

**THE CORPORATION OF THE
TOWN OF RICHMOND HILL**

BY-LAW NO. 111-17

YONGE AND BERNARD KEY DEVELOPMENT AREA SECONDARY PLAN

ZONING BY-LAW

EXPLANATORY NOTE TO BY-LAW 111-17

LANDS AFFECTED

By-law No. 111-17 is a Comprehensive Zoning By-law that applies to the lands located within the Yonge Street and Bernard Avenue Key Development Area (“Bernard KDA”), as shown on Schedule "A" to this By-law.

EXISTING ZONING

The lands subject to this By-law were zoned in accordance with By-law 111-17, as amended of the Town of Richmond Hill. The existing zoning for these lands is generally for residential, commercial and institutional uses.

PURPOSE

The purpose of By-law No. 111-17 is to prohibit the use of land and the erection of **buildings** and **structures** except for such purposes as set out in this By-law and to regulate the type of construction, height, bulk, location, size, floor area, spacing, character and use of buildings or structures on the lands covered by this By-law. It is intended that this By-law implement the policies contained within the Yonge and Bernard Key Development Area Secondary Plan.

The new zoning categories are intended to be consistent with the newer residential, commercial, and mixed use Zones used elsewhere in the Town.

EFFECT OF BY-LAW

The effect of By-law No. 111-17 is to place all lands within zones that will lead to the development of a mixed use community consistent with the policies of the Yonge and Bernard Key Development Area Secondary Plan. This by-law will be implemented through development applications providing for a range of residential units and provides for development standards for residential, commercial, mixed use, institutional and open space uses.

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SECTION 1 ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “Yonge and Bernard Key Development Area Secondary Plan Zoning By-law” of the Town of Richmond Hill.

1.2 ZONING SCHEDULES

Schedule A (Zones) shows the area of all lands covered by this By-law.

Schedule B (Density) shows the permitted density distribution of all lands covered by this By-law.

Schedule C (Height in Storeys) shows the permitted height distribution of all lands covered by this By-law.

1.3 COMPLIANCE WITH ZONING BY-LAW

No land, **building** or **structure** shall be used and no **building** or **structure** shall be erected, altered or enlarged after the passage of this By-law except in compliance with the provisions of this By-law.

1.4 CALCULATING REQUIRED MINIMUM YARDS

In calculating **minimum required yards**, the minimum horizontal distance from the respective lot lines shall be used. Except as may be established elsewhere in this by-law, the **minimum required yard** from the hypotenuse of the **daylighting triangle** shall be the lesser of the **minimum required yards** along the **flankage lot lines** of the **lot**.

1.5 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND MUNICIPAL LICENCES

No permit for the use of land or for the erection or use of any **building** or **structure** and no Certificate of Occupancy or approval of application for municipal licence within the jurisdiction of **Council** shall be issued or given, where the proposed **building, structure** or use is in violation of any provision contained in this By-law.

1.6 ENFORCEMENT

Any person convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Any corporation convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

1.7 SEVERABILITY

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.8 EFFECTIVE DATE

This By-law shall come into force upon November 27, 2017.

1.9 REPEAL OF FORMER BY-LAWS

The provisions of Zoning By-laws 184-87, 190-87 and 2523, as amended, are hereby repealed insofar as it affect the lands covered by this By-law.

SECTION 2 ESTABLISHMENT OF ZONES

2.1 ZONES

For the purposes of this By-law, the following **zones** are established and they may be referred to by the name or by the symbol set opposite the name of the **zone** below:

MIXED USE ZONES

KDA1 **Key Development Area Mixed Use Zone 1**
KDA2 **Key Development Area Mixed Use Zone 2**

OPEN SPACE ZONE

O **Open Space Zone**

2.2 LOCATION OF ZONES

The **zones** and **zone** boundaries are shown on the schedules A, B and C which are attached to and form part of this By-law.

2.3 DETERMINING ZONE BOUNDARIES

Where the boundary of any **zone** is shown on the schedules forming part of this By-law, the following provisions shall apply:

- a) Where a **zone** boundary is indicated as approximately following **lot lines** shown on a registered **Plan of Subdivision** or **lots** registered in a registry office or land titles office, the boundary shall follow such **lot lines**.
- b) Where a **street**, **lane** or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the schedules to this By-law and serves as a boundary between two or more different **zones**, a line midway on such **street**, **lane**, right-of-way or watercourse shall be considered the boundary between **zones** unless specifically indicated otherwise.
- c) Where a **zone** boundary is indicated as following the limits of the Town of Richmond Hill, the limits of the Town of Richmond Hill shall be the boundary.
- d) If the zone boundary separates a **lot** into portions, each portion of the **lot** shall be used in accordance with the provisions and standards of this By-law for the applicable **zone**.
- e) If a **lot** is subject to the Open Space **Zone** overlay as shown on Schedule A, the **zone** boundary may be redefined through an Environmental Impact Statement or equivalent comprehensive evaluation approved by the Town through a development application pursuant to the applicable sections of the *Planning Act, R.S.O.* Where the Open Space **Zone** boundary is reduced or removed, the portion of the land formerly subject to the Open Space **Zone** shall be deemed to be in accordance with the underlying **zone** as shown on Schedule A. Where the Open Space **Zone** boundary is increased, the portion of the land formerly within the underlying **zone** as shown on Schedule A shall be deemed to be in accordance with the Open Space **Zone**.
- f) Where none of the above provisions apply, the **zone** boundary shall be scaled from the attached schedules A, B and C.

2.4 EXCEPTION ZONES

Where a **zone** symbol on the attached schedule(s) is followed by one or more bracketed numbers, e.g. (KDA1)(1) or KDA1(1)(8), the bracketed numbers refer to Subsection 7 – Exceptions of this by-law.

SECTION 3 PERMITTED USES

3.1 ZONES

Uses which are permitted in the following **zones** are identified on the following tables:

ZONE	TABLE
Key Development Area Mixed Use Zones Permitted Uses	Table A1
Key Development Area Mixed Use Zones Special Provisions	Table A2
Open Space Zone Permitted Uses	Table B1
Open Space Zones Special Provisions	Table B2

Permitted uses in a **zone** are noted by the letter 'X' in the column for that **zone** corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', or following the **zone** heading, or following the name of a permitted use, indicates that one or more special provisions apply to the noted use or **zone**. Special provisions are listed at the end of the table.

TABLE A1 – KEY DEVELOPMENT AREA MIXED USE ZONES PERMITTED USES

ZONE	KDA1 (10)	KDA2
USE		
Residential Uses (2)(7)		
Apartment Dwelling	X (5)	X (5)
Block Townhouse Dwelling	X (5)(6)(8)	X (1)(5)(6)
Street Townhouse Dwelling		X (1)(5)(6)
Rear Lane Townhouse Dwelling		X (1)(5)(6)
Stacked Townhouse Dwelling		X (1)(5)(6)
Back to Back Dwelling		X (1)(5)(6)
Quadruplex Dwelling		X (1)(5)(6)
Non-Residential Uses (2)(9)		
Commercial	X	X
Day Nursery	X	X
Public Authority (11)	X	X
Place of Worship	X (4)	
Long Term Care Facility	X	X
Private Utility	X	X
Post Secondary School	X	X
Secondary School	X	X
Primary School		X
Private School	X (3)	
Senior Citizen's Dwelling	X	X
Hospitals and healthcare centres and ancillary commercial uses	X	X
Arts and Cultural Facilities	X	X
Social Services	X	X

TABLE A2 – KEY DEVELOPMENT AREA MIXED USE ZONES SPECIAL PROVISIONS

All numbers are in metric, unless otherwise shown

SPECIAL PROVISION NUMBER	DESCRIPTION OF SPECIAL PROVISION
1	Use prohibited to abut an Active At Grade Frontage
2	One or more of the permitted uses is permitted in a building that is a high rise, mid rise or low rise building .
3	<p>Private school shall be permitted:</p> <ol style="list-style-type: none"> 1. on a lot that has frontage on Yonge Street, Bernard Avenue or Canyon Hill Avenue and flankage on Yonge Street, Bernard Avenue or Canyon Hill Avenue; 2. notwithstanding (1), a private school shall be permitted on a lot with frontage onto Yonge Street where the lot abuts an Open Space zone, or is adjacent to a lot with a Primary, Secondary or Post Secondary School, Private School, mixed use or commercial use; and, 3. a private school shall be located in a high rise building.
4	<p>A Place of Worship shall be subject to the following provisions:</p> <ol style="list-style-type: none"> 1. on a lot that has frontage on Yonge Street, Bernard Avenue or Canyon Hill Avenue and flankage on Yonge Street, Bernard Avenue or Canyon Hill Avenue; 2. notwithstanding (1), a place of worship shall be permitted on a lot with frontage onto Yonge Street where the lot abuts an Open Space zone, or is adjacent to a lot with a Primary, Secondary or Post Secondary School, Private School, mixed use or commercial use; and, 3. a place of worship shall be located within a high rise building.
5	<p>A live-work unit shall be subject to the following provisions:</p> <ol style="list-style-type: none"> 1. shall not be located in the first storey of a high rise building abutting the Yonge Street and Bernard Avenue Active At Grade Frontages; 2. must be the primary dwelling unit of the occupant; 3. the permitted commercial use is limited to the uses permitted in the KDA1 and KDA2 Zones; 4. a live-work unit with a retail use shall only be permitted on the first storey and shall have direct access to a street; and, 5. outdoor storage and outdoor display shall be prohibited.
6	A home occupation shall be subject to Section 5.1.2.
7	Private Home Day Care shall be permitted.
8	Lot frontage onto a street shall not be permitted and shall share a common wall with a high rise building above grade .
9	The outdoor storage of goods, materials, machinery or equipment is prohibited.
10	The KDA1 zone shall only permit mix use buildings and non-residential buildings . Residential uses in standalone buildings shall not be permitted.
11	Refer to Section 5.23.

TABLE B1 – OPEN SPACE ZONE PERMITTED USES

ZONE	O
USE	
Conservation	X
Forestry	X
Public Authority (1)	X
Stormwater Management Facilities	X
Low Impact Development Technology	X

TABLE B2 – OPEN SPACE ZONE SPECIAL PROVISIONS

All numbers are in metric, unless otherwise shown

SPECIAL PROVISION NUMBER	DESCRIPTION OF SPECIAL PROVISION
1	Refer to Section 5.23.

SECTION 4 USE STANDARDS

4.1 ZONES

Standards for specific **building** types in the Key Development Area **Zones** are shown in the following standards table:

ZONE	TABLE
Key Development Area Mixed Use Zones Standards	Table A3
Key Development Area Mixed Use Zone Standards Special Provisions	Table A4

A number or numbers following the **zone** standard, the **zone** heading or the description of the standard indicate that a special provision applies to the noted **zone** or requirement. Special provisions are listed at the end of the table.

Where the following **zone** standards tables contain a use or **dwelling unit** type associated with a **zone**, the standards that follow the use or **dwelling unit** type will be applied only to that use or **dwelling unit** type. All uses within a Permitted Uses table within the applicable **zone** which are not **accessory** to a permitted use, shall be deemed to be subject to the **zone** standards of the use, **building** or **dwelling unit** type which the said use occupies. Standards for **buildings or dwelling unit** type other than those listed in table A2 are provided in Section 5: General Provisions. For purposes of interpretation, the following **uses** have the following symbol associated with them.

HRB	High Rise Building
MRB	Mid Rise Building
LRB	Low Rise Building
STH	Street townhouse Dwelling
BTH	Block townhouse Dwelling
BTB	Back To Back Dwelling
RLT	Rear Lane Townhouse Dwelling
ST	Stacked Townhouse Dwelling
QD	Quadruplex Dwelling

TABLE A3 – KEY DEVELOPMENT AREA MIXED USE ZONE STANDARDS

All numbers are in metric, unless otherwise noted

Zone	Use	Minimum Lot Frontage		Minimum Lot Area		Maximum Lot Coverage (Percentage) (11)	Minimum Required Front Yard (Metres)	Minimum Required Side Yard (Metres)	Minimum Required Flankage Yard (Metres)	Minimum Required Rear Yard (Metres)	Minimum and Maximum Building Height (Storeys) (1)(8)	Maximum Floor Space Index (7)(9)
		INTERIOR LOT (Metres)	CORNER LOT (Metres)	INTERIOR LOT (Square Metres)	CORNER LOT (Square Metres)							
KDA1	HRB (2)(3) (4) (5)(6)(10) (15)	30	30	N/A	N/A	N/A	3.0 (12)	0 (12)(14)	3.0 (12)	0 (12)	(13)	
	MRB (2)(5)(6) (10)(15)	30	30	N/A	N/A	N/A	3.0 (12)	0 (12)(14)	3.0 (12)	0 (12)	(13)	
KDA2	HRB (2)(3)(4)(5) (6)(15)	30	30	N/A	N/A	N/A	3.0 (12)	0 (12)(14)	3.0 (12)	0 (12)	(13)	
	MRB (2)(5)(6) (15)	30	30	N/A	N/A	N/A	3.0 (12)	0 (12)(14)	3.0 (12)	0 (12)	(13)	
	LRB (5)(6)(15)	N/A	N/A	N/A	N/A	N/A	3.0 (12)	0 (12)(14)	3.0 (12)	0 (12)	(13)	
KDA2	STH	6.0	7.2	150	170	60	3.0	1.2 (13)	2.4	7.0		
	BTB	6.0	8.4	85	105	80	3.0	1.2 (13)	2.4	0		
	RLT	6.0	8.4	85	105	90	3.0	1.2	2.4	0.0		

Zone	Use	Minimum Lot Frontage		Minimum Lot Area		Maximum Lot Coverage (Percentage) (11)	Minimum Required Front Yard (Metres)	Minimum Required Side Yard (Metres)	Minimum Required Flankage Yard (Metres)	Minimum Required Rear Yard (Metres)	Minimum and Maximum Building Height (Storeys) (1)(8)	Maximum Floor Space Index (7)(9)
		INTERIOR LOT (Metres)	CORNER LOT (Metres)	INTERIOR LOT (Square Metres)	CORNER LOT (Square Metres)							
	BTH (5)	30.0	30.0	n/a	n/a	60	3.5 (12)	1.2 (12)	2.4 (12)	7.5 (12)		
	ST	30	30	n/a	n/a	80	3.0	1.2	2.4	0.0	4.0	
	QD	20	23	750	750	30	3.0	2.5	3.0	7.5	4.0	

**TABLE A4 – KEY DEVELOPMENT AREA MIXED USE ZONE STANDARDS
SPECIAL PROVISIONS**

All numbers are in metric, unless otherwise shown

SPECIAL PROVISION NUMBER	DESCRIPTION OF SPECIAL PROVISION
1	No portion of any building shall be permitted to be located above the angular plane .
2	For a high rise or mid rise building , the building main wall shall be step back a minimum of 3.0 metres above the street wall .
3	For a high rise building up to a maximum of 10 storeys , Section 5.9 shall not apply.
4	A tower shall be subject to the following minimum required yards : a. 12.5 metres side yard and rear yard that does not abut a street , a lane or a public park; and, b. In addition to (a), a tower shall have a minimum separation distance of 25.0 metres from another tower .
5	Where the rear lot line abuts a street or a lane , a building main wall shall be setback at minimum of 3.0 metres from a street and 1.5 metres from the lane .
6	The building main wall of a high rise , mid rise or low rise building that has windows or openings must be setback a minimum of 7.5 metres from a side lot line and rear lot line that does not abut a street or a lane .
7	For the purposes of calculating Floor Space Index , the lot area shall be deemed to be the total lot area prior to any conveyance of land to a public authority .
8	The permitted minimum and maximum height is the numerical value in storeys on Schedule C.
9	The permitted maximum density is the numerical value in Schedule B.
10	Development standards in Table A3 shall not apply to a block townhouse dwelling .
11	Lot coverage for a building or structure shall be calculated based on the lot area which shall be deemed to be the total lot area prior to any conveyance of land to a public authority . For the purposes of this section, lot coverage shall not apply below grade .
12	The minimum required yards shall not apply to any portion of a building or structure below grade .
13	The required minimum height of the first storey of a building abutting any Active At Grade Frontage , measured between the floor of the first storey and the ceiling of the first storey , shall be a minimum of 4.5 metres.
14	Where a side yard abuts a public park, the minimum side yard shall be 3.0 metres.
15	Section 5.32 shall not apply to a structure .

SECTION 5 GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

Where this By-law provides that land may be used or a **building** or **structure** may be **erected** or used for a purpose, that purpose may include any **accessory building**, **accessory structure** or **accessory** use.

5.1.1 Uses Prohibited in Accessory Buildings and Structures

- a) Unless specifically permitted by this By-law, no **accessory building** or **accessory structure** shall be used for an occupation for gain or profit or for human habitation.
- b) An **accessory** use to a **major retail** use shall be permitted for outdoor display and sales of seasonal items, provided that all other provisions of the by-law are met.

5.1.2 Regulations for Accessory Home Occupations

Home occupation is permitted in a **street townhouse dwelling**, **block townhouse dwelling**, **stacked townhouse dwelling**, **rear lane townhouse dwelling**, **back to back dwelling** or a **quadruplex dwelling** subject to the following provisions:

- a) shall be conducted entirely within an enclosed **building**;
- b) shall not detract from the residential character of the **dwelling unit** or the **lot** on which the **home occupation** is located;
- c) shall not involve the **outdoor storage** or an outdoor display and sales area for materials or finished products associated with the **home occupation** use;
- d) shall not occupy more than 25 percent of the **gross floor area** of the **dwelling unit**;
- e) shall not result in the discharge or emission of odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations;
- f) shall only be for an **office**;
- g) shall not consist of an occupation that involves the salvage, repair, maintenance or sales of **motor vehicles** or **motor vehicles'** engines or parts; and,
- h) shall not consist of an occupation that involves the sale of a commodity not produced on the **premises**, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the **premises** to inspect, purchase or take possession of the goods.

5.1.3 Regulations for Detached Accessory Buildings and Structures

A **detached accessory building** or **structure**, shall be permitted in the **rear yard** and/or **side yard** only, provided that:

- a) it is **setback** from any **rear lot line** and **side lot line** by a minimum of 0.6 metres;
- b) it is not located closer to a **flankage lot line** than the minimum distance between the nearest point of the **main wall** of the **main building** on the **lot** and the **flankage lot line**; and,

- c) the height of a **detached accessory structure** with a peaked roof (having a slope equal to or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak of the roof with a maximum wall height of 2.44 metres, or the height of a **detached accessory structure** with a flat roof (having a slope of less than 1:6 ratio) shall not exceed 2.75 metres.

5.1.4 Regulations for Attached Garages if the Garage is Located in the Rear Yard

An **attached garage** to a **street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling** is permitted in a required **rear yard** provided that:

- a) no more than 50 percent of the area of the required **rear yard** is covered by the **attached garage**;
- b) the **attached garage** is not located closer to the **flankage lot line** and **side lot line** than the **main building** on the **lot**; and,
- c) the **attached garage** shall be **setback** a minimum of 0.6 metres from the **rear lot line**.
- d) Notwithstanding the above, there is no minimum **setback** from the **side lot line** for an **attached garage** if the **attached garage** is to be **attached** to another **attached** or **detached garage** on an **abutting lot**.

5.1.5 Regulations for Detached Garages

A **detached garage** to a **street townhouse dwelling, block townhouse dwelling** or **rear lane townhouse dwelling** is permitted on a **lot** provided that:

- a) if the wall of the **detached garage** closest to and adjacent to the **side lot line** has no openings, the **detached garage** shall be **setback** from the **side lot line** by 0.6 metres;
- b) if the wall of the **detached garage** closest to and adjacent to the **side lot line** has openings, the **detached garage** shall be **setback** from the **side lot line** by the required **side yard setback**;
- c) if the **detached garage** is to be **attached** to another **detached garage** on an **abutting lot**, no minimum **setback** shall be required for the **detached garage** from the **side** and/or **rear lot line**;
- d) if a **detached garage** is accessed from a **lane** at the rear of a **lot**, the **detached garage** shall be **setback** a minimum of 0.5 metres from the **rear lot line**;
- e) if a **detached garage** is not accessed from a **lane** at the rear of a **lot**, the **detached garage** shall be **setback** a minimum of 0.6 metres from the **rear lot line**;
- f) the maximum **floor area** of any **detached garage** shall be 40 square metres;
- g) the maximum height of any **detached garage** shall be 4.2 metres to the peak of the roof. In the case of a **detached garage** having a **secondary suite**, the maximum height shall be 7.5 metres to the peak of the roof;
- h) in no case shall a **detached garage** extend closer to the **front lot line** or **flankage lot line** than the **main building** on the **lot**;
- i) the **detached garage** is **setback** from the **rear lot line** a minimum of 0.6 metres; and,

- j) the minimum interior width for a single car **detached garage** shall be 3.0 metres and the minimum interior width of a double car **detached garage** shall be 5.5 metres.

5.1.6 Interior Garage Width

An **attached garage** to a **street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling** shall have a minimum interior width for a single-car **attached garage** shall be 3.0 metres and the minimum interior width of a double-car **attached garage** shall be 5.5 metres.

5.1.7 Regulations for Decks and Porches

Decks and **porches** are permitted on any **lot** comprised of **street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling** in accordance with the following regulations:

- a) **Porches** not exceeding 4.5 metres in height, with the height being measured from the **established grade** to the underside of the rafters or ceiling of the **porch** and with or without **basements**, may encroach into:
- i. a **minimum required front yard** to a distance of 2.0 metres, provided the **porch** is not closer to a **side lot line** than the **main building** on the **lot**,
 - ii. a **minimum required flankage yard** a distance of 1.5 metres; and,
 - iii. a **minimum required rear yard** a distance of 2.5 metres, provided the **porch** is not closer to a **side lot line** than the **main building** on the **lot**.
- b) **Decks** which are 0.6 metres in height or greater are permitted to encroach into the **minimum required rear yard** to a distance of 2.5 metres, 0.6 metres from the **side lot line**, but in no case shall the **deck** extend beyond a side **main wall** of the **dwelling**; and, 2.40 metres from the **flankage lot line**; and,
- c) **Decks** less than 0.6 metres in height are permitted to encroach into the **minimum required rear yard** provided the **deck** is located a minimum of 2.0 metres from the **rear lot line**, 0.6 metres from the **side lot line**, but in no case shall the **deck** extend beyond a side **main wall** of the **dwelling**; and, 3.0 metres from the **flankage lot line**.
- d) No **deck** or **porch** shall be enclosed to a height of more than 1.07 metres above floor level, exclusive of roof supports, but this shall not prohibit the enclosure of a **deck** or **porch** by latticing or screening or any other form of enclosure to the extent that 50% of the vertical plane of the wall is open to the movement of air.
- e) Notwithstanding the above provisions, stairs used to access a **deck** or a **porch** or an **entry element** shall be **setback** at least 0.45 metres from any **lot line**.

5.1.8 Outdoor Patios

- a) Notwithstanding any provisions to the contrary in any other Section of this By-law, an **outdoor patio** is hereby permitted as an **accessory** use to a **restaurant**, tavern, banquet hall or any other similar **premises** where food or refreshments are consumed by the public in all **zones** where such uses are permitted, subject to the provisions of this By-law.

- b) An **outdoor patio** shall not constitute more than twenty percent (20%) of the **Gross Floor Area (G.F.A.)** of the **restaurant**, tavern, banquet hall or eating establishment it serves, but in no case shall constitute more than one hundred and fifteen (115) square metres in total **outdoor patio** area.
- c) The **outdoor patio** area may be permitted to displace existing **parking spaces** only if the total remaining **parking spaces** satisfy the minimum parking requirements for the main **building**.
- d) **Outdoor patios** shall be prohibited in any **yard** which abuts any Residential (R) zone or a Residential Multiple (RM) zone except where such **zones** are separated by an arterial road as designated in the Town of Richmond Hill Official Plan. **Outdoor patios** located on a **deck**, terrace or rooftop shall not be permitted on any **site** which abuts a Residential (R) zone or a Residential Multiple (RM) zone except where such zones are separated by an **Active At Grade Frontage**.
- e) The use of musical instruments, live performances or other mechanical or electrical music equipment, including outdoor speakers and amplifiers is prohibited unless the **outdoor patio**, whether at **grade** or on a **deck** or terrace or a rooftop, is located a minimum of one hundred (100) metres from a residential property located in any Residential (R) zone or Residential Multiple (RM) zone.
- f) All illumination from lighting sources for **outdoor patios** shall be directed towards the **outdoor patio** only and shall be diverted away from adjacent **properties, streets** and **lanes** and shall be in accordance with the Town of Richmond Hill Light Pollution By-law.
- g) The **outdoor patio** ground surface shall consist of appropriate hard surface materials and may also include perimeter **landscaping** and plantings.
- h) The **outdoor patio** area shall be delineated and enclosed with an appropriate barrier with a minimum of one emergency access available to outside of the **outdoor patio**.
- i) The **outdoor patio** area shall not interfere with any on-site **parking space**, pedestrian, vehicular circulation or **loading space**. The barrier for the **outdoor patio** area shall be **setback** a minimum of 1.5 metres from any adjacent **driveway**, internal circulation area, parking aisle, or **loading space**.

5.2 MULTIPLE USES ON ONE LOT

Where any **building, structure** or **land** is used for more than one purpose as provided in Section 3 of this By-law, the said **building, structure** or **land** shall comply with the provisions and standards of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

5.3 FRONTAGE ON A PUBLIC STREET

No person shall **erect** any **building** or **structure** and no person shall use any **building** or **structure, lot** or parcel unless the **lot** or parcel to be so used, or upon which the **building** is situated or **erected** or proposed to be **erected**, abuts or fronts onto a **street** which is assumed by the **Corporation** for maintenance purposes or is being constructed pursuant to a Subdivision Agreement with the **Corporation**.

5.4 STREET WALL

The following provisions shall apply to a **high rise** and **mid rise building**:

- a) The width of a **street wall** parallel to a **street line** or a **lane** shall be a minimum of 60% of the length of a **street line** or a **lane**.
- b) A minimum of 60% of the **first storey street wall** abutting any **Active At Grade Frontage** shall be comprised of glazing and openings.
- c) A minimum 60% of the **first storey street wall** abutting the Yonge Street and Bernard Avenue **Active At Grade Frontages** shall contain **commercial** and **community** uses. **Dwelling units** shall be prohibited.
- d) Indoor amenity space and **accessory** uses to a **residential use** is prohibited to locate in the **first storey** of a **building** within the first 10.0 metres of the depth of the **building** measured in from the **building main wall** along a **street line** abutting any **Active At Grade Frontages**.
- e) A minimum 40% of the **first storey street wall** abutting any other **Active At Grade Frontage** shall contain **commercial** and **community** uses.

5.5 MECHANICAL EQUIPMENT AND PENTHOUSES

- a) Parapets, **mechanical penthouses**, and other decorative roof **structures** including screening of mechanical equipment up to a maximum height of 5.5 metres shall be deemed not to be a **storey** and shall be excluded from the calculation of maximum **building height**.
- b) Rooftop mechanical equipment that exceeds a maximum height of 2.0 metres shall be fully enclosed within a **mechanical penthouse**.
- c) A **mechanical penthouse** shall not occupy more than 40 percent of the area of the roof upon which it is located.
- d) Rooftop mechanical equipment shall be step back a minimum of 5.0 metres from all edges of a roof.
- e) Notwithstanding (d) above, no step back is required if rooftop mechanical equipment is fully enclosed within a **mechanical penthouse** or screened by an architectural feature.

5.6 AMENITY SPACE

A **high rise, mid rise** or **low rise building** with 20 or more **dwelling units** must provide **amenity space** for each **dwelling unit** at a rate of 2.0 square metres per **dwelling unit**.

5.7 PROJECTIONS

The following are permitted to project over the maximum **height** or **minimum required yards** defined in this by-law as listed below:

Table 5.7.1

Structure	Yards In Which Projections are Permitted	Maximum Projections into a Minimum Required Yard
Sills, belt courses cornices, eaves or canopies or gutters	any yard	70 centimetres
Chimneys, fireplaces, or pilasters	any yard	40 centimetres

Structure	Yards In Which Projections are Permitted	Maximum Projections into a Minimum Required Yard
Window bays	Front yard, rear yard, and flankage yard	1.0 metre over a maximum width of 3.0 metres
Balconies	Front yard and rear yard for street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling or a quadruplex dwelling; any yard for other building types	2.0 metres
Roof overhangs	any yard	90 centimetres
A canopy or portico over a major entrance to a high rise, mid rise or low rise building	any yard	One half (1/2) the setback of the building from the street line
Exterior steps including any associated landings (for frame construction only)	any yard	90 centimetres
Satellite Dishes	any yard	90 centimetres

- a) No balcony projecting into a **minimum required yard** as permitted by this Subsection shall be enclosed to a height of more than 1.07 metres above floor level exclusive of roof supports, but this shall not prohibit the enclosure of a balcony by latticing or screening or any other form of enclosure provided that 50 percent of the vertical plane of the wall is open to the movement of air.
- b) In no case shall the roof overhang of any **detached accessory structure** encroach any closer than 0.45 metres to any **lot line**.
- c) A balcony cannot project beyond the **main wall** of a **building** abutting any **Active At Grade Frontages**, where the floor of the balcony is 10.5 metres or less measured from **grade**.
- d) Any flagpoles, lights, signage, **mechanical penthouses**, unenclosed balconies and terraces, parapets, fences and **at-grade landscaping** shall be permitted to project into the **angular plane**.

5.8 SEPARATION

The following provisions shall apply to the portion of a **high rise building** excluding a **tower**, or a **mid rise building** on a **lot**:

- a) Where a **main wall** of the **building** has windows and a line projected at a right angle from a **main wall** intercepts another **main wall** of a **building** or the same **building** with windows on the same **lot**, the minimum required above **grade** distance between the **main walls** shall be 15.0 meters.
- b) Where a **main wall** of the **building** has windows abuts another **main wall** of a **building** or the same **building** on the same **lot** which does not have windows and a line projected at a right angle from a **main wall** intercepts the other **main wall** of a **building** or the same **building**,

the required minimum above-**grade** distance between the **main walls** is 7.5 metres.

5.9 TOWER FLOOR PLATES

- a) The maximum **gross floor area** of each **storey** in a **tower** shall be 750 square metres; and,
- b) 5.9(a) shall not apply to a wholly **non-residential building**.

5.10 LANDSCAPING

- a) The following provisions shall apply to a **high rise, mid rise or low rise building** on a **lot**:
 - i. A minimum of 20% of the **lot area** must be **landscaping**, which may be located at **grade** or on top of a **building or structure**; and,
 - ii. Where a **high rise, mid rise or low rise building** abuts a **street townhouse dwelling, block townhouse dwelling** except as otherwise permitted under Section 3.1 special provision (8), **stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling**, a strip of land not less than 3.0 metres in depth shall be used for **landscaping**.
- b) The following provisions shall apply to a **street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling**:
 - i. A minimum 45% of the area of a **front yard** or a **flankage yard** shall be used for no other purpose than **landscaping**. Notwithstanding the foregoing, where a by-law permits **detached accessory structures or porches** to project into a **front yard** or **flankage yard**, the area of the **lot** covered by the **detached accessory structures or porches** shall be included in the calculation of the minimum **landscaping**; and,
 - ii. The parking of motor **vehicles** in **landscaping** is prohibited.

5.11 NUMBER OF LOADING SPACES REQUIRED

No person shall use any **land, building or structure** in any **zone** for any purpose permitted by this By-law, unless **loading spaces** are provided on the same **lot** in accordance with the provisions of this Section. The number of **loading spaces** required shall be calculated in accordance with the standards set out below in Table 5.11.1:

Table 5.11.1

Use	Minimum Required Loading Space
Building contains dwelling units	
0 to 30 dwelling units	0
31 to 399 dwelling units	1
400 dwelling units or more (1)	2
Buildings having a non-residential gross floor area less than 465 square meters	0
Buildings having a non-residential gross floor area of equal to 465 square	1

Use	Minimum Required Loading Space
metres and less than 2323 square metres.	
Buildings having a non-residential gross floor area equal to 2323 square metres and up to 9290 square metres	2
For every additional 9290 square metres of non-residential gross floor area thereof greater than 9290 square metres	1 additional

Supplementary Notes:

1. Notwithstanding Section 5.12(a), of the two required loading spaces, one space may have a width of not less than 3.7 metres and a length of not less than 9.0 metres with a minimum of 4.3 metres overhead clearance. This space shall not be used for refuse loading.

5.12 REGULATIONS FOR LOADING SPACES

- a) A **loading space** shall be paved, free of any encroachments and have a width of not less than 3.5 metres and a length of not less than 13 metres with a minimum of 6.1 metres overhead clearance.
- b) A **loading space** shall not be located in any **yard** adjoining a **street** unless screened from view from the **street** by a **fence**, screen wall, or landscaped berm with a height of not less than 1.5 metres.
- c) Aisles and **driveways** leading to a **loading space** shall not be used for the temporary parking or storage of 1 or more **motor vehicles**.

5.13 BICYCLE SPACES STANDARDS

No person shall use any **land, building or structure** or **structure** in any **zone** for any purpose permitted by this By-law, unless bicycle spaces are provided on the same **lot** where there is a **parking structure**, in accordance with the provisions of this Section.

- a) The following Table 5.13.1 shall apply:

Table 5.13.1

Use	Minimum Rate – Bicycle Spaces	Minimum Rate – Visitor Bicycle Spaces
Residential Use	0.6 bicycle space per dwelling unit or portion thereof	5% of the minimum required bicycle spaces for residential use
Non-residential Use	0.13 bicycle space per 100 square metres of gross floor area or portion thereof	0.15 bicycle space per 100 square metres of gross floor area or portion thereof

- b) Visitor bicycle parking spaces shall be located at **grade**.
- c) Shower and change facilities shall be provided for each gender at the rate of 1 per 30 bicycle spaces for the non-residential use in Table 5.13.1.
- d) The minimum dimension of a bicycle space shall be:
 - i. Minimum length of 1.8 meters; and,

- ii. Minimum width of 0.6 metres.

5.14 VEHICLE PARKING STANDARDS

No person shall use any **land, building or structure** in any **zone** for any purpose permitted by this By-law, unless **parking spaces** are provided on the same **lot** in accordance with the provisions of this Section. The number of **parking spaces** required shall be calculated in accordance with the standards set out below in Table 5.14.1.

Table 5.14.1

Use	Minimum Parking Space Standard	Maximum Parking Space Standard
RESIDENTIAL (parking space per Dwelling Unit or portion thereof)		
a) Apartment Dwelling		
i) Bachelor (1)	0.80	1.00
ii) 1 Bedroom (1)	0.90	1.10
iii) 2 bedroom (1)	1.00	1.25
iv) 3+ bedroom (1)	1.20	1.50
v) Visitor (1)	0.15	0.20
b) Apartment Dwelling (Rental Tenure)		
i) Bachelor (1)	0.75	0.90
ii) 1 Bedroom (1)	0.85	1.05
iii) 2 bedroom (1)	1.00	1.25
iv) 3+ bedroom (1)	1.20	1.50
v) Visitor (1)	0.15	0.20
c) Other Residential Uses		
i) Street Townhouse Dwelling, Rear Lane Townhouse Dwelling, Back to Back Dwelling and Quadruplex Dwelling with frontage on a street	1.00	2.00
ii) Block Townhouse Dwelling, Stacked Townhouse Dwelling, Rear Lane Townhouse Dwelling, Back To Back Dwelling or a Quadruplex Dwelling with an attached garage or detached garage accessed by a lane	1.00	2.00
iii) Stacked Townhouse with a parking structure	1.00	1.25
iv) For c)ii) and c)iii) –	0.15	0.20

Use	Minimum Parking Space Standard	Maximum Parking Space Standard
Visitor parking spaces		
v) Senior Citizen Dwelling, Long Term Care Facility	0.33	0.4
NON RESIDENTIAL (parking space per 100 square metres of Gross Floor Area or portion thereof, unless otherwise specified)		
i) Major Office, Office	2.0	2.50
ii) Commercial (equal to or less than 10,000 square metres of Gross Floor Area)	4.0	5.0
iii) Commercial (greater than 10,000 square metres Gross Floor Area)	3.0	3.75
iv) Medical Offices/Clinics	5.4	6.75
v) Place of Assembly including Assembly Hall , and Place of Worship	4.8	6.0
vi) Day Nursery	Greater of 1 parking space per 7 children or 0.7 parking spaces per employee	Greater of 1 parking space per 6 children or 0.9 parking spaces per employee
vii) Financial Institution	4.6	5.7
viii) Hotel/Motel	0.75 parking spaces per room plus an additional 7.5 parking spaces per 100 square metres Gross Floor Area for areas dedicated for banquet rooms and similar uses, but excluding lobbies, hallways and similar area	0.9 parking spaces per room plus an additional 9 parking spaces per 100 square metres of Gross Floor Area for areas dedicated for banquet rooms and similar uses, but excluding lobbies, hallways and similar area
ix) School, Primary x) Private School, Primary	1.6 parking spaces per classroom	2 parking spaces per classroom
xi) School, Secondary xii) Private School, Secondary	3.2 parking spaces per classroom	4 parking spaces per classroom
xiii) School, Post Secondary	3.2 parking spaces per classroom	4 parking spaces per classroom
xiv) Veterinary Clinics	3.50	4.40
xv) Arts and Cultural Facilities	5.0	6.30
xvi) Social Services	5.0	6.3

Supplementary Notes:

1. Where a **secondary suite** or **home occupation** is permitted, no additional **parking space** is required provided that the primary **dwelling unit** provides for the minimum required **parking spaces** in Table 5.14.1.
2. Where a **live-work unit** is permitted, no additional **parking space** is required provided that the primary **dwelling unit** provides for a minimum of two **parking spaces**.
3. Where there is one or more use on a **lot**, the minimum required **parking spaces** and the portion thereof shall be applied to each of the uses in Table 5.14.1.

5.15 VEHICLE PARKING AREA REQUIREMENTS

- a) Each **parking space** perpendicular to a **driveway** shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres.
- b) Each **parking space** parallel to a **driveway** shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres.
- c) A **parking space** that is not perpendicular or parallel to a **driveway** shall have an area comprised of a rectangle with a minimum width of 2.75 metres and a minimum length of 5.8 metres.
- d) The width of an aisle shall comply with the following provisions:
 - i. Aisles perpendicular to the **parking space**: a minimum of 6 metres.
 - ii. **Parking spaces** at sixty (60) degrees to the aisle: a minimum of 5.5 metres.
 - iii. **Parking spaces** at forty-five (45) degrees to the aisle: a minimum of 3.7 metres.
- e) The required **parking spaces** for a **Major Retail** use shall be located in a below **grade parking structure** or an above **grade attached parking structure** and subject to the requirements of Section 5.17.
- f) No **setbacks** shall be required for any **parking structure** or any portion thereof if it is constructed completely below the **established grade**.
- g) For a **street townhouse, block townhouse, back to back dwelling, stacked or rear lane townhouse dwelling, or a quadruplex dwelling**;, where a 0.3 metre **reserve** abutting a **street** exists, no part of any **attached garage** or **detached garage**, other than one completely below the **established grade**, shall be permitted closer than 5.8 metres to such **reserve**.
- h) Tandem **parking spaces** shall not be permitted in a **parking structure** or **parking area**.

5.16 VEHICLE PARKING AREA

For a **high rise, mid rise** or **low rise building**, the following shall apply:

- a) All **parking areas** shall be located in the **rear yard** or **side yards** of a **lot**.
- b) **Parking areas** shall not be permitted to locate in any **yard** abutting an **Active At Grade Frontage**.

5.17 VEHICLE PARKING STRUCTURE

For any **high rise, mid rise** or **low rise building**, the following provisions shall apply:

- a) Any portion of an **attached parking structure** that is above **grade**, shall comply with the provisions for the **main building** on the **lot** in accordance with this By-law.
- b) An above **grade attached parking structure** is prohibited to locate in the **first storey** of a **building** within the first 10.0 metres of the depth of the **building** measured in from the **building main wall** along a **street line** abutting any **Active At Grade Frontages**.

5.18 PARKING AND STORAGE OF COMMERCIAL VEHICLES

The following provisions shall apply to the parking and storage of **commercial motor vehicles, commercial machinery or equipment, school buses, semi-trailers or trailers** on a **lot** for a **street townhouse, block townhouse, rear lane townhouse, stacked townhouse, back to back dwelling, or quadruplex dwelling**:

- a) no **commercial motor vehicles, commercial machinery or equipment, school bus, semi-trailer or trailer** shall be parked on any **lot** unless parked entirely within a wholly enclosed **building**;
- b) notwithstanding subsection (a) above, any **commercial machinery or equipment** which is parked or stored on any **lot** for the purpose of **landscaping**, construction or excavation on that **lot** shall be permitted for no longer than ninety-six (96) hours prior to commencement and ninety-six (96) hours after the completion of said construction, **landscaping** or excavation on that **lot**; and,
- c) notwithstanding subsection (a) above, the parking of a **commercial motor vehicle** on a **lot** for not more than twenty-four (24) hours for the purposes of maintenance or service of, or delivery for the principal **building** on that **lot**, is permitted.

5.19 BARRIER FREE ACCESS RAMP ON ANY LOT

The following provisions shall apply to a **barrier free access ramp** on any **lot**:

- a) a **barrier free access ramp** is permitted within any **yard**; and
- b) a **barrier free access ramp** shall be:
 - i. **setback** a minimum of 0.45 metres from the **front and rear lot lines**;
 - ii. **setback** a minimum of 0.90 metres from the **flankage lot line**; and
 - iii. **setback** in accordance with the minimum required **side yard setbacks** for the main **building** or a minimum of 0.9 metres from the **side lot line**, whichever is the lesser.

5.20 DRIVEWAYS

Driveways used for the parking of motor vehicles and/or used to access a **building** or **structure** shall:

- a) not be located within a **daylighting triangle**;
- b) Have a minimum **setback** of 0.3 metres from the **side lot line**;
 - i. A **driveway** may have a setback of 0 metres from the **side lot line** if the **driveway** is to be shared with a **driveway** on an abutting **lot** or if the **driveway** is located along the **side lot line** of an end unit of a **street townhouse, block townhouse, back to back**

townhouse, rear lane townhouse, stacked townhouse or quadruplex dwelling.

- ii. **Driveways** leading to a **parking area** for **high rise, mid rise or low rise buildings**, and **dwelling units** with frontage onto a **lane**, shall have a minimum width of 4.0 metres for one-way traffic and 6.0 metres for two-way traffic.

5.21 SECONDARY SUITES

Secondary suites are permitted subject to the following provisions:

- a) A **secondary suite** shall be wholly contained within the same **street townhouse dwelling, block townhouse dwelling, rear lane townhouse dwelling**, or above an **attached or detached garage** located on a **lot** that has an **side lot line** or the **rear lot line** abuts a **lane or an attached garage**;
- b) No more than two **dwelling units** shall be permitted on the same **lot**;
- c) Table 5.21.1 outlines the minimum habitable floor area requirements for the following **secondary suites**:

Table 5.21.1

Unit type	Minimum Habitable Floor Area
Study (bachelor)	25 square metres
1 bedroom	32 square metres
2 or more bedrooms	32 square metres as required for a one bedroom unit plus 9 square metres for each additional bedroom.

- d) No more than one **dwelling suite** entrance is contained within any **main wall** facing a **street**;
- e) Entrance to the **secondary suite** shall be located in the front or side wall of the **street townhouse, block townhouse, or rear lane townhouse dwelling** and shall not be contained within a garage. Where the **secondary suite** is located above a **detached or attached garage**, the entrance to the **secondary suite** is permitted in the front, side or rear walls of the **detached or attached garage**;
- f) Where a **secondary suite** is located below **grade**, all other applicable laws and standards such as the *Ontario Building Code* and *Fire Code* shall be complied with;
- g) No **secondary suite** shall be located in a floodplain; and,
- h) **Home occupation** shall be associated with the primary **dwelling unit** only.

5.22 BUILDING UNIT MIX

For a **high rise, mid rise or low rise building** with 20 or more **dwelling units**, a minimum 5% of the total number of **dwelling units** shall contain 3 or more bedrooms per **dwelling unit**.

5.23 PUBLIC AUTHORITY

The following provisions shall apply to the use of any **lot, building or structure** in all **zones**:

- a) A **public authority** is permitted the following uses including all new public transportation, infrastructure and utility uses listed below, and all

upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a **street** within an unopened road allowance:

- i. public highways;
 - ii. transit lines, railways and related facilities;
 - iii. gas and oil pipelines;
 - iv. sewage and water service systems and lines and small-scale stormwater management facilities;
 - v. power transmission lines;
 - vi. telecommunications lines and facilities, including broadcasting towers;
 - vii. bridges, interchanges, stations, and other **structures**, above and below ground, that are required for the construction, operation or use of the facilities listed in provisions subsections (i) to (vi) above;
 - viii. rights of way required for the facilities listed in provisions subsections (i) to (vii) above;
 - ix. community centres;
 - x. emergency service facilities;
 - xi. library;
 - xii. works yard;
 - xiii. conservation, and
 - xiv. parkland.
- b) Utilities including **buildings**, **structures** and **accessory** facilities used for the distribution of gas, steam, electricity or other forms of energy, and telecommunication provided by entities other than a **Public Authority** shall be permitted.
- c) The uses permitted in provisions subsections (a) save and except for (vi), and (b) above shall only be permitted where:
- i. such use, **building** or **structure** complies with all of the applicable development standards of the **zone** and all applicable general provisions related to the permitted use; and
 - ii. no **outdoor storage** shall be permitted.

5.24 TEMPORARY CONSTRUCTION AND SALES USES

- a) Nothing in this By-law shall prevent, in any **zone** other than the **O zone**, uses incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other **building** or **structure** incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned.
- b) Nothing in this By-law shall prevent, in any **zone** other than the **O zone**, the use of land for a sales office for the sale of residential or commercial **suites** or **dwelling units** provided that the following criteria are met:
 - i. The **suites** or **dwelling units** to be sold are within the limits of the designated area of this Zoning By-law; and

- ii. Any sales office or **building** is removed within sixty (60) days after completion of the last **suite** or **dwelling unit** as the case may be.

5.25 NON-COMPLYING LOTS

5.25.1 Vacant Non-Complying

A **building** or **structure** may be **erected** and used on a vacant **non-complying lot** that is a **lot** of record that legally existed prior to the passing of this By-law, provided that it complies to all other provisions of this By-law.

5.25.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of the acquisition of part of a **lot** by the **Corporation** or other body having a power of expropriation and the **lot**, after the acquisition, is a **non-complying lot**, such **non-complying lot** may be used for any purpose permitted by this By-law within the **zone** in which it is located provided that the use is permitted by this By-law.

5.26 NON-COMPLYING BUILDINGS AND STRUCTURES

5.26.1 Enlargement, Repair or Renovation

A **non-complying building or structure** may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further reduce the minimum required front, side, flankage and/or **rear yard** and/or **setback**;
- b) does not increase the **lot coverage**, if the **lot coverage** does not comply with this By-law; and
- c) complies with all other applicable provisions of this By-law.

5.26.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of property by the **Corporation** or other body having a power of expropriation, such acquisition results in a contravention of this By-law relating to minimum **yards**, **lot coverage**, maximum **gross floor area** or minimum usable open space then the lands so acquired shall be deemed to continue to form part of the **lot** upon which the **building** or **buildings** are located in determining compliance with this By-law.

5.27 NON-CONFORMING USES

- a) No lands shall be used and no **building** or **structure** shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing of this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to any existing By-law in force at that time.
- b) Any **non-conforming use** of land, **building** or **structure** which is discontinued or unused for an interval of more than sixty (60) days shall not be resumed nor shall any **non-conforming use** be changed to any other **non-conforming use**.
- c) Any **building** or **structure** containing a **non-conforming use** which is damaged or destroyed to the extent of more than fifty percent (50%) of its replacement cost as at the date of damage or destruction shall not be restored or reconstructed except in conformity with the requirements of this By-law for the **zone** in which it is located.

5.28 FURTHER DIVISION OF LOTS OR BLOCKS ON A REGISTERED PLAN FOR STREET TOWNHOUSES AND DWELLING UNITS PROPOSED FOR CONDOMINIUM TENURE

- a) Where **dwelling units** in a **street townhouse** or **multiple dwelling** are constructed on separate **lots**, no **side yard** shall be required where a **dwelling unit** has a common wall with an adjacent **dwelling unit**.
- b) Where **dwelling units** in a **street townhouse dwelling** are first constructed on a **lot** or **block on a registered plan** in conformity with this By-law, the provisions of Table 'A2' for minimum **lot frontage** and minimum **lot area** shall not be deemed to be contravened by reason of a division of the **dwelling units** in the **street townhouse dwellings** onto separate **lots** in accordance with the *Planning Act*, R.S.O. 1990, provided that all other requirements of this By-law are met, including Section 5.3.1.
- c) Where any form of dwelling is **erected** in conformity with an agreement entered into pursuant to section 41 of the *Planning Act*, R.S.O. 1990 or a successor thereto and where the dwelling is proposed for approval pursuant to the *Condominium Act*, R.S.O. 1990, no provision of this By-law shall be deemed to be contravened by reason of either a consent for mortgage purposes or the registration of a condominium plan provided that all of the standards of this By-law are met for the lands as a whole as set out in the agreement pursuant to Section 41 of the *Planning Act*, R.S.O. 1990.

5.29 COMMON ELEMENT CONDOMINIUMS

Where any form of **dwelling units** or **premises** is **erected** in conformity with a **Site Plan Agreement**,

- a) part of the lands affected by the **Site Plan Agreement** are **parcels of tied land** with respect to that **common element condominium**; and
- b) the balance of the lands affected by the **Site Plan Agreement** are **parcels of tied land** with respect to that **common element condominium**.

No provision of this By-law shall be deemed to be contravened by reason of the conveyance of a **parcel of tied land** upon which a **dwelling unit** or **premises** is **erected**, provided that all of the standards of this By-law are met for the lands as a whole, as set out in the **Site Plan Agreement** and provided the **common element condominium** and the **parcels of tied lands** are contiguous.

5.30 APPLICATION FOR APPROVAL FOR A CONDOMINIUM DESCRIPTION

The following provision shall apply to **dwelling units** or **premises** designated in an application for approval of a condominium description pursuant to the *Condominium Act*, 1998, as amended or a successor thereto:

Where any form of **dwelling units** or **premises** is erected in conformity with a **site plan agreement** and where the **dwelling units** or **premises** is proposed for approval pursuant to the *Condominium Act*, no provisions of this By-law shall be deemed to be contravened by reason of either a consent for mortgage purposes or the registration of a condominium description provided that all of the standards of this By-law are met for the lands as a whole as set out in the **site plan agreement**.

5.31 MUNICIPAL SERVICES

The following provisions shall apply to prohibit the use of land or the erection of **buildings** or **structures** unless such municipal services as set out below are available to service the land, **buildings** or **structures**:

- a) For the purposes of this Section, all municipal services provided for in this Section are deemed to include all required service connections to the **street line** of the land on which the **building** or **structure** is to be located.
- b) Notwithstanding the provisions of this or any other By-law hereinbefore or hereinafter enacted pursuant to Section 34 of the *Planning Act* or any predecessor thereof, by **Council**, or any predecessor thereof, no land shall be used and no **building** or **structure** shall be **erected** or used for any purpose unless:
- i. water and sanitary sewer capacity are both available and **Council** has allocated water and sanitary sewer capacity to service the said lands and **building** or **structure**, or **Council** has exempted the development or the class of development from the requirement for allocation capacity;
 - ii. the **Commissioner** has confirmed that municipal services are available in accordance with subsection (c) hereof or subsection (d) hereof as the case may be.
- c) For the purposes of this Section, municipal services are deemed to be available to the lands, **building** or **structure** within a **plan of subdivision** registered after the enactment of this By-law, when the **street**, water, storm sewer, sanitary sewer and stormwater management facilities required to service such lands, **building** or **structure** satisfy the following requirements:
- i. the public highways and **lanes** in the **plan of subdivision** or external to the **plan of subdivision** necessary to service the lands, **building** or **structure** have been constructed to base course asphalt;
 - ii. the watermains, sanitary sewers, storm sewers, and stormwater management facilities necessary to service the lands, **building** or **structure** have been constructed and are operational;
 - iii. with respect to any required sanitary, storm and watermain trunks and stormwater management facilities external to the **plans of subdivision**:
 1. all property required for the service have been conveyed to the **Town** or other government having jurisdiction;
 2. all easements required for the service have been conveyed to the **Town** or other government having jurisdiction;
 - iv. the watermain and required service connections have been disinfected in accordance with any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**, and the water being provided to the lands, **building** or **structure** meets any applicable Province of Ontario standards and/or requirements and the quality standards set out in the **Town of Richmond Hill Standards and Specifications Manual**;
 - v. the watermain and any required service connections have been hydrostatically tested in accordance with any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**;
 - vi. a water flow test has met any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**; and

- vii. two separate vehicular accesses into any **plan of subdivision** have been provided and kept open for the purposes of ingress and egress, to the satisfaction of the **Commissioner**.
- d) For the purposes of this by-law, municipal services are deemed to be available to the lands, **building** or **structure** that is not within a **plan of subdivision** referred to in subsection (c), or that is within a **plan of subdivision** referred to in subsection (c) but that is to be located on a parcel of land that is not the whole of a **lot** within that **plan of subdivision**, but which is created pursuant to the enactment of a by-law under subsection 50(5) of the *Planning Act* or pursuant to a consent under section 53 of the *Planning Act*, when the roads, water, storm sewer and sanitary sewer and stormwater management facilities required to service the lands, **building** or **structure** satisfy the following requirements:
- i. where the lands do not front on an assumed public highway or highway established by the **Town** or **Region**, an access route for fire department use, in accordance with the provisions of the *Building Code*, O.Reg. 350/06, as amended, or any successor legislation or regulation, has been provided;
 - ii. where any of a watermain, sanitary sewer and storm drainage system are available within a public highway adjacent to the land on which the **building** or **structure** is to be located, those services are constructed and operational;
 - iii. where a new watermain extension is required to provide water service, the watermain and any required service connections have been disinfected in accordance with any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**, and the water being provided to the lands, **building** or **structure** meets any applicable Province of Ontario standards and/or requirements and the quality standards set out in the **Town of Richmond Hill Standards and Specifications Manual**;
 - iv. where a new watermain extension is required to provide water service, the watermain and any required municipal service have been hydrostatically tested in accordance with any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**; and
 - v. where a new watermain extension is required to provide water service, a water flow test has been conducted in accordance with any applicable Province of Ontario standards and/or requirements and the **Town of Richmond Hill Standards and Specifications Manual**.
- e) Notwithstanding the requirements of subsection (c) or subsection (d), for the purposes of this section, water and sanitary sewer capacity and municipal services otherwise required by this by-law may be deemed by the **Commissioner**, in his or her absolute discretion, to be available to service a **building** containing three (3) or more **dwelling units** and having four (4) or more stories, up to nine (9) months prior to the time that such municipal services are actually completed and operational.
- f) Notwithstanding the requirements of subsection (c) or subsection (d), for the purposes of this section, municipal services otherwise required by this by-law may be deemed by the **Commissioner**, in his or her absolute discretion, to be available to service a **non-residential building** up to two (2) months prior to the time that such municipal services are actually completed and operational.

- g) Nothing in this section shall prevent the erection of model home and sales offices, subject to such terms and conditions as established by the **Town** and provided that an access route for fire department use in accordance with the *Building Code*, O. Reg. 350/06, as amended, or any successor legislation or regulation, has been provided.

5.32 PRIVATE UTILITY

Private Utilities shall be permitted in all zone categories. The following provisions shall apply to a **Private Utility** use:

- a) Minimum **side yard setback**: 3.0 metres;
- b) Minimum **rear yard setback**: 8.0 metres;
- c) Maximum height: 1.85 metres;
- d) Maximum size of pad: 50 square metres; and
- e) Maximum height of **fence**: 1.84 metres.

SECTION 6 DEFINITIONS

6.1 ACCESSORY

Means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or **building**, and located on the same **lot**.

6.2 ACCESSORY STRUCTURE, DETACHED

Means a **building** or **structure** that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or **building** located on the same **lot** and shall not include a detached garage and outdoor swimming pool.

6.3 ACTIVE AT GRADE FRONTAGE

Means a **street line** that abuts:

- a) Yonge Street;
- b) Canyon Hill Avenue within the KDA1 Zone;
- c) Bernard Avenue; or,
- d) any **streets** located south of Bernard Avenue and Canyon Hill Avenue, within the KDA 1 Zone or which delineates the KDA1 and KDA 2 Zone.

6.4 ALTER

Means any alteration to the structural component of a **building** which could result in a change of use, or any increase in the volume of a **building** or **structure**.

6.5 AMENITY SPACE

Means outdoor space on a **lot** that is communal and available for use by the occupants of a **building** on the **lot** for recreational or social activities.

6.6 ANGULAR PLANE

Means an imaginary flat surface projecting over a **lot** in KDA Zone 1 or 2, at an inclined angle measure of 45 degrees from:

- a) **grade** in accordance with Schedule C; or,
- b) 10 metres above **grade** in accordance with Schedule C.

6.7 ASSISTED LIVING RESIDENCE

Means a **building** or **structure** that provides living accommodations, hospitality services and personal assistance to persons who can live independently but require assistance with daily activities. Units within Assisted Living Residences may contain kitchenettes with cooktop stoves, as well as common facilities for the preparation and consumption of food. Common lounges, recreation facilities and medical care facilities may also be provided. It shall be considered an **apartment dwelling**.

6.8 ATTACHED

Means a **building**, otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls which are above **grade**, shared in common with an adjacent **building** or **buildings**.

6.9 AUTOMOBILE SERVICE STATION

Means a **building** or **structure** or parts thereof, used for the sale of petroleum products and automobile accessories and for the maintenance essential to the actual operation of **motor vehicles** but excluding a **motor vehicle** sales establishment, an auto body repair shop or public garage. The following associated uses shall also be permitted:

- a) a **GAS BAR CONVENIENCE RETAIL STORE**;
- b) a **GAS BAR**;
- c) a **MOTOR VEHICLE/LUBRICATION ESTABLISHMENT**; and
- d) a **MOTOR VEHICLE WASHING ESTABLISHMENT**.

6.10 BARRIER FREE ACCESS RAMP

Means an unenclosed and inclined ramp providing access to the main floor and/or entry level of a **building** that provides a continuous unobstructed access route intended for use by people with physical disabilities.

6.11 BASEMENT

Means a **storey** or **storeys** of a **building** located below the **first storey**.

6.12 BLOCK ON A REGISTERED PLAN

Means a parcel of land that is indicated by the word and letter 'A', 'B', 'C', or as the case may be.

6.13 BUILDING

Means a **structure** occupying an area greater than 10 square metres (107.64 square feet) consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all works, fixtures and service systems appurtenant thereto.

6.14 CLINIC

Means a **medical office** which contains three or more medical practitioners.

6.15 COMMERCIAL

Means the use of land, **buildings** or **structures** for the purpose of buying or selling commodities and supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit. **Commercial** use shall include the following defined terms:

- a) Clinic
- b) Financial Institution
- c) Hotel
- d) Major Office
- e) Major Retail
- f) Motel
- g) Office
- h) Office, Medical
- i) Retail

j) Veterinary Clinic

Commercial uses shall exclude **automobile service station, gas bar convenience retail store, gas bar, Motor Vehicle/Lubrication Establishment, Motor Vehicle Washing Establishment**, auto body repair shop, repair shops for internal combustion engines, motorized **vehicles** or similar uses, or public garage.

6.16 COMMERCIAL MACHINERY OR EQUIPMENT

Means machinery or equipment used for business, employment or **commercial** purposes, including, without limiting the generality of the foregoing, bulldozers, road building machines, backhoes, cranes, ploughs, graders, forklifts and earthmoving equipment, farm tractors, and other similar machinery or equipment.

6.17 COMMERCIAL MOTOR VEHICLE

Means any **motor vehicle** having permanently attached thereto a truck or delivery body, and/or including, without limiting the generality of the foregoing, tow trucks, ambulances, hearses, fire apparatus, motor buses used primarily for business, employment or commercial purposes, and similar converted commercial motor vehicles, and/or including all **motor vehicles** with **commercial motor vehicle** licenses exceeding 508 kilograms in capacity.

6.18 COMMISSIONER

Means the Commissioner of Planning and Regulatory Services for the **Town** or such successor office, as the case may be.

6.19 COMMON ELEMENT CONDOMINIUM

Means a common element condominium corporation as described in the *Condominium Act, 1998*, as amended or a successor thereto.

6.20 COMMUNITY USE

Means any tract of land, or **structure**, or any part of any land, **building** or **structure**, used for community activities, including a use by a **public authority, primary school, secondary school, post-secondary school, private school, hospital, place of worship, arts and cultural facilities, day nurseries, long term care facilities** and **social services**.

6.21 CONDOMINIUM

Means a group of **dwelling units** or **premises**, each under individual ownership in a multiple unit **structure** with common elements in which:

- a) the **dwelling units** or **premises** comprise not only the space enclosed by the boundaries of the **dwelling unit** or **premises**, but all material parts of the land within the space;
- b) the common element means all the property except the **dwelling unit** or **premises**; and,
- c) the common elements are owned by all of the owners as tenants in common.

6.22 CORPORATION

When capitalized, means the **Corporation** of the Town of Richmond Hill.

6.23 COUNCIL

Means the Council for the **Town**.

6.24 DAYLIGHTING TRIANGLE

Means a triangular area of land on or abutting a **corner lot**, formed by measuring from the point of intersection of **street lines** the distance required by this By-law for a **daylighting triangle** along each **street line** and joining such points with a straight line. The hypotenuse of a daylighting triangle shall be that property line directly opposite the angle formed by the point of intersection of the street lines.

6.25 DAY NURSERY

Means a day nursery facility licensed under the *Child Care and Early Years Act* or its successor.

6.26 DECK

Means a **structure** without a roof having a foundation to hold it erect and **attached** to or abutting one or more walls of a **building** or constructed separate from a **building** with or without direct access to the ground, the floor of which is above finished **grade**, and which is designed and intended for use as a sun deck but shall not include a landing or a stair.

6.28 DWELLING, APARTMENT

Means a **building** containing five (5) or more **dwelling units** all of which have a common external access to the **building** by means of a common corridor system. An **apartment dwelling** may take the form of a **high rise, mid rise** or **low rise building**.

6.29 DWELLING, BACK TO BACK

Means a **building** or part thereof containing three (3) or more **dwelling units**, but shall exclude an **apartment dwelling** or a **townhouse dwelling**

6.30 DWELLING, BLOCK TOWNHOUSE

Means a **townhouse dwelling** that is not a **Street townhouse dwelling** and may include a **stacked townhouse dwelling**, **rear lane townhouse**, **back to back dwelling** and **quadruplex dwelling**.

6.31 DWELLING, QUADRUPLEX

Means a **building** divided vertically and/or horizontally into four **dwelling units**, each one of which has two walls or parts thereof in common with adjoining **units** and an independent entrance to either the ground or common corridor.

6.32 DWELLING, REAR LANE TOWNHOUSE

Means a **Townhouse Dwelling (Street Townhouse Dwelling or Block Townhouse Dwelling)** that is not a **stacked townhouse dwelling** or **back to back dwelling** and where vehicular access to an **attached garage** is provided via a **driveway** crossing the **Rear Lot Line** that is accessed from either a private or public **Lane**.

6.33 DWELLING, SENIOR CITIZEN

Means an **apartment dwelling** that is occupied by senior citizens and which is sponsored and/or administered by any public agency or any service **club, place of worship**, or other non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and may include **accessory** uses and lounge facilities, usually associated with senior citizen developments. A **Senior Citizen Dwelling** shall include **Assisted Living Residence** and **Independent Seniors Living Residence**.

6.34 DWELLING, STACKED TOWNHOUSE

Means a **building** containing at least three (3) **dwelling units**, each **dwelling unit** being separated from the other vertically and horizontally and having an independent external access

6.35 DWELLING, STREET TOWNHOUSE

Means a **townhouse dwelling** composed of **dwelling units** each of which has frontage on a **street**.

6.36 DWELLING, TOWNHOUSE

Means a **building** divided vertically into three (3) or more **dwelling units**, each sharing a wall above the **established grade** and each of which has independent entrances at **grade** to a front and **rear yard** immediately abutting the front and rear walls.

6.37 DWELLING UNIT

Means a unit that:

- a) consists of one self-contained set of rooms located in a **building** or a **structure**;
- b) is used or has the capability of being used as a domicile by one or more persons as a single housekeeping unit;
- c) contains cooking, eating, living, sleeping and sanitary facilities designated for the exclusive use of its occupants; and
- d) has a means of egress to the outside of the **building**, which may be an means of egress with other shared **dwelling units**.

6.38 ENTRY ELEMENT

Means an open sided platform, with or without foundation, and with an upper **structure** covered by a roof, a balcony or enclosed second floor habitable space.

6.39 ERECT

Means “build”, “construct”, “reconstruct”, “**alter**”, and “relocate” and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally **altering** any existing **building** or **structure** by an addition, deletion, enlargement or extension.

6.40 EXPROPRIATING AUTHORITY

Has the same meaning as in the *Expropriations Act*, R.S.O. 1990, c. E. 26

6.41 FENCE

Means a **structure** constructed of posts, boards, railings, rails, wire, masonry or similar methods or any combination thereof used to define a property boundary or to enclose any outdoor area. Fencing shall have a corresponding meaning.

6.42 FINANCIAL INSTITUTION

Means a bank, credit union, trust company, savings **office** or retail banking operation which is open to the general public, but not including an investment **office**.

6.43 FIRST STOREY

Means the **storey** with its floor closest to **grade** and having its ceiling more than 1.8 metres above **grade**.

6.44 FLOOR AREA

Means the total horizontal area of all floors in a **building**.

6.45 FLOOR AREA, GROSS (GFA)

Means the aggregate of the **floor areas** of a **building** above **established grade**, measured between the exterior faces of the exterior walls of the **building** at each floor level but excluding **mechanical penthouses**, loading areas, any portion of a **parking structure** below **established grade** and any space with a floor to ceiling height of less than 1.8 metres.

6.46 FLOOR SPACE INDEX (FSI)

Means the maximum **gross floor area** of all **buildings** on a **lot** expressed as a ratio or multiple of the **lot area**, and for the purposes of this definition, the maximum **floor space index** in each **zone** shall apply only to that portion of such **lot** which is located within said **zone**.

6.47 GARAGE

Means an enclosed **structure** designed and used for the storage of one or more **motor vehicles**.

6.48 GARAGE, DETACHED

Means a building or structure which is not attached and is designed or used for the storage of one or more motor vehicles, and excludes a carport, other open shelter or any detached accessory structure.

6.49 GARAGE, ATTACHED

Means an enclosed **structure** which is **attached** and is designed or used for the storage of one or more **motor vehicles**, and excludes a carport, other open shelter or any **detached accessory structure**.

6.50 GAS BAR CONVENIENCE RETAIL STORE

Means a **retail store** established or existing only in conjunction with a **gas bar**, having a variety of convenience goods to serve the traveling public such as milk and dairy products, pre-packaged groceries, patent medicines, carbonated beverages, sundries, tobacco, stationary, magazines and newspapers, but not include fresh meats and produce. An automatic banking machine may also be included.

6.51 GAS BAR

Means a **building** or **structure** including lands appurtenant thereto, used for the sale of petroleum products and automobile accessories, but shall not include the performance of minor running repairs essential to the actual operation of **motor vehicles**, a **motor vehicle** sales establishment, an auto body repair shop, or **automobile service station**.

6.52 GRADE

Means the level of the ground adjacent to the outside wall of a **building** or **structure**.

6.53 GRADE, ESTABLISHED

Means with reference to a **building** or **structure**, the average elevation of the finished **structure** off the ground where it meets the exterior of the principal entrance of such **building** and, when used with reference to a **structure** other than a **building**, shall mean the average elevation of the finished **grade** of the ground immediately surrounding such **structure**, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a **street** or road means the elevation of the **street** or road established by the **Corporation** or other designated authority.

6.54 HEIGHT, BUILDING

Means the number of **storeys** measured from the **established grade** of the principal entrance of each **building**.

Flagpoles and roof constructions which are less than 5.5 metres in height and do not occupy more than 30% of the area of the roof upon which they are located shall not be included in the calculation of maximum **height**.

6.55 HIGH RISE

Means **buildings** or **structures** with a **height** of 9 **storeys** or greater.

6.56 HOME OCCUPATION

Means an economic enterprise operated within a **dwelling unit**, incidental and secondary to the **residential use**.

6.57 HOTEL

Means a **building** or part of a **building** or 2 or more connected **buildings** used mainly for the purpose of catering to the needs of the travelling public by the furnishing of sleeping accommodations which do not include separate kitchen or housekeeping facilities but may include a **restaurant**, dining room, lounge, meeting rooms, **retail stores**, and other ancillary uses.

6.58 INDEPENDENT SENIORS LIVING RESIDENCE

Means a **building** or **structure** that provides living accommodation primarily to retired persons or couples where each living unit has a separate entrance from a common hall and contains sanitary facilities, but does not contain a kitchen for the preparation of meals, and where common kitchen and dining facilities are separately located within each of the **buildings**. Common lounges and recreation facilities and medical care and/or assisted living services/facilities may also be provided. It shall be considered an **apartment dwelling**.

6.59 LANDSCAPING

Means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and shall not include **amenity space**, **parking areas**, **driveways** or ramps.

6.60 LANE

Means a public or private means of vehicular access to a **lot** or an abutting **property**. This may also include a parcel of land which is a **common element condominium** for means of vehicular access.

6.61 LIVE-WORK UNIT

Means a single unit (e.g. studio, loft, or apartment) consisting of both a **commercial**, **retail** and/or **office** component and a residential component that is occupied by the same resident. A **live-work unit** may be used as both a living

accommodation, which has a kitchen and sanitary facilities, and a business operated by one or more people who live in the unit.

6.62 LOADING SPACE

Means an unobstructed area of land which is provided and maintained upon the same **lot** or **lots** upon which the principal use is located and which:

- a) is provided for the temporary parking of one or more **commercial motor vehicles** while merchandise or materials are being loaded or unloaded from such **vehicles**;
- b) is suitable for the temporary parking of one **commercial motor vehicle**; and
- c) shall not be used for the purpose of sale or display.

6.63 LONG TERM CARE FACILITY

Means a long term care facility that is licensed under the *Long Term Care Homes Act* or its successor.

6.64 LOT

Means a parcel or tract of land:

- a) which is a whole **lot** as shown on a Registered Plan of Subdivision, but a registered Plan of Subdivision for the purpose of this definition does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50 of the *Planning Act*, R.S.O. 1990, as amended, or a predecessor thereof; or
- b) which fronts on a **street** and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law; or
- c) the description of which is the same as in a deed which has been given consent pursuant to Section 50 of the *Planning Act*, R.S.O. 1990 as amended, or a predecessor thereof; or
- d) a parcel of tied land.

For the purpose of this definition no parcel or tract of land ceases to be a **lot** by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the **Corporation**, Her Majesty in the Right of Canada, or the Regional Municipality of York.

For the purposes of this By-law, a **lot** separated from a **street** by a **reserve**, as defined in this By-law, shall be deemed to abut such **street**.

6.65 LOT AREA

Means the total horizontal area within the **lot lines** of a **lot**.

6.66 LOT, CORNER

Means a **lot** abutting two or more **streets** at their intersection or upon two parts of the same **street** provided that the interior angle of the intersection of such streets or parts of one street is not more than 135 degrees measured at the centre line of the street.

6.67 LOT COVERAGE

Means the percentage of the **lot** covered by all **buildings**. **Lot coverage** in each **zone** shall be deemed to apply only to that portion of such **lot** which is located within said **zone**. The calculation of **lot coverage** shall not include that portion of such **lot** which is occupied by a **building** or portion thereof completely below grade, a covered **entry element**, a porch, with or without a basement and stairs with foundations, and barrier free access ramps. Within a residential **zone**, **lot coverage** for a principal building and **lot coverage** for detached **accessory** structures shall be separately calculated, and the habitable space on the second floor directly above an **entry element** or porch, **detached garages**, and **barrier free access ramps** shall be excluded from the calculation of **lot coverage**.

6.68 LOT FRONTAGE

Means the horizontal distance between the **side lot lines** measured at right angles; where the **front lot lines** are not parallel, the **lot frontage** shall be measured by a line six metres back from and parallel to the “chord” of the **front lot line**; for the purposes of this definition, the “chord” of the **front lot line** is a straight line joining the two points where the **side lot lines** intersect the **front lot line**. In the case of a **corner lot** with a **daylighting triangle**, the **flankage lot lines** shall be deemed to extend to their hypothetical point of intersection with the extension of a **front lot line** for the purposes of calculating **lot frontage**.

6.69 LOT, INTERIOR

Means a **lot** situated between adjacent **lots** and having access to one **street**.

6.70 LOT, THROUGH

Means a **lot** bounded on two opposite sides by **streets**, provided however that if any **lot** qualifies as being both a **corner lot** and a **through lot** as herein before defined, such **lot** shall be deemed to be a **corner lot** for the purpose of this By-law.

6.71 LOT LINE

Means a line delineating any boundary of a **lot**.

6.72 LOT LINE, FLANKAGE

Means a **lot line** of a **corner lot** which abuts a **street** and is not a **front lot line**.

6.73 LOT LINE, FRONT

Means the line which divides the **lot** from the **street**; in the case of a **corner lot** or a **through lot**, the shortest of the lines which divide the **lot** from the **streets** shall be deemed to be the **front lot line**; on a **corner lot** or a **through lot** where such **lot lines** are of equal length, the **front lot line** shall be deemed to be that line which abuts a regional or provincial road or highway.

6.74 LOT LINE, SIDE

Means a **lot line**, other than a **rear lot line** that does not abut a **street**.

6.75 LOT LINE, REAR

Means the **lot line** opposite and most distant from the **front lot line** or, in the case of a triangular or otherwise irregularly shaped **lot**, a line of minimum three metres in length entirely within the **lot**, parallel to and at a maximum distance from the **front lot line**.

6.76 LOW RISE

Means **buildings** or **structures** with a **height** of 4 **storeys** or less and shall exclude a **street townhouse dwelling**, **block townhouse dwelling**, **stacked**

townhouse dwelling, rear lane townhouse dwelling, back to back dwelling or a quadruplex dwelling.

6.77 MAIN BUILDING

Means a **building** in which is carried on the principal purpose for which the **lot** is used.

6.78 MAIN WALL

Means the exterior front, side or rear wall of a **building** and all structural members essential to the support of a fully enclosed space or roof.

6.79 MECHANICAL PENTHOUSE

Means the rooftop floor area above the livable area of a **building** that is used exclusively for the accommodation of stairwells and/or mechanical equipment necessary to physically operate the **building** such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment and includes walls and **structures** intended to screen the mechanical penthouse and equipment.

6.80 MID RISE

Means **buildings** or **structures** with **heights** ranging between 5 **storeys** and 8 **storeys**.

6.81 MOTEL

Means a separate **building** or two or more connected or detached **buildings** designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home.

6.82 MOTOR VEHICLE

Means an automobile, motorcycle and motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, as amended, and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motorized **vehicles** running only upon rails, or a motorized snow **vehicle**, traction engine, farm tractor, or road **building** machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

6.83 MOTOR VEHICLE/LUBRICATION ESTABLISHMENT

Means a **building** or part thereof used to provide ongoing regular maintenance essential to the actual operation of **motor vehicles** but shall not include a **motor vehicle** sales establishment, an auto body repair shop, public garage or **automobile service station**.

6.84 MOTOR VEHICLE WASHING ESTABLISHMENT

Means a **building** or part thereof used for the automatic and/or coin operated washing of **motor vehicles**.

6.85 NON-COMPLYING

Means that which does not comply with the regulation(s) of this By-law as of the date of the final passing thereof.

6.86 NON-COMPLYING BUILDING OR STRUCTURE

Means a **building** that has been legally **erected** prior to the date of passing of this By-law that has less than the minimum required **front, side, flankage** and/or **rear yard** and/or **setback** or having a greater **lot coverage, floor space index** or **gross floor area** than permitted by this By-law.

6.87 NON-COMPLYING LOT

Means a **lot** that legally existed on the date of the passage of this By-law that has less than the minimum required **lot frontage** or **lot area** required by this By-law.

6.88 NON-CONFORMING USE

Means a legally existing use on the date of the final passing of this By-law, which is not a permitted use in the **zone** in which the said use is situated at the date of final passing of this By-law.

6.89 NON-RESIDENTIAL BUILDING

Means a **building** that does not contain any **dwelling units**.

6.90 OBNOXIOUS USE

Means an offensive use of trade within the meaning of the *Public Health Act*, R.S.O. 1990, as amended or its successor, or a use which is a nuisance by reason of the emission or creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste or the depositing or leaving of unsightly objects or chattels on land.

6.91 OFFICE

Means a **building** or part of a **building** used for conducting the affairs of business, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

6.92 OFFICE, MAJOR

Means an **office** building that has a gross floor area of 10,000 square metres or greater used primarily for the practice of a profession or the carrying on of a business such as the management or direction of an agency, organization, public administration, or administration of an industry including research and development.

6.93 OFFICE, MEDICAL

Means a **building** or part of a **building** used for the medical, dental, surgical and/or therapeutical treatment of human beings, but does not include a public or private hospital, or a professional office of a medical practitioner located in his or her residence.

6.94 OUTDOOR PATIO

Means an outdoor area used in conjunction with any restaurant, tavern, banquet hall or any other **premises** where food or refreshments are consumed by the public and where seating accommodation is provided and where meals or refreshments are served to for consumption on the **premises** and includes all such facilities whether or not licensed under the *Liquor License Act*.

6.95 OUTDOOR STORAGE

Means any **accessory** storage outside of a principal or main or **structure** on a **lot**.

6.96 PARCEL OF TIED LAND

Means a parcel of land to which the common interest of an owner in a **common element condominium** attaches as provided for in Subsection 139(2)(a) of the *Condominium Act*, R.S.O. 1998, or a successor thereto and “parcels of tied land” has the corresponding plural meaning.

6.97 PARKING AREA

Means an open area of land other than a **street, driveway or lane** used for the communal parking of **vehicles** with or without a fee being charged or the storage of delivery **vehicles**.

6.98 PARKING STRUCTURE

Means a **building** or part thereof used for the storage or parking of **motor vehicles**, which can be above or below **grade**.

6.99 PARKING SPACE

Means a space for the parking of a **motor vehicle** that is free and clear of any encroachments.

6.100 PLACE OF WORSHIP

Means lands, **buildings** or lands and **buildings** used by bona fide religious groups for the practice of religious rites.

6.101 PLAN OF SUBDIVISION

Means a plan of subdivision registered in accordance with Section 51 of the *Planning Act*.

6.102 PORCH

Means a **structure** abutting a dwelling having a roof but with walls that are open and unenclosed to the extent that 50% of the vertical plane of the wall is open to the movement of air and which is used as an outdoor living area.

6.103 PREMISES

Means the area of a **building** or part thereof occupied or used by a business enterprise. In a multiple tenancy **building**, occupied by more than one business, each business area shall be considered a separate **premises**.

6.104 PRIVATE HOME DAY CARE

Means a private home daycare facility licensed under the *Child Care and Early Years Act* or its successor.

6.105 PRIVATE UTILITY

Any telephone or communications utility company operating within the Town may for the purposes of the public service, use any land or **erect** or use any **building** or **structure** in the **zone(s)** permitted subject to the use of land or **building** or **structure** being in compliance with the regulations prescribed for such **zone** or use and subject to there being no **outdoor storage** of goods, materials or equipment in any **yard** abutting a Residential **zone**.

6.106 PUBLIC AUTHORITY

Means any Federal or Provincial government authority, agency, body or department, the Regional Municipality of York, or the Corporation of the Town of Richmond Hill, or any agency, body or department of either of these municipalities.

6.107 REGION

Means The Regional Municipality of York.

6.108 RESERVE

Means a strip of land 0.5 metres in width or less abutting a **street** and owned by the authority having jurisdiction over such a **street**. For the purposes of this By-law, a **lot** separated from a street by a **reserve** shall be deemed to abut such a **street**.

6.109 RESIDENTIAL USE

Means the use of land, **buildings** or **structures** for human habitation.

6.110 RETAIL

Means a use conducted in a building or structure or part thereof in which goods, merchandise, substances or items are displayed, rented or sold directly to the general public.

6.111 RETAIL, MAJOR

Means a large format **retail** facility (or facilities), such as **retail** big box stores, retail warehouses and shopping centres which has a gross floor area of 10,000 square metres or greater.

6.112 SATELLITE DISH/RECEIVER

Means a **structure** that is 0.84 square metres (1 square feet) or greater, designed and used for the reception of television signals relayed back to Earth from a communication satellite.

6.113 SCHOOL

Means a **school** under the jurisdiction of the York Region Board of Education, a **school** under the jurisdiction of the York Region Roman Catholic Separate School Board, or other similar Provincially approved educational institution or parochial **school** operated on a nonprofit basis.

6.114 SCHOOL, PORTABLE

Means an **accessory building** of a temporary or removable nature which is a **teaching classroom** used in conjunction with a primary, secondary or **private school** located on the same **lot** whether **attached** to or detached from the **main building**.

6.115 SCHOOL, POST SECONDARY

Means a **premises** used for educational purposes by a degree granting college or university under Province of Ontario legislation.

6.116 SCHOOL, PRIMARY

Means a **school** established by the Ministry of Education providing education for children up to the level of grade 8.

6.117 SCHOOL, PRIVATE

Means a **school** meeting the standards set out for **schools** by the Ministry of Education which secures the major part of its funding from sources other than government agencies.

6.118 SCHOOL, SECONDARY

Means a **school** established by the Ministry of Education providing education for persons between the level of grade 9 and grade 12.

6.119 SCHOOL BUS

Means a motor vehicle for the purposes of the transportation of **school** children.

6.120 SECONDARY SUITE

Means a self contained **dwelling unit accessory** to the main **dwelling unit**.

6.121 SEMI-TRAILER

Means a mechanical device that is towed by a motor vehicle and is so designed that a substantial part of its weight rests on or is carried by the motor **vehicle** or a **trailer** converter dolly through a fifth wheel assembly.

6.122 SETBACK

Means the horizontal distance from the **lot line** measured at right angles to such **lot line** to the nearest part of any **building, structure, parking space, parking lot, parking area** or **loading space** for which a **setback** is required by this By-law.

6.123 SITE PLAN AGREEMENT

Means an agreement entered into pursuant to Section 41 of the *Planning Act* or a successor thereto.

6.124 SOCIAL SERVICES

Means a non-government, not-for-profit, non-**commercial** organization which carries on social, cultural, welfare, athletic or recreational programs for the benefit of the community.

6.125 STOREY

Means that portion of a **building** between the surface of a floor and the floor, ceiling or roof immediately above, provided that any portion of a **building** partly below **grade** level shall not be deemed a **storey** unless its ceiling is at least 1.8 metres above **established grade**, and provided that any portion of a **storey** above the ground floor exceeding 4.5 metres in height shall be deemed an additional **storey**.

6.126 STREET

Means a public highway as defined by the *Municipal Act, 2001* S.O. 2001, c.25, as amended and shall exclude an unopened road allowance of any **street** which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50 of the *Planning Act*, R.S.O. 1990, or a predecessor thereof.

6.127 STREET LINE

Means the boundary between a **street** and a **lot**.

6.128 STREET WALL

Means the wall of a **high rise or mid rise building** with a minimum of 3 storeys to a maximum of 6 storeys and that abuts a **front yard, flankage yard**, or a **yard** abutting a **lane** or a public park.

6.129 STRUCTURE

Means anything that is **erected**, built or constructed of parts joined together and **attached** or fixed permanently to the ground. For the purpose of this By-law, a **fence**, a retaining wall, a light standard and a sign shall be deemed not to be **structures**.

6.130 SUITE

Means a single room or series of rooms of complementary use, operated under a single tenancy and includes **dwelling units**, individual guest rooms in **motels**, **hotels**, **boarding houses**, rooming houses and dormitories as well as individual or complementary rooms for businesses and personal services occupancies.

6.131 SWIMMING POOL

Means any body of water located outdoors on privately owned property contained by artificial means in which the depth of the water at any point can exceed 0.6 metres and shall include any **accessory deck** or support **structure**.

6.132 TOWER

Means all storeys above a **street wall** in a **high rise building**

6.133 TOWN

Means The Corporation of the Town of Richmond Hill.

6.134 TRAILER

Means a mechanical device that is towed by a **motor vehicle**, a mobile home or any mechanical device on wheels that is designed not to transport persons.

6.135 VEHICLE

Means a mechanical device that is self propelled and is designed to be supported by the contact of wheels that is designed not to transport persons.

6.136 VETERINARY CLINIC

Means the **premises** of a veterinary surgeon, where animals, birds, or other livestock are treated but are not boarded overnight.

6.137 YARD

Means an open, uncovered space on a **lot** appurtenant to a **building** and unoccupied by **buildings** or **structures** except as specifically permitted in this By-law.

6.138 YARD, FLANKAGE

Means the **side yard** of a **corner lot** which **side yard** extends from the **front yard** to the **rear yard** between the **flankage lot line** and the closest point of the **main wall** of any **building** or **structure**.

6.139 YARD, FRONT

Means a **yard** extending across the full width of the **lot** between the **front lot line** and the closest point of the **main wall** of any **building** or **structure** on the **lot**.

6.140 YARD, SIDE

Means a **yard** other than a **flankage yard** which extends from the **front yard** to the **rear yard** between the **side lot line** and the closest point of the **main wall** of the **building lot** or **structure**.

6.141 YARD, MINIMUM REQUIRED

Means the minimum distance required from a **lot line**. No part of a required minimum **yard** for a **building** or **structure** shall be included as part of a required minimum **yard** for another **building** or **structure**. In calculating **minimum required yards**, the minimum horizontal distance from the respective **lot line** shall be used.

6.142 YARD, REAR

Means the open space extending across the full width of the **lot** between the **rear lot line** and the closest point of the **main wall** of any **building** or **structure** on the **lot**.

6.143 ZONE

Means a designated area of land use shown on the zoning maps of this By-law.

SECTION 7 EXCEPTIONS

The following subsections of this "Section 7 Exceptions" are exceptions to the provisions of this By-law. In accordance with Section 2.4 of this By-law, where a **zone** symbol on the **attached** schedule(s) is followed by one or more bracketed numbers, e.g. R2(1) or R2(1)(8), the bracketed numbers refer to subsections in Section 7 - Exceptions of this By-law.



Yonge and Bernard
Key Development Area
Secondary Plan
Zoning By-law

**SCHEDULE A
Zones**

LEGEND

	Subject Lands		KDA 1
	Open Space		KDA 2

0 30 50 100 150 250 m





Yonge and Bernard
Key Development Area
Secondary Plan
Zoning By-law

SCHEDULE B
Density

LEGEND

	Subject Lands		Max 4.0 FSI
	Open Space		Max 2.5 FSI
			Max 2.0 FSI

0 30 50 100 150 250 m





Yonge and Bernard
Key Development Area
Secondary Plan
Zoning By-law

SCHEDULE C
Height in Storeys

LEGEND

	Subject Lands		Open Space
	Angular Plane measured from grade		
	Angular Plane measured from 10 metres above grade		

0 30 50 100 150 250 m

