and his or her family, although such garage or stable is located in the rear of another building, provided that each building is located in a "Class A" or "Class B" District only, and that the employer of the said chauffeur, coachman or other domestic employee is resident within such other building.

#### 11.4.3 Line of Setback - Corner Lots

In any "Class A", "Class B", "Class C" or "Class D" District, corner lots existing at the time of enactment of this By-law shall not be subject to setback regulations on the two streets on which they abut but only on the street on which they front.

#### 11.4.4 Reduction of Setback

(a) In any "Class A", "Class B" or "Class C" District, on a street where a corner lot does not front on the street itself but on a cross street intersecting it, the buildings constructed on the first two interior lots adjacent to the lot fronting on such cross street may be located in such a manner that the setback applicable to the immediately adjacent lot shall be one-third, and that applicable to the lot adjacent to the latter two-thirds of the difference between the nominal setback and the side yard prescribed or provided on the corner lot plus the width of the said side yard.

(b) Subject to Clause (c), when, in any "Class A", "Class B" or "Class C" District, the setback of existing building or buildings is less than that required by this By-law, the buildings constructed on the two lots adjoining on either side may be located in such a manner that the setbacks applicable to the immediately adjacent lots shall

be one-third, and those applicable to the lots adjacent to the latter two-thirds of the distance from the setback of the existing building and the nominal setback, plus the setback of the existing building.

(c) When the lines of setback of existing buildings located in any "Class A", "Class B" or "Class C" District are less than that required by this By-law and the frontage of land occupied by the lots upon which such buildings are erected exceeds fifty per cent. of the street frontage of the block in which such buildings are located, the setback line applicable to the unbuilt frontages of such block shall be equal to the average setback of the building already erected thereon.

(d) In any "Class A" or "Class B" District, when a dwelling is intended to be or is located upon a lot the general elevation of which is above the street level, a private garage may be located nearer to the street than the nominal setback line, if the roof of such garage will not be more than two feet above the general elevation of the lot.

#### 11.4.5 Fire Escapes. Stairways. Balconies

Non-enclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one, and in which guards consist only of hand rails and the structural members necessary to their support, are permissible in a yard or court, provided that such escapes shall not project into such yard or court more than four feet.

Outside entrance stairs and balconies shall be considered as part of the building in determining the lot occupancy of a building or the permissible dimensions of yards and courts.

#### 11.4.6 Structures on Unsubdivided Land

When it is proposed to erect a building upon any unsubdivided block or parcel of land there shall be indicated upon the block plan submitted with the application for a building permit such areas as are required by this By-law to be reserved as yards or courts according to the proposed use and classification of such building. These areas shall be preserved in the event of building occupancy of the immediately adjacent land.

11.4.7 Institutional Buildings in "Class A", "Class B" and "Class C" Districts

Educational, religious, municipal, governmental, public service and such similar public or semi-public buildings if specially permitted in a "Class A", "Class B" or "Class C" District shall, subject to the provisions of Item 11.2.9 be subject to the area, height and interval regulations governing the district within which they are located.

11.4.8 Cellars

No cellar shall be used for human habitation.

11.5 BILLBOARDS, ADVERTISING SIGNS AND POSTERS

11.5.1 Permits

No building permit shall be issued for the erection of any billboard, advertising sign or poster, or for any advertising device to be located either upon private or public property unless or until the location and nature of such sign or advertising device has been approved by the authority having jurisdiction, and subject to the regulations governing the use district in which it is proposed to erect it.

11.5.2 Residential Districts and Public Parks

No billboard, advertising sign or poster and no structure for advertising purposes shall be erected, placed or made use of in any "Class A", "Class B", "Class C", or "Class D" District or on any property or premises bordering on a public park, or playground forming part of a public park, provided that such prohibition shall not apply to the erection or use of any sign which sets forth the name only of any structure, or the name and business of any occupant of any trade premises occupied by them, or to any notices exhibited on a public building, church or park setting forth the purpose for which such building or park is intended.



SECTION 12. BUILDING PERMITS AND CERTIFICATES OF  
OCCUPANCY

12.1 Building Permits

Every person proposing to erect or alter any structure shall, when applying for a building permit, file with the authority having jurisdiction a signed statement as to the use or purpose for which such building or alteration is intended, together with duplicate copies of the plans of same, drawn to a scale of not less than one-eighth of an inch to a foot, showing the actual dimensions, including radii and angles of the lot to be built upon, all structures existing upon the said lot with the heights and dimensions of same, the heights and dimensions of the proposed structures, the disposition of structures upon contiguous lots, and other such information as may be necessary to provide for the enforcement of this By-law, and, if such structure is designed in a manner or intended for a use not permitted within the district concerned, no building permit shall be issued.

12.2 Certificate of Occupancy

It shall be unlawful to use any building or premises or part thereof hereafter erected or altered, except as provided in Item 11.3.1, until there has been issued an official certificate of occupancy certifying that the building or premises or part thereof so erected or altered and the use thereof conform to the provisions of this By-law.

12.3 Building Permits Issued Prior to By-law

Nothing in this By-law shall require any change in the plans, construction or designated use of a building for which a building permit has been issued or the plans for which are on file with the building department at the date of enactment of this By-law.

12.4 Inspection of Buildings

The authority having jurisdiction in the administration of this By-law is hereby authorized to enter at all reasonable hours upon any property or premises in which he has reason to believe that the provisions of this By-law are not being obeyed, and for the purpose of subsequently carrying out the duties authorized by this By-law.

SECTION 13. DEFINITIONS13.1 General

The word "structure" shall include "a building" and "an erection"; the word "occupied" shall include "designed or intended to be occupied"; the word "used" shall include "arranged, designed or intended to be used".

13.2 Basement

"Basement" shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height above the mean elevation of the ground adjoining its exterior walls.

13.3 Building

"Building" shall mean a structure having a roof supported by columns or walls, and used for the shelter or accommodation of persons, animals or chattels.

13.4 Building, Accessory

"Accessory building" shall mean a subordinate detached building designed or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the lot upon which such main building is or is intended to be erected, and shall include a private stable or a private garage, where such garage does not form part of the main building.

13.5 Building, Front of

"Front of building" shall mean in general that wall of a building which is nearest the street; when setback regulations are applicable, "front of building" shall mean that wall of the building which fronts upon the street on which the setback is applicable.

13.6 Building, Height of

"Height of building" shall mean the vertical distance from the average level of the established grade, as fixed by the Municipal Engineer, of the street in front of the building to (a) the highest point of any exterior wall of a flat roofed building, (b) the deck line of a mansard roofed building, and (c) the mean height level between the eaves and ridge of a gable, hip or gambrel roofed building. When no grade has been established the average level of the crown of that portion of the street

upon which the building fronts shall be considered the established grade; when a building is set back from the street line, the height of the building shall be determined from the average elevation of the natural grade at the building line immediately adjacent to and along the front of such building, provided that the horizontal distance from the street line to the nearest part of the building is not less than the height of such grade above the established grade or street crown referred to.

### 13.7 Building, Main

"Main building" shall mean that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.

### 13.8 Cellar

"Cellar" shall mean that portion of a building between two floor levels which is partly or completely underground and which has more than one-half of its height below the mean elevation of the ground adjoining its exterior walls.

### 13.9 Court, Height of

"Height of court" shall mean the vertical distance from the lowest level of such court to the highest point of any bounding wall. Where the court bottom is the roof of any lower storey of a building, which lower storey contains rooms intended for human use, and a skylight or other opening forming the sole lighting or ventilating medium is provided therein for such rooms, the height of the court shall be measured from the floor level of the lowest storey so receiving light or ventilation from such skylight or opening to the highest point of any bounding wall.

### 13.10 Court, Inner

"Inner court" shall mean an open space, unoccupied from the ground to the sky or from an intermediate floor to the sky, located on the same lot with the building which it serves, and enclosed on all sides by walls or by walls and the line of an adjoining lot or lots.

### 13.11 Court, Length of

"Length of court" shall mean, in the case of an outer court, the mean horizontal distance between the open end and the closed end of the court, and, in the case of an

inner court, the greatest mean horizontal dimension of such court.

13.12 Court, Outer

"Outer court" shall mean an open space, unoccupied from the ground to the sky or from an intermediate floor to the sky, located on the same lot as the building which it serves, enclosed on three sides by walls or by walls and the line of an adjoining lot or lots and extending to or opening upon a street or yard.

13.13 Court, Width of

"Width of court" shall mean, in the case of an outer court, the mean horizontal distance between the sides of such court as distinguished from the open and closed ends of the court, and, in the case of an inner court, the least mean horizontal dimension of such court.

13.14 Dead storage

"Dead storage" shall mean the storage of goods, wares or merchandise for a fixed or indeterminate period or length of time, when such goods, wares or merchandise are not intended for immediate removal, access or distribution.

13.15 Dwelling, One-family

"One-family dwelling" shall mean a detached building having independent exterior walls and designed or used exclusively for residence purposes by not more than one person or family.

13.16 Dwelling, Multiple

"Multiple dwelling" shall mean a building or portion thereof, other than a hotel, designed or occupied as a dwelling for more than two families, or comprising more than two housekeeping units, and shall include apartment buildings, terraces and group houses.

13.17 Dwelling, Two-family

"Two-family dwelling" shall mean a building containing two self-contained housekeeping units, constructed one above the other, having individual entrances from the street level either directly or through a common vestibule, and the whole structure having independent exterior walls; or, a building containing two self-contained

housekeeping units built adjointly but not one above the other, and having individual entrances. For the purposes of this definition "two-family dwelling" shall include a duplex house, or a semi-detached house.

13.18 Garage

"Garage" shall mean any building, space or enclosure in which one or more motor vehicles are stored, kept or repaired.

13.19 Garage, Public

"Public garage" shall mean any building, space or enclosure in which the business of storing or repairing of motor vehicles is carried on or in which motor vehicles used for hire or for business purposes are stored.

13.20 Garage, Private

"Private garage" shall mean any garage not included within the definition of "public garage".

13.21 Hotel

"Hotel" shall mean a building or part thereof designated or used for the accommodation and lodging of the public, and having a public dining room or cafe, and whether licensed to sell alcoholic beverages or not.

13.22 House, Apartment

"Apartment house" shall mean any building or part thereof, which is rented or let out in three or more self-contained housekeeping units to be occupied by one or more families or persons, which units have a common entrance from the street level, and the occupants of which have right to use in common the halls, stairs and yards or one or more of them.

13.23 House, Boarding or Lodging

"Boarding or lodging house" shall mean any building or part thereof in which meals are served for a consideration or rooms are rented to persons other than the lessee, tenant or owner thereof or the members of his family, provided that this definition shall not include any building or part thereof in which meals are supplied or rooms rented to not more than three persons, exclusive of the family of the lessee, tenant or owner thereof, nor to a restaurant, cafe or public dining room.

**13.24 Industry**

"Industry" shall mean the business of storing, repairing, manufacturing, fabricating, preparing or treating of any article, substance or commodity whatsoever for profit, and shall include public garages.

**13.25 Lane**

"Lane" shall mean any passageway or right-of-way, other than a street, laid down upon a registered plan and dedicated to public use, or a right-of-way legally dedicated for use in common by adjacent owners.

**13.26 Least Dimension**

"Least dimension", when applied to a yard or court, shall mean the shortest horizontal distance in any direction across such yard or court.

**13.27 Line of building occupancy**

"Line of building occupancy" shall mean the perimeter or outer limits of the area actually built upon or of the permissible building area.

**13.28 Lot**

"Lot" shall mean the minimum area of land used or intended to be used as the site of or appurtenant to any building, as described in the application for a building permit, whether such land is shown on a registered subdivision or described by metes and bounds, and upon which no additional building shall be constructed or erected, other than those permitted under the provisions of this By-law, provided that in a "Class J", Green-belt District, buildings necessary to the better or more convenient employment of the land, such as farm buildings or tourist camps, may be erected and used on the same lot as a dwelling.

**13.29 Lot, Corner**

"Corner lot" shall mean any lot situated at the junction of two or more streets, which, at their point of junction form an angle of not more than one hundred and thirty-five degrees adjacent to such corner lot.

**13.30 Lot, Depth of**

"Depth of lot" shall mean the mean depth from the street line to the rear lot line.

**13.31 Lot, Interior**

"Interior lot" shall mean any lot other than a corner lot. The width of a corner lot in excess of fifty feet and the depth in excess of one hundred feet shall be considered to be and shall be treated as an interior lot.

**13.32 Lot line**

"Lot line" shall mean the division line between any two or more lots or between any lot and a lane.

**13.33 Lot, Through**

"Through lot" shall mean any lot other than a corner lot, owned by the same persons or persons, and having frontages on two streets.

**13.34 Lot, Width of**

"Width of lot" shall mean, where the side lot lines are parallel, the distance measured at right angles from such side lot lines across such lot, and, where such side lot lines are not parallel, the mean distance between them.

**13.35 Motor service station**

"Motor service station" shall mean and include a building or premises, in or from which gasoline, oil or grease is sold for use in motor vehicles, or in which storage batteries are recharged, repaired, or cared for, or in which tires are vulcanized.

**13.36 Percentage of lot occupancy**

"Percentage of lot occupancy" shall mean that portion of a lot or parcel of land upon which a building is or may be erected in accordance with the provisions of this By-law. In determining such area, that part covered by unsheltered steps, terraces or cornices shall be excluded, but that part covered by a roofed verandah shall be included. For the purpose of determining the percentage of lot occupancy, corner lots shall be assumed to have a width of fifty feet and a depth of one hundred feet, any area in excess of these amounts being assumed to be an interior lot and, for the purpose of determining the percentage of lot occupancy, being treated as such.

13.37 Private

When used with respect to an accessory room the word "private" shall mean that such room is an adjunct to one private dwelling only, or to one apartment or suite of rooms designed for use by a single family only.

13.38 Retail shop or store

"Retail shop or store" shall mean and include a building or part thereof in which goods, wares or merchandise are sold or offered for sale directly to the public, and shall include, among others, a merchant tailor's shop, a barber's shop, a milliner's shop, a dress-maker's shop, a fur dealer's shop, a baker's shop, a confectioner's shop and a shoe-repair shop.

13.39 Room, Accessory

"Accessory room" shall mean, in any building designed for human habitation, any room other than a living room, and shall include a private hallway, a bathroom, a toilet, a pantry, a private laundry, a private furnace room, or a storage room, but shall not include a sitting room, a dining room, a bedroom, a kitchen, a private studio, or a room used as a consulting room by a professional person.

13.40 Self-contained

"Self-contained" shall mean, when used in conjunction with a room or suite of rooms, the provision of and inclusion within such room or suite of rooms, for the sole use of the occupants thereof, of the necessary sanitary accommodation essential to such room or suite of rooms, as provided for under the Health Act.

13.41 Setback or line of setback

"Setback or line of setback" shall mean the horizontal distance from the street line measured at right angles to such line, to the face of the street wall. A cornice, retaining wall or a fence shall not be deemed to be a structure or building or part thereof for the purpose of this definition.

13.42 Stable, Private

"Private stable" shall mean any stable not included within the definition of "public stable".



13.43 Stable, Public

"Public stable" shall mean and include a boarding stable, a sales stable, a livery stable, or any stable in which two or more horses, or one or more cows, used for or in connection with any business, are kept.

13.44 Storey

"Storey" shall mean that portion of a building other than the cellar or attic, which is situated between the top of any floor and the top of the floor next above it, or, if there be no floor above it, that portion between the top of such floor and the ceiling next above it.

13.45 Storey, First floor

"First floor storey" shall mean that storey situated immediately above the cellar or basement, or if there be no cellar or basement, that storey situated first above the grade.

13.46 Storey, Second floor

"Second floor storey" shall mean that storey situated immediately above the first floor storey.

13.47 Storey, Third floor

"Third floor storey" shall mean that storey situated immediately above the second floor storey.

13.48 Street

"Street" shall mean a public or common highway in an urban or suburban district which affords principal means of access to abutting property.

13.49 Street, Intersecting

"Intersecting street" shall mean a street which enters another street.

13.50 Street line

"Street line" shall mean the line dividing a street from a lot.

13.51 Street, Width of

"Width of street" shall mean the distance or the mean of the distances between the street lines thereof within a block.

13.52 Structural alterations

"Structural alterations" shall mean any changes in the supporting members of a building, except where such alterations are required by law.

13.53 Structure

"Structure" shall mean any erection fixed to or supported by the soil.

13.54 Use

"Use" shall mean the purpose for which a building, structure or premises or part thereof is used or occupied, or intended or designed to be used or occupied.

13.55 Use, Non-conforming

"Non-conforming use" shall mean any use of a building or premises that does not conform to the regulations of the use district in which such building or premises is located.

13.56 Wall, Street

"Street wall" shall mean the main wall of a building which fronts upon and is nearest to the street, whether such wall is at or above the level of the ground.

13.57 Yard

"Yard" shall mean an open space located on the same lot as the building which it serves, unoccupied from the ground to the sky, except for such structures or portions thereof as may be specifically authorized by this By-law, and which extends along the entire length of a lot line or street line.

13.58 Yard, Depth of rear

"Depth of rear yard" shall mean the distance or the mean of the distances between the rear wall of the building and the rear lot line.

13.59 Yard, Rear

"Rear yard" shall mean a yard located between the rear wall of the building served and the rear lot line.

In a "Class E", "Class F", "Class G" or "Class H" District, a rear yard may be an open space located above a horizontal plane formed by the roof of a first storey, situated between the rear wall of the main building above such plane and the rear lot line, unoccupied from such horizontal plane to the sky, extending the full width of the lot and free from all buildings and structures.

13.60 Yard, Side

"Side yard" shall mean a yard located between the side wall of the building served and the side lot line, and extending through from the street line to the rear yard.

In a "Class E", "Class F", "Class G" or "Class H" District, a side yard may be an open space located above a horizontal plane formed by the roof of a first storey, situated between the side wall of the main building above such plane and the side lot line, unoccupied from such horizontal plane to the sky and extending through to and opening upon the street line and the rear yard.

SECTION 14. PENALTY

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \_\_\_\_\_ dollars for each offence, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or costs only may be levied by distress and sale of the goods and chattels of the offender; and in the case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common gaol of the County of \_\_\_\_\_, with or without hard labour, for any period not exceeding \_\_\_\_\_ calendar months, unless the said penalty and costs (if any) including the costs of the said distress and of the committal and conveyance of the offender to the said gaol, are sooner paid.