

SECTION 4: GENERAL PROVISIONS

NOTE: For the purposes of this circulation only those General Provisions that are being amended or added by the draft Commercial and Mixed Use Zones have been included.

4.6 PERMITTED YARD ENCROACHMENTS

No part of any required yard shall obstruct except as follows:

- a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, to a maximum of half the distance of the required yard;

4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES, INSTITUTIONAL ZONES, SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL, SETTLEMENT RESIDENTIAL ZONES, AND COMMERCIAL AND MIXED USE ZONES

- h) Buildings greater than 18 square metres in gross floor area and accessory to a Commercial use shall conform to the regulations of the principle use.

4.12 VACUUM CLAUSE

- e) Notwithstanding any other provisions of this By-law, any lot within the Commercial and Mixed Use Zones of this By-law and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width, lot area and building height and are permitted by this By-law.

4.18 TEMPORARY USES

- c) **Temporary retailing in a Downtown D1, D2, D3, or D4 Zone or in a Commercial and Mixed Use, C1, C2, C3, C4, C5, C5a, C6, C7 Zone, in accordance with the following provisions:**
 - i) **Retailing of flowers, souvenirs, and/or fireworks for a maximum period of 2 consecutive days;**
 - ii) **Seasonal Garden Centres, including the retail sales of Christmas trees, providing that the use:**

1. Shall not be in operation for more than 120 days annually;
 2. Shall not be located in a landscaped area or planting strip;
 3. Shall not occupy more than 10% of the total number of provided parking spaces and shall not obstruct the manoeuvring area of any parking or loading space; and,
 4. Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).
- ii) Notwithstanding any provision of this By-law, seasonal garden centres shall comply with the following:
1. Shall not be in operation for more than 120 days annually;
 2. Shall not be located in a landscaped area or planting strip;
 3. Shall not occupy more than 10% of the total number of parking spaces and shall not obstruct the manoeuvring area of any parking or loading space; and,
 4. Shall not be located a barrier-free parking space and loading space.

4.25 DRIVE-THROUGH FACILITY REGULATIONS

Notwithstanding any provision of this By-law, every Drive-Through Facility shall comply with the following:

- a) Minimum number of stacking spaces from the service window:
 - i) Restaurant - 15 spaces
 - ii) All other uses - 3 spaces
- b) No stacking space shall be less than 2.6 metres in width by 6.0 metres in length, unless otherwise provided for in this By-law.

- c) Locational specific regulations:
 - i) No Drive-Through Facility shall be permitted to locate between any required parking area and the main entrance for the use;
 - ii) No Drive-Through Facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the Drive-Through Facility and a street; and,
 - iii) Required stacking spaces shall not be permitted in any aisle providing access to the required parking nor obstruct the ability to access a parking space.
- d) Where a Drive-Through Facility abuts a Residential Zone or Institutional Zone property line:
 - i) A minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use; and,
 - ii) In addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.