

11. ACCESSORY USE REGULATIONS

PART 11A

PURPOSE OF CHAPTER

- (1) The purpose of this Chapter is to provide detailed regulations and requirements over and above the general regulations provided in Chapters 4 and 5, for the development of accessory uses in all land use zones.
- (2) Special regulations will also be provided for unique accessory developments.
- (3) The intent of this Chapter is to exercise proper control on the development of accessory structures and uses to eliminate any potential adverse effect on surrounding properties, public health or safety. [1992/9250]

PART 11B

REGULATIONS FOR ALL ACCESSORY USES

11B.1 QUALIFICATION CRITERIA

1.1 INCIDENTAL TO PRINCIPAL USE

An accessory use is a building, structure or activity which is incidental to the principal use or activity conducted on the site. [1992/9250]

1.2 SAME SITE AS PRINCIPAL USE

Except as otherwise specifically permitted by this Chapter, an accessory use shall be located on the same site as the associated principal use. [1992/9250]

1.3 EXCLUSIONS

(1) Connected Structures

When an accessory structure is attached to a principal structure on the same site by:

- (a) a breezeway;
- (b) a roofed passage;
- (c) an open or enclosed structure above grade;
- (d) a floor or foundation which is above grade; or
- (e) any structure below grade similar to those mentioned in clauses (a) to (d)

the accessory structure shall be deemed to be part of the principal use, and shall, except in the case of a garage or carport described in section 11B.8.1, maintain the yard requirements of the principal building. [2004-1]

(2) Ornaments, Decorations, Etc.

The following structures are not accessory structures within the meaning of this Chapter and may be developed without a development permit:

- (a) an ornamental or decorative structure, other than a sign;
- (b) a single flagpole;
- (c) a bird-house, bird-feeder;
- (d) a single clothesline or other device for drying laundry;
- (e) a single shelter for a domestic dog or cat, provided that the shelter is of a type normally found on residential properties and does not exceed 1.067 metres in height; or [1999/10113]
- (f) a swing or hammock, basketball backboard and hoop and other recreational facilities not mentioned in Part 11C.

11B.2 DETERMINATION OF ACCESSORY STATUS

2.1 RESPONSIBILITY

The Development Officer shall make the initial determination as to whether a building or structure or use is accessory to a principal use. [1992/9250]

2.2 CONSIDERATIONS

In determining whether a building or structure is accessory to a principal use, the following factors shall be taken into consideration:

- (a) the size of the lot or site;
- (b) the nature of the principal use;
- (c) the use made of the adjacent lots;
- (d) the actual incidence of similar use in the neighbourhood; and
- (e) the potential for adverse impact on adjacent property. [1992/9250]

11B.3 DEVELOPMENT REQUIREMENTS

3.1 DEVELOPMENT PERMIT

No accessory use or structure shall be developed without a development permit issued pursuant to Chapter 18 of this Bylaw. [1992/9250]

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3.2 PHASING AND COMMENCEMENT OF USE

- (1) No accessory use shall be developed until after the start of construction of the principal use on the building site.
- (2) No accessory use shall be used unless the principal use or structure has been developed, except otherwise authorized by a development agreement or allowed under other provisions of this Bylaw. [1992/9250]

11B.4 ACCESSORY USE AS PERMITTED USE

- 4.1** Any use which is accessory to a lawful use is deemed to be a permitted use as defined in Chapter 5 of this Bylaw.

11B.5 ACCESSORY USE RESTRICTIONS

5.1 ALL LAND USE ZONES

- (1) The following uses shall not be allowed as accessory uses to a vehicular repair establishment, except where they are listed as permitted or discretionary uses in a zone:
 - (a) a car wash;
 - (b) a motor vehicle sales lot; and
 - (c) a service station.
- (2) An amusement arcade shall not be allowed as an accessory use, except in a zone where it is permitted as a principal use. [1992/9250]

5.2 INDUSTRIAL ZONES

Movie machines used for the purpose of furnishing entertainment amusement to the public for a fee shall be permitted only in an industrial zone, and only as accessory uses. The regulations in Subpart 8D.3, Chapter 8, shall apply to any premise containing movie machines that show adult movies (adult arcades). [1992/9250; 1995/9736]

11B.6 HEIGHT RESTRICTIONS

6.1 RESIDENTIAL ZONES

No accessory building or structure shall exceed 4.0 metres in height. [2002-2; 2003-1]

11B.7 AREA RESTRICTIONS

7.1 RESIDENTIAL ZONES [2003-1]

(1) One and Two-Unit Dwellings

The maximum floor area of a building or structure that:

- (a) is located in a residential zone; and
- (b) is accessory to a detached dwelling, semi-detached dwelling, duplex dwelling, or mobile home that is not part of a planned group of dwellings,

shall not exceed 75 square metres in floor area.

(2) Other Dwellings

The maximum floor area of a building or structure that is located in a residential zone and that:

- (a) is accessory to a triplex, fourplex, townhouse, or apartment building; or
- (b) is accessory to any type of dwelling within a planned group of dwellings,

shall not exceed 75 square metres or 15 percent of the lot area, whichever is greater.

11B.8 SETBACK EXCEPTIONS FOR RESIDENTIAL ZONES

8.1 GARAGE OR CARPORT

Where:

- (a) a garage or carport is located in the rear yard, it shall not be located closer than:
 - (i) 1.5 metres from a property line abutting a lane toward which a vehicle door faces; and [2013-64]
 - (ii) 600 millimetres to any side or rear lot line;
 - (iii) Notwithstanding (ii) above, where the principal building on a site has no side yard requirement, an accessory building on that site may be built without a side yard setback from the same property line from which the principal building has no required side yard setback subject to compliance with the applicable Building Bylaw requirements. This provision does not apply to accessory buildings in Planned Unit Development zones. [2007-18]
- (b) access to a garage or carport is provided directly from a flankage street, the garage or carport shall not be located closer than:
 - (i) 5.5 metres from the back of any sidewalk; or
 - (ii) where there is no sidewalk, 5.5 metres from the curb. [1992/9250]

8.2 DETACHED ACCESSORY BUILDINGS - SETBACK FROM PRINCIPAL BUILDING, REAR AND SIDE LOT LINES

- (1) Detached accessory buildings shall not be located in the front yard.
- (2) Detached accessory buildings shall be located a minimum of one metre from a principal building on the site.
- (3) In case of garages or carports see additional regulation in subsection 11B.1.3(1). [1994/9572]
- (4) Neither subsection (2) nor the side and rear yard setback requirements of this Bylaw shall apply to a detached accessory building:
 - (a) with a floor area of 10m² or less; and [1999/10113]

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- (b) located in the rear or side yard, provided that:
 - (i) the wall of the accessory building is constructed of materials which do not require maintenance and there is no overhang of eaves;
 - (ii) all roof drainage from the accessory building is directed onto the site; and
 - (iii) in the case of a corner lot, the setback from the corner side yard shall be the same as required for the principal building. [1992/9250; 1992/9407]

8.3 OTHER ACCESSORY BUILDINGS IN REAR YARD - SETBACK FROM REAR AND SIDE LOT LINES

Where any other accessory building is located in the rear yard, it shall not be located closer than 600 millimetres to any side or rear lot line.

PART 11C

REGULATIONS FOR UNIQUE ACCESSORY USES

In addition to the general regulations in Part 11B, the following uses shall comply with the regulations in this Part. [1992/9250]

11C.1 REPEALED [2015-1]

11C.2 RESIDENTIAL COMPOST FACILITY

2.1 INTENT

These regulations are intended to encourage the practice of home composting and to ensure that composting activities (collection, storage and processing) are carried out in a manner acceptable to adjoining residents, and also do not affect public health and safety. [1992/9250]

2.2 SIZE AND LOCATION REQUIREMENTS

No compost bin, collection, storage or processing area shall:

- (a) exceed four cubic metres in volume; or
- (b) be located so as to cause deterioration to a common fence.
[1992/9250]

2.3 COMPOSTING MATERIALS

Materials that create obnoxious odour or attract pests, such as meat scraps, fats, cooking oils, and animal waste shall not be added to a compost collection. Also, plant materials infected with disease, noxious weeds and poisonous plants shall not be incorporated in a compost collection. [1992/9250]

11C.3 SATELLITE DISH/AMATEUR RADIO ANTENNA SUPPORT STRUCTURE [1995/9736]

3.1 INTENT

These regulations are intended to regulate the installation of satellite dishes and amateur radio antenna support structures to ensure that they: [1995/9736]

- (a) do not cause visual blight;
- (b) do not impede access by emergency and rescue personnel or by utility crews along easements;
- (c) do not create an attractive nuisance for children;
- (d) do not pose a safety hazard;
- (e) do not block views; and
- (f) are not used as commercial signs. [1992/9250]

3.2 APPLICATION

The erection of satellite dishes and amateur radio antenna support structures shall be permitted in all land use zones provided in this Bylaw subject to the regulations in this Subpart. [1992/9250; 1995/9736]

3.3 LOCATION REQUIREMENTS

- (1) No satellite dish or amateur radio antenna support structure or any portion thereof, in any position, shall be located in or encroach on any: [1995/9736]
 - (a) front yard;
 - (b) side yard; or
 - (c) the area defined by the extension of a side yard into a rear yard which is adjacent to a street (see illustration in Figure 11.1, below).
- (2) No satellite dish or amateur radio antenna support structure shall be erected on the roof of any principal building which is: [1995/9736]
 - (a) located in a residential zone; and
 - (b) less than three stories in height.

- (3) Notwithstanding subsection (2), where the greatest portion of a satellite dish is recessed into the surface of a roof, it shall be permitted.
- (4) Every satellite dish in a residential zone shall be erected so that:
 - (a) where the dish is mounted on the ground, the elevation of the lowest edge (base) of the dish does not exceed the elevation of the soffit of the lowest eaves of the principal building on the lot on which the satellite dish is located; and
 - (b) where the dish is mounted on a principal or an accessory building:
 - (i) the elevation of the lowest edge (base) of the dish does not exceed the elevation of the soffit of the lowest eaves of the principal building on the lot on which the satellite dish is located; and
 - (ii) the accessory building is located entirely within a rear yard.
- (5) Wiring between the satellite dish or amateur radio antenna support structure and a receiver shall be placed at least 15 centimetres beneath the surface of the ground within rigid conduit. [1992/9250; 1992/9407; 1995/9736]

3.4 CONNECTION ACROSS PROPERTY BOUNDARIES

No satellite dish or amateur radio antenna support structure shall be linked, physically or electronically, to a receiver which is not on the same lot, site or premise as the satellite dish. [1992/9250; 1995/9736]

3.5 ADVERTISING

No advertising message shall be allowed on any satellite dish or amateur radio antenna support structure or its framework, except the manufacturer's logo, which shall be limited to no more than 10 percent of the combined gross surface area of the dish and framework. [1992/9250; 1995/9736]

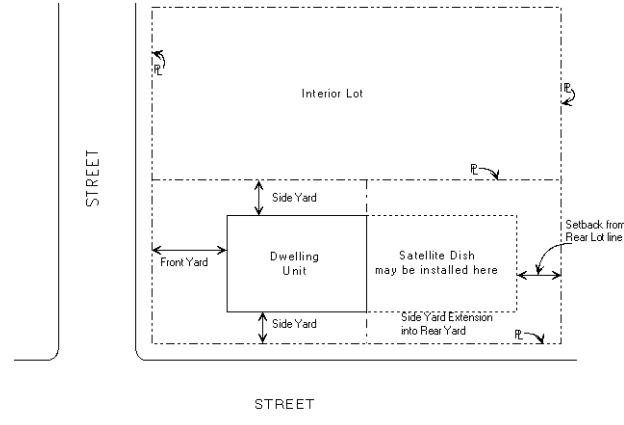


Figure 11.1: Satellite Dish Location

11C.4 CARGO CONTAINERS [2014-44]

- (1) Cargo containers shall be prohibited in all Residential, Commercial, Industrial Prestige, Warehouse and Special zones with the following exceptions:
 - (a) Airport
 - (b) Railway
- (2) Notwithstanding subsection (1), cargo containers may be temporarily placed on a site in any zone:
 - (a) during construction on a site when the cargo container is utilized solely for the storage of supplies and equipment that are used for the site, provided that:
 - (i) a valid building permit has been issued for construction on the site; and
 - (ii) the cargo container must be removed from the site upon completion of the construction; or
 - (b) for the purpose of loading and unloading of items associated with the principal use for a period of not more than 10 days.
- (3) When placed on a site pursuant to subsection (2), the cargo containers shall:
 - (a) be located so as not to create a safety hazard; and
 - (b) not be located within 1.2 metres of the interior edge of the sidewalk.