



Section 8 Residential 40 (RES 40) Zone

8 Residential 40 (RES 40) Zone (High Density)

The Residential 40 (RES 40) Zone is intended to implement the high density policies of the Urban Residential Area designation in the Official Plan. This Zone generally permits multiple-unit dwellings, and institutional uses.

All structures and buildings erected, altered or used in a RES 40 Zone shall comply with the regulations of this Section, as well as any other applicable provisions in this By-law.

8.1 Permitted Uses

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

- Community centre
- Continuum of care home
- Day care centre
- Dwelling, apartment
- Dwelling, quadruplex
- Dwelling, rowhouse
- Dwelling, triplex
- Hospice
- Hospital
- Institutional uses
- Long-term care facility
- Place of assembly or recreation
- Place of worship
- Retirement home
- Rooming house
- School
- Service commercial uses
- Transitional housing

8.2 Zone Standards

Provision	Requirement				
	Rowhouse dwelling (linear), Rowhouse dwelling (cluster)	Triplex dwelling, Rooming house	Quadruplex dwelling	Apartment dwelling, Transitional housing	Other Permitted Uses
a) Minimum Lot Frontage	Rowhouse dwelling (linear): 20.5 m, plus an additional 4.8 m per main dwelling unit in excess of 3 Rowhouse dwelling (cluster): 30 m	15 m	18 m	30 m	30 m
b) Minimum Lot Area	185 m ² per main dwelling unit	464 m ²	600 m ²	930 m ²	930 m ²
c) Minimum Landscaped Area	30% - See additional provisions	30% - See additional provisions	30% - See additional provisions	30% - See additional provisions	30%
d) Minimum Front Yard	6 m	6 m	6 m	6 m	6 m
e) Minimum Interior Side Yard	2.4 m plus 0.6 m for each additional or partial storey above the first (applicable to end units only)	1.5 m on one side and 3 m on the driveway side	1.5 m on one side and 3 m on the driveway side	4.5 m	4.5 m
f) Minimum Exterior Side Yard	6 m	6 m	6 m	6 m	6 m



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Provision	Requirement				
	Rowhouse dwelling (linear), Rowhouse dwelling (cluster)	Triplex dwelling, Rooming house	Quadruplex dwelling	Apartment dwelling, Transitional housing	Other Permitted Uses
g) Minimum Rear Yard	Rowhouse dwelling (linear): 8 m Rowhouse dwelling (cluster): 6 m	8 m	8 m	8 m	10.5 m
h) Maximum Lot Occupancy (all main buildings)	40%	40%	40%	40%	40%
i) Maximum Building Height	11 m	11 m	13.5 m	30 m	13.5 m

8.3 Additional Provisions

8.3.1 Linear Rowhouse Dwellings

1. The minimum interior side yard setback for a permitted addition shall be 1.5 m from the common lot line between the rowhouse units.
2. Open decks may be situated to the common property line between rowhouse units. In the case where no severance line exists (i.e. cluster development or linear development under one ownership), these standards shall continue to apply.
3. Notwithstanding the minimum interior side yard requirement for linear rowhouse dwellings, the minimum interior side yard setback is 0 m from the common lot line which divides the linear rowhouse dwelling units.

8.3.2 Cluster Rowhouse Dwellings

1. The minimum width of each dwelling unit shall be 4.5 m.
2. Notwithstanding the minimum interior side yard requirement for cluster rowhouse dwellings, the minimum interior side yard setback is 0 m from the common lot line which divides the cluster rowhouse dwelling units.

8.3.3 Landscaping Requirements for Cluster Rowhouse Dwellings, Quadruplex Dwellings, and Apartment Dwellings

1. No less than 30% of the lot area must be landscaped area, which shall include outdoor amenity area, planting, playgrounds, and surfaced walks or terraces for the exclusive use of pedestrians, but shall exclude any rooftop amenity areas, and any space beneath or within any building.
2. Not more than 50% of the landscaped area shall be hard landscaping.
3. For the purposes of determining the required amount of landscaped area where two or more cluster rowhouse dwellings or apartment dwellings are located on a single parcel of land, the following shall apply:
 - a) Each building shall be assigned a portion of the total lot area; and
 - b) Each portion shall be deemed to be a lot for the purposes of this sub-section.

8.3.4 Service Commercial Uses

1. Service commercial uses shall only be permitted on the ground floor of an apartment dwelling with 30 or more dwelling units, and shall be limited to a personal service establishment, pharmacy, or retail store. There shall be no exterior advertising and no direct access to the service commercial uses from the street. The total floor area of service commercial uses shall not exceed 40% of the ground floor area of the apartment dwelling.
2. In a development project which comprises two or more apartment dwellings, service commercial uses may be concentrated in one building, provided that the total floor area of such uses does not exceed 40% of the ground floor area of all buildings in the project.



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8.4 Exception Zones

8.4.1 RES 40-1

Zoning By-law Section	Exception No. / Zoning Map Reference	By-law No.
RES 40	RES 40-1	182/86
Property Location: 36 Marlborough Street South (Lot 5, part of Lots 6 and 54, Registered Plan 9)		
Uses		
i. Any or all uses permitted in the Le Village District (LVD) Zone shall be permitted on the ground floor of the existing building, provided parking is made available in accordance with the Parking and Loading Space Requirements Section of this By-law.		