

Low-rise Residential Development within the Mature Neighbourhoods Overlay (Section 140) (By-law 2020-289)

140. (1) This section applies to R1, R2, R3 and R4 zones within the Mature Neighbourhoods Overlay and prevails over any provisions to the contrary, except those specifically named under subsection (10).

Definitions

- (2) For the purposes of Section 140, the following definitions apply:

Attribute means a land use quality or feature, regarded as a characteristic of, and an inherent part of, the streetscape character, inclusive of the use, incidental use of lands, buildings and associated uses, and includes building and entrance orientation with respect to the street; treatment of yards abutting a street; the location and type of access to a site for pedestrians and vehicles; and the location of parking.

Dominant means:

In the case of patterns, the dominant pattern is the most frequently occurring pattern as set out in Section 140 for each of the attributes being documented in a Streetscape Character Analysis; and

In the case of Character Groups, the dominant Character Group is the most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the attributes being documented in a Streetscape Character Analysis.

Existing means: as of the date that a Streetscape Character Analysis is submitted to the Department of Planning and Growth Management, in the case of determining the existence of a building, dwelling, driveway, walkway, attached garage or carport, parking space or principal entranceway on a lot and to the actual yard setbacks of that building or dwelling, and in the case of the existing average grade means, as of the date that a Streetscape Character Analysis has been approved by the Department of Planning and Growth Management;

Immediately opposite means across the street and may be used in both the context of a lot located most directly across the street from the subject lot, or of a development located most directly across the street from the subject or proposed development;

Pattern means a specific arrangement of each of the land use attributes.

- (3) A Streetscape Character Analysis (SCA) must be confirmed prior to any application under the Planning Act, building permit application, or approval under the Private Approach By-law, whose approval would permit:
- (a) a new residential use building;
 - (b) an addition to an existing residential use building, where the addition abuts the front yard or corner side yard;
 - (c) a modification to an existing residential use building that includes:
 - (i) the removal of a principal entranceway that faces the front lot line or side lot line abutting a street; or
 - (ii) the addition or expansion of an attached garage or carport that faces the front lot line or side lot line abutting a street; or
 - (d) the addition or expansion of a driveway or parking space in the front yard or corner side yard.
- (4) Despite (3), no Streetscape Character Analysis is required where the residential use building:

- (a) includes no driveway or attached garage or carport, and includes a principal entrance facing the front lot line or side lot line abutting a street;
 - (b) is on a lot that is part of a Plan of Subdivision and faces a new public street on which there is no established residential streetscape character, for any building permit issued within five years of subdivision registration; (By-law 2021-111)
 - (c) fronts onto and has access from a private way within a Planned Unit Development; or (By-law 2021-111)
 - (d) after the addition or modification , no front-facing principal entranceway is removed and no driveways, attached garages or carports are added or expanded. (By-law 2021-111)
- (5) A Streetscape Character Analysis ceases to be valid eighteen months after the date it is confirmed.
- (6) (a) The Streetscape Character Analysis must document the dominant pattern with respect to:
- (i) location and type of driveways;
 - (ii) location and size of all parking spaces, garages and carports; and,
 - (iii) orientation of principal entranceways.
- (b) The **attributes** listed in subsection 140(6)(a) must be recorded for 21 lots located on the same street as the affected lot, as follows:
- (i) the ten **lots** nearest the affected **lot** abutting the same side of the street and located within the same block;
 - (ii) the lot **immediately opposite** and across the street from the affected **lot**, and
 - (iii) the ten **lots** nearest the **lot** specified in (ii) herein, located within the same block as the affected **lot**.
- (c) Despite clause (b), where the affected **lot** is located on a block between two intersections where:
- (i) there are more than five but less than eleven **lots** on the same block and the same side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclause (6) (b) (i);
 - (ii) there are more than five but less than eleven **lots** on the same block, but on the opposite side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclauses (6) (b) (ii) and (6) (b) (iii).
- (d) Despite clauses (b) and (c), where the affected **lot** is located on a block between two intersections where:
- (i) the total number of **lots** between the two intersections on either side of the **lot** is less than 21 but more than 11, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 6(b);
 - (ii) the street on which the affected **lot** is located consists of only one block or is only developed on one side, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 6(b).
- (e) Despite clauses (b), (c) and (d), where the affected **lot** is located on a block between two intersections where:
- (i) there are five or fewer **lots** on the same block and the same side of the street as the affected **lot**; and/or
 - (ii) there are five or fewer **lots** on the same block, but on the opposite side of the street as the affected **lot**; and

- (iii) there are five or more **lots** located on either side of the same street beyond either intersection, documenting 21 **lots** on both sides of the street within the same block as the affected **lot** and beyond either intersection is deemed to satisfy clause 6 (b).
 - (f) When documenting **lots** beyond either intersection from the block on which the affected **lot** is located, despite the requirement to document 21 **lots** in paragraph (iv) of clause (e) above, such documentation need not extend more than one block further on either side of each intersection.
 - (g) Despite clauses (b), (c), (d) (e) and (f), where:
 - (i) the street on which the affected lot is located terminates at the end of the block, but is at least one more block in length in the other direction; and
 - (ii) the next block has five or more **lots** on the same street; and
 - (iii) there are fewer than 21 **lots** on the block on which the affected **lot** is located,

lots located beyond the said intersection must be included as part of the 21-lot analysis undertaken pursuant to subclauses 6(b) (i) and (ii).
 - (h) Despite clauses (b), (c), (d), (e), (f) and (g), where the street on which the affected **lot** has fewer than five, or no other, **lots** facing it, the Streetscape Character Analysis must include up to 21 **lots** closest to the affected **lot** located within the same city block without crossing intersections but facing other streets, in the manner provided by Subsection 140(6), clauses (b) through (g).
 - (i) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable,
 - (i) is vacant; or
 - (ii) is developed with institutional, office or open space uses; that **lot** must be documented in the Streetscape Character Analysis, but may not be counted towards the **dominant character** of the streetscape.
 - (j) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable, has front yard parking whose legal status has not been established, that front yard parking must be recorded as **hard landscaping** for the purposes of documenting the **incidental use of lands** as required by subsection 140(6)(a). Where no front yard parking is proposed, there is no requirement to establish the legal status of any such space that may exist within the lots documented in a Streetscape Character Analysis.
 - (k) In the case of a **corner lot**, only where **dwelling**s will be fronting on both streets as the affected **lot**, must the 21-lot analysis be undertaken along both streets, with the documenting of 21 lots fronting on the same street as the **principal** entranceway of the affected lot documented, and 11 lots fronting on the same street as the affected lot's **corner side lot line** documented. Where there are fewer than the required number of lots to be documented herein, clauses 140(6)(c) through (i) above apply.
- (6) A driveway in the front or corner side yard is:
- (a) prohibited where access to a permitted or legally nonconforming parking space in the rear yard or interior side yard is able to be provided via a travelled rear lane;
 - (b) where not prohibited under (a), is permitted or prohibited according to the dominant pattern of driveways, subject to Table 140A and Table 140B;
 - (c) where permitted subject to 140B, is subject to 139(3); and
 - (d) despite the dominant driveway pattern, where the number of lots in Character Group B and C combined outnumber those in Character Group A, the dominant pattern is deemed to be B (single-wide driveways.)
 - (e) In the case of an apartment dwelling, low-rise, or a stacked dwelling, where a driveway is permitted, the maximum permitted width for a driveway that leads to:

- (i) less than 20 parking spaces: 3.6 m
 - (ii) 20 or more parking spaces: 6 m.
 - (f) Despite the dominant driveway pattern as per Table 140B, where the property is at least 15 m in lot width and within a R1 zone, a double driveway is permitted subject to Table 139(3).
- (7) An attached garage or carport facing the front lot line or side lot line abutting a street
- (a) is permitted or prohibited according to the dominant pattern of garages and carports, subject to Table 140A;
 - (b) where permitted, the maximum width of the entrance to a garage or carport is
 - (i) in the case of a single-wide garage or carport, 3m
 - (ii) in the case of a double-wide garage or carport, 6m
 - (c) Despite subsection (a), where a driveway is permitted, a parking space may be located partially under the principal building provided that:
 - (i) the building does not cantilever more than 1.8 m over the parking space,
 - (ii) the cantilevered area above the parking space is not supported by a column, pillar, pier, or post.
- (8) A principal entrance facing the front lot line or side lot line abutting a street
- (a) is permitted;
 - (b) may be required according to the dominant pattern of principal entrances, subject to Table 140C; and
 - (c) Where required under Table 140C,
 - (i) in the case of detached dwellings, linked detached dwellings, and townhouse dwellings, the principal entrance requirement applies to each dwelling unit.
 - (ii) in the case of semi-detached, long semi-detached, duplex, three-unit, and low-rise apartment dwellings, at least one principal entrance must face the street.
 - (iii) in the case of stacked dwellings, only one principal entrance for each vertical pair of dwelling units is subject to the requirement.
- (9) The first floor of a dwelling or dwelling unit must contain at least 40 m² of habitable floor space.
- (10) The regulations listed below continue to apply in addition to those regulations of the Mature Neighbourhoods Overlay:
- (a) Part 4- Parking, Section 100, other than Subsection 100 (3), clause (b), paragraph (ii) which is superceded by this Section,
 - (b) Section 105
 - (c) Section 106, other than Subsection 106 (1), clause (a)
 - (d) Subsection 107 (1) and Table 107
 - (e) Section 108
 - (f) Section 110
 - (g) Section 111
 - (h) Section 112
 - (i) Section 113
 - (j) All of Part 5 – General Residential Provisions

(k) All of Part 6 – Residential Zones, other than as specifically required in this Section

Table 140A – Garages, Carports and Parking

Character Group	A	B
Streetscape Character	No Garage or carport is attached to the front façade or corner façade of the dwelling	Garage or carport is attached to the front façade or corner façade
Regulations	<p>(i) No front-facing or corner-facing attached garage or carport is permitted 140 (8) (b).</p> <p>(ii) A garage or carport may be attached to the exterior wall of the dwelling that faces the interior side lot line, or may be attached to the rear face of the dwelling.</p> <p>(iii) parking may be in a surface side or rear parking space, or in a rear yard detached garage.</p> <p>(iv) A notched-out space may be created by cutting into the side of the first floor of the dwelling unit to provide for one surface parking space, pursuant Subsection 140 (8).</p>	<p>(i) A front-facing or corner-facing attached garage or carport may be developed along part of the dwelling unit's front face or corner face, provided it is setback further than the principal entranceway of the dwelling, pursuant to Subsection 139 (3). (By-law 2021-111)</p> <p>(ii) A garage or carport may be attached to the exterior wall of the dwelling that faces the interior side lot line, or may be attached to the rear face of the dwelling, or in a surface side or rear parking space, or rear yard garage.</p> <p>(iii) parking may be in a surface side or rear parking space, or in a rear yard detached garage.</p> <p>(iv) A notched-out space may be created by cutting into the side of the first floor of the dwelling unit to provide for one surface parking space pursuant to Subsection 140 (8).</p>

Table 140B – Driveway Character Groups and Legal Front Yard Parking

Character Group	A	B	C	D
Streetscape Character	No driveways	Individual / Shared Driveways	Double-wide driveway	Legal Front Yard Parking
Regulation	No driveway is permitted	A single driveway or shared driveway is permitted	<p>A double-wide driveway is not permitted unless it is the dominant character, pursuant to Table 139(3) (By-law 2021-111).</p> <p>A single driveway or shared driveway is permitted.</p>	<p>(i) Front yard parking and corner side yard parking are prohibited.</p> <p>(ii) However, where front yard parking or corner side yard parking was created legally, either prior to 1965 or created through a zoning by-law amendment or minor variance and is the dominant pattern along the street, a new front yard parking space may be permitted.</p>

Table 140C – Principal Entranceway Character Groups

Character Group	A	B
Streetscape Character	Principal Entranceway is located on the front façade of the dwelling unit and faces the street	Principal Entranceway is not located on the front façade of the dwelling unit and does not face the street
Regulation	<p>In the case of detached, linked detached, semi-detached and townhouse dwellings, all new development and additions must have the principal entranceway face the street on which the principal dwelling unit is, or units are, fronting upon.</p> <p>In the case of a long semi-detached, triplex, or stacked dwelling, an apartment dwelling, low-rise, rooming house or retirement home, all new development and additions must have a principal entranceway face the street on which the principal dwelling is located.</p>	<p>New development and additions do not need to have the principal entranceway face the street on which the principal dwelling unit is fronting.</p> <p>In the case of a long semi-detached, triplex, or stacked dwelling, or an apartment dwelling, low rise, rooming house or retirement home, only one of the principal entranceways must face the street, with other principal entranceways not required to face the street on which the dwelling or dwellings units is located.</p>