

## Accessory Uses, Buildings and Structures (Section 55)

55. (1) An accessory use is permitted in any zone if:
- (a) it is on the same lot as the principal use to which it is accessory; and
  - (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.
- (2) Except in the case of the MD zone, no person shall, where an accessory use is in a different building than the principal use to which it is accessory, use that accessory building (By-law 2009-164)
- (a) for human habitation; and
  - (b) in non-compliance with the provisions set out in Table 55.
- (3) For the purposes of this section, the determination of whether or not a use is an accessory use or an ancillary use to a principal use should be made by referencing the definitions of accessory, accessory building, accessory structure, accessory use and ancillary use. It should be noted that a building is a land use, be it a principal use, an accessory use or an ancillary use.
- (4) This Section does not apply to satellite dishes or tower antennas in residential zones either of which could be by definition an accessory structure, refer to section 91(4) regarding the City's Municipal Concurrence and Public Consultation Process for Antenna Systems. (By-law 2016-131)
- (5) A additional dwelling unit is not considered to be an accessory use and it is regulated by Section 133.
- (6) A coach house is not considered to be an accessory use and any building containing a coach house is regulated by Section 142, and not this section. (By-law 2016-356)
- (7) Subsection 138(1), which deems a 0 m setback between two vertically-attached units, applies. (By-law 2010-307)
- (8) This Section does not apply to **Hydronic Heaters**, which are by definition an accessory structure, as they are regulated by Section 83 – Hydronic Heaters. (By-law 2012-344)
- (9) Despite Table 55, buildings formerly used as part of an agricultural use and remaining on a lot created for residential purposes as part of a surplus farm severance are permitted as accessory to a residential use provided they comply with Subsections (1) and (2). (By-law 2017-302)
- (10) An unmodified shipping container is a prohibited accessory building, except as a temporary use subject to Section 71, in the following zones: R1, R2, R3, R4 and R5 zones. (By-law 2019-410) (By-law 2021-218)

### TABLE 55 – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES-

(By-law 2009-164) (By-law 2013-224) (By-law 2020-289)

I Zoning Mechanism			Provisions					
			II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123)		III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By- law 2010-123)		IV All Other zones	
(1)	Minimum Required Setback from a Front Lot Line		Same as required for principal building. (By-law 2008-326) (By-law 2008-462)					
(2)	Minimum Required Setback from a Corner Side Lot Line or a Rear Lot Line abutting a street							
	(a)	for a garage, carport or temporary car shelter with direct vehicular access from that street	Same as minimum corner side yard setback					
	(b)	other cases	1.2 m	Same as minimum corner side yard or rear yard setback respectively		0 m		
(3)	Minimum Required Setback from an Interior Side Lot Line or Rear Lot Line not abutting a street							
	(a)	For a marine facility where it abuts a watercourse	0 m					
	(b)	For shared garages or carports erected on a common side lot line	0 m from the common side lot line					
	(c)	For children's play structures and for walkable decking serving an above-ground swimming pool or hot tub (note: for the purposes of this provision, the height of a play structure means the highest point designed for a child to safely stand, sit or climb and this provision does not apply to walkable surfaces serving a hot tub where the hot tub is placed on top of the surface) (By-law 2013-359) (By-law 2017-302)	(i)	Abutting a residential zone: a distance equal to the height of the structure	A distance equal to the height of the structure		(i)	Abutting a residential zone: a distance equal to the height of the structure
			(ii)	Not abutting a residential zone - 0.6 m			(ii)	Not abutting a residential zone: 0.6 m
	(d)	For above ground pools or hot tubs not equipped with walkable decking and not contained within a building (By-law 2013-359)	0.6m		0.6m		0.6m	
	(e)	Other accessory buildings or structures, or situations not otherwise specified above (By-law 2013-359)	(i)	In a front or interior side yard or corner side yard - same as principal building (By-law 2018-155)	(i)	In a front, interior side or corner side yard - same as principal building	(i)	Abutting a residential zone: 0.6 m
			(ii)	In a rear yard - 0.6 m	(ii)	In a rear yard – 1 m	(ii)	Not abutting a residential zone - 0 m
	(4)	Minimum Required Distance from Any Other Building Located on the same lot, except for a hot tub		1.2 m			0 m	

I Zoning Mechanism		Provisions			
		II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123)	III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By- law 2010-123)		IV All Other zones
(5)	Maximum Permitted Height (see also Section 64)	-R1, R2, R3, R4 and R5 Zones : 3.6 m, with the height of the exterior walls not to exceed 3.2 m -V1, V2 and V3 Zones; 4.5 m (By-law 2016-351)	(a)	AG, RU Zones - 12 m (By-law 2009-164)	6 m
			(b)	<b><i>RU1 to RU4 subzones and all other zones – 6 m</i></b>	
(6)	Maximum Permitted Size	Aggregate of all accessory buildings not to exceed a lot coverage of 50% of the yard in which they are located, with a maximum cumulative floor area of 55 m <sup>2</sup> as measured from the exterior walls of the building (By-law 2009-302)	(a)	In an EP zone, if accessory to residential use, aggregate of all accessory buildings not to exceed 55m <sup>2</sup> or if accessory to other uses, aggregate of all accessory buildings not to exceed 150m <sup>2</sup> . (By-law 2009-164)	No restriction
			(b)	In an RM zone:	
				(i) A maximum of 10 m <sup>2</sup> is permitted for a maximum of one accessory building associated with a mobile home site; and	

I Zoning Mechanism		Provisions		
		II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123)	III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By- law 2010-123)	IV All Other zones
			(ii)	A maximum cumulative total gross floor area of 300 m <sup>2</sup> may be used for accessory buildings or structures whose sole purpose is to provide space for tools, equipment, materials and similar items, or for accessory uses needed to maintain the mobile home park; and must not be used for storage for individual mobile home sites, nor for commercial storage. (By-law 2010-123)
			(c)	In all other column III zones, aggregate of all accessory buildings not to exceed 5% of the total lot area or 150m <sup>2</sup> whichever is the greater (By-law 2009-164) (By-law 2010-123)
(6a)	Maximum Size and Height of a Landing to an Above-Ground Pool (By-law 2020-289)	In the R1-R4 Zones in Area A of Schedule 342, as tall as needed to access the pool but only for a maximum area of 2.3 m <sup>2</sup> (By-law 2020-289)		
(7)	Maximum Number of Accessory Buildings Permitted on a lot	2	No restriction	

I Zoning Mechanism		Provisions		
		II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123)	III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By- law 2010-123)	IV All Other zones
(8)	Rooftop landscaped areas, gardens and terraces	In the case of a dwelling of four storeys or less, and any part of an apartment, mid-rise and apartment, high-rise that is four storeys or less:		
		(a)	(i) Where located on the roof of the uppermost storey: minimum 1.5 m from any exterior wall of the building. (ii) Where a roof-top terrace is not located on the roof of the uppermost storey and meets or exceeds an area equivalent to 25 per cent of the gross floor area of the storey it is adjacent to and most equal to in height: minimum 1.5 m from any exterior wall of the building.	
		(b)	Where a roof-top terrace is not located on the roof of the uppermost storey, and not exceeding an area equivalent to 25 per cent of the gross floor area of the storey it is adjacent to and most equal to in height, no setback is required.	
		(c)	Where such roof-top terrace is adjacent to a rear yard and within 1.5 m of an exterior side wall or interior side lot line, a 1.5 m high opaque screen is to be provided facing the interior side yard or interior side lot line.	
		(d)	A roof-top access associated with a detached, linked detached, semi-detached, long semi-detached, three unit and townhouse dwelling where it projects above the permitted height must:	
			(i)	be setback a distance equal to its height from the exterior front wall and exterior rear wall,
			(ii)	not exceed a total area of 10.5 m <sup>2</sup> ,
			(iii)	not have eaves that project more than 0.6 m beyond the exterior walls of the access, and not exceed 3 m in height.
		(e)	Where an elevator is proposed to provide access to a rooftop terrace and projects above the required height limit in a detached, linked detached, semi-detached, long semi-detached, three unit or townhouse dwelling unit, the maximum area needed for the rooftop access may be larger than required under (d) (ii) to allow for the proper functioning of the elevator including the minimum landing area necessary to provide proper egress between the elevator and the rooftop terrace, and an elevator landing may be sized as necessary to provide reasonable access to a provided elevator, with a clear interior area of 1.5m <sup>2</sup> . (By-law 2020-289)(By-law 2022-103)	