

**The Corporation of the
City of Richmond Hill
By-law Number XXX-25**

A By-law to regulate the use of lands and the location and use of buildings and structures within the City of Richmond Hill

**Comprehensive Zoning
By-law**

Feb 25/25

DRAFT

Table of Contents

Section 1.0 Administration

- 1.1 Title
- 1.2 Application
- 1.3 Purpose and Intent of this By-law
- 1.4 Compliance with this By-law and Other Applicable Law
- 1.5 Calculating Required Minimum **Yards**
- 1.6 **Building** Permits, Certificates of Occupancy and Municipal Licenses
- 1.7 Defined Terms
- 1.8 Overlays, Illustrations, Notations and Other Convenience Feature
- 1.9 Administrator
- 1.10 Enforcement
- 1.11 Severability
- 1.12 Transition
 - 1.12.1 Previous Approvals of Minor Variances to Former By-laws
 - 1.12.2 Previous Decisions for Permission Under Section 45(2) of the *Planning Act*, R.S.O. 1990 or to Extend Legal Non-Conforming Uses
 - 1.12.3 Previous Site Plan and Heritage Approvals
 - 1.12.4 Previous Provisional Consent Approvals
 - 1.12.5 Building Permit Applications
 - 1.12.6 Site Plan Approval and Heritage Approval Applications
 - 1.12.7 Draft Plan of Subdivision, Draft Plan of Condominium and Part Lot Exemption Applications
 - 1.12.8 Duration of Transition Provisions
- 1.13 *Planning Act*, R.S.O. 1990
- 1.14 Repeal and Replacement of Former Zoning By-laws
- 1.15 Effective Date

Section 2.0 Establishment of Zones

- 2.1 **Zones** and **Zone** Categories
- 2.2 Location of **Zones**
- 2.3 Determining **Zone** Boundaries
- 2.4 Exception **Zones**
- 2.5 Zoning Schedules and Overlays

Section 3.0 Provisions Applicable to All Zones

- 3.1 General Provisions for All **Zones**
 - 3.1.1 Holding Provision
 - 3.1.2 Temporary Uses, Construction and Sales
 - 3.1.3 **Non-Complying Lots**
 - 3.1.4. **Non-Complying Buildings** and **Structures** and **Lot** Conditions
 - 3.1.5 **Non-Complying** as a Result of Expropriation
 - 3.1.6 **Non-Conforming Uses**
 - 3.1.7 Further Division of **Lots** or **Blocks** on a **Registered Plan** for **Street Townhouses** and **Dwelling Units**
 - 3.1.8. **Common Element Condominiums**
 - 3.1.9 Application for Approval for a **Condominium** Description
 - 3.1.10 Municipal Services
 - 3.1.11 **Public Authority**
 - 3.1.12 Multiple **Use** on a **Lot**
 - 3.1.13 Frontage on a Public **Street**
- 3.2 Mechanical Equipment, Penthouses and Roof Constructions
- 3.3 **Amenity Space**
- 3.4 Encroachments
 - Table 3.4A Permitted Encroachments
- 3.5 Separation
- 3.6 **Soft Landscaping**

- 3.7 **Building Unit Mix**
 - 3.8 **Accessory Buildings, Structures and Use Provisions for All Zones**
 - 3.8.1 Uses Prohibited in **Accessory Buildings and Structures**
 - 3.9 Provisions for **Accessory Home Occupations**
 - 3.9.1 Use Provisions
 - 3.10 **Short Term Accommodation**
 - 3.11 Provisions for Detached **Accessory Buildings and Structures**
 - 3.12 Provisions for **Attached Garages** if the **Garage** is Located in the **Rear Yard**
 - 3.13 Provisions for **Detached Garages**
 - 3.14 Provisions for **Decks** and Porches
 - 3.15 Outdoor Patios
 - 3.15.1 Use Provisions
 - 3.16 **Reserves**
 - 3.17 **Additional Residential Units**
- Table 3.17A Minimum Total Number of Parking Spaces for ARUs Uses
- Table 3.17B Special Provisions
- 3.18 Provisions for **Accessory Swimming Pools**
 - 3.19 **Barrier Free Access Ramp on any Lot**

Section 4.0 Centres and Corridor Zone Provisions

- 4.1 **Zones**
- Table 4.1A Centres and Corridor Permitted Uses
- Table 4.1B Centre and Corridors Permitted Uses Special Provisions
- Table 4.1C Centres and Corridors **Zone** Standards
- Table 4.1D Centres and Corridors **Zone** Standards Special Provisions
- Table 4.1E Centres and Corridors **Zone** Ground-Related Residential Standards
- Table 4.1F Centres and Corridors **Zone** Ground-Related **Residential Zone** Special Provisions
- 4.2 Interim Development

Section 5.0 Neighbourhoods *(intentionally left blank)*

Section 6.0 Leslie Street Institutional Area *(intentionally left blank)*

Section 7.0 Employment Areas *(intentionally left blank)*

Section 8.0 Greenway System *(intentionally left blank)*

Section 9.0 Utility Corridor, Trans Canada Pipeline and Canadian National Railway (CNR) *(intentionally left blank)*

Section 10.0 Automobile Parking, Bicycle Parking, Transportation Demand Management and Loading Provisions

- 10.1 Location
- 10.2 Deficiencies
- 10.3 Access

10.4	Reductions
10.5	Daylighting Triangles
10.6	Calculation of Parking Spaces
10.7	Automobile Parking Space Provisions
10.7.1	Provisions Applying to All Automobile Parking Spaces
	Table 10.7A Minimum Dimension of Various Types of Automobile Parking Spaces
	Table 10.7B Special Provisions
	Table 10.7C Minimum Stacking Lanes Provisions
10.7.2	Obstruction of a Parking Space
10.7.3	Automobile Parking Structure
10.7.4	Parking and Storage of Commercial Automobiles
10.7.5	Driveways
10.8	Automobile Parking Rates
	Table 10.8A Parking Strategy Areas
	Table 10.8B Automobile Parking Space Minimum and Maximum Provisions
	Table 10.8C Special Provisions
	Table 10.8D Visitor Automobile Parking Space Provisions
10.9	Automobile Parking Space Exemptions
10.9.1	Shared Parking Rates
10.9.2	Mixed Use Development Shared Parking Reductions
10.10	Bicycle Parking Space Provisions
10.10.1	Provisions Applying to All Bicycle Parking Spaces
	Table 10.10A Minimum Dimensions of Various Types of Bicycle Parking Spaces Provisions
	Table 10.10B Minimum Required Bicycle Parking Space Provisions
	Table 10.10C Special Provisions
10.11	Loading Space Provisions
10.11.1	Provisions Applying to All Loading Spaces
10.11.2	Loading Space Rates by Land Use
	Table 10.11A Minimum Required Loading Spaces Provisions
10.12	Provisions for Loading Spaces for Automobile Service Stations
10.13	Electric Vehicle and Electric Bicycle Provisions
	Table 10.13A Electric Vehicle and Electric Bicycle Minimum Provisions
	Table 10.13B Special Provisions
10.13.2	Permitted Electric Vehicle Supply Equipment

Section 11.0 Definitions

Section 12.0 Zoning Schedules

12.1	Richmond Hill Centre Zone
12.2	Yonge and Bernard Key Development Area Zone
12.3	Yonge/Carrville/16 th Avenue Key Development Area Zone
12.4	Regional Mixed Use Corridor Zones
12.5	Local Centre Village Zone
12.6	Local Centre Oak Ridges Zone
12.7	Local Centre Newkirk Zones
12.8	Local Development Area Zones
12.9	Local Mixed Use Corridor Zone

Section 13.0 Density Schedules

- 13.1 Richmond Hill Centre **Zone**
- 13.2 Yonge and Bernard Key Development Area **Zone**
- 13.3 Yonge/Carrville/16th Avenue Key Development Area **Zone**
- 13.4 Regional Mixed Use Corridor **Zones**
- 13.5 Local Centre Village **Zone**
- 13.6 Local Centre Oak Ridges **Zone**
- 13.7 Local Centre Newkirk **Zones**
- 13.8 Local Development Area **Zones**
- 13.9 Local Mixed Use Corridor **Zone**
- 13.10 Yonge and Bernard Key Development Area **Zone** Existing Non-residential **Gross Floor Area (GFA)**

Section 14.0 Height Schedules

- 14.1 Richmond Hill Centre **Zone**
- 14.2 Yonge and Bernard Key Development Area **Zone**
- 14.3 Yonge/Carrville/16th Avenue Key Development Area **Zone**
- 14.4 Regional Mixed Use Corridor **Zones**
- 14.5 Local Centre Village **Zone**
- 14.6 Local Centre Oak Ridges **Zone**
- 14.7 Local Centre Newkirk **Zones**
- 14.8 Local Development Area **Zones**
- 14.9 Local Mixed Use Corridor **Zone**

Section 15.0 Parking Strategy Areas Schedule

- 15.1 Parking Strategy Areas

Section 16.0 TRCA Regulation Area and Flood Vulnerable Area Overlay

- 16.1 TRCA Regulation Area and Flood Vulnerable Area

Section 17.0 Greenway System Overlay

- 17.1 Natural Features

Section 18.0 High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area Overlay

- 18.1 High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area

Section 19.0 Exceptions

SECTION 1.0 ADMINISTRATION

1.1 Title

This By-law shall be known as the “Comprehensive Zoning By-law of the **City** of Richmond Hill”.

1.2 Application

This By-law shall apply within the municipal boundaries of the **Corporation** of the **City** of Richmond Hill as shown on Schedule “A2”, “A3”, “A4-1”, “A4-2”, “A4-3”, “A4-4”, “A4-5”, “A4-6”, “A4-7”, “A4-8”, “A5”, “A6”, “A7”, “A8-1”, “A8-2”, “A9-1”, “A9-2” and “A9-3” to this By-law.

1.3 Purpose and Intent of this By-law.

This By-law regulates the use of land, the bulk, height, location, and erection and use of **buildings** and **structures**, the provision of **parking spaces**, **bicycle parking spaces**, **loading spaces** and other associated matters in the **City** of Richmond Hill.

1.4 Compliance with this By-law and Other Applicable Law

- (1) 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.
- (2) This By-law does not relieve from complying with the requirements of any other By-law or **City** standards of the **City** of Richmond Hill, as amended, or from the obligation to obtain a permit, license or approval required under any other applicable By-law, as amended or any other applicable regulation of the **Region**, Province of Ontario, or Government of Canada authorities that may otherwise affect the use of any land, **building** or **structure**.

1.5 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 **lot** lines abutting a **street**.

1.6 Building Permits, Certificates of Occupancy and Municipal Licenses

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 license 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.

1.7 Defined Terms

- (1) If words, terms, or phrases are highlighted in bold type in this By-law, they have the meaning provided in Section 11.0 **Definitions** of this By-law.
- (2) Words and Phrases
 - (a) Unless otherwise defined by this By-law, the words and phrases used in this By-law shall have the normal and ordinary meaning.
 - (b) The word “must” and “shall” are mandatory.
 - (c) Words used in the present tense include the future tense and words used in the future tense include the present tense.
 - (d) In this By-law, unless the contrary intention appears, words used in the singular include the plural; words used in the plural include the singular; “used” includes “intended to be used”; and a grammatical variation of a word or expression defined or used has the same meaning.

- (e) In this By-law, unless the context indicates otherwise, "and" indicates that all connected items or Provisions apply; and "or" indicates that the connected items or Provisions may apply singularly, alternatively or in combination.
- (f) In this By-law, a reference made to a **zone** category includes all **zones** within that **zone** category.
- (g) In this By-law, a reference to a **zone** includes its **zone** name, or **zone** label.
- (h) In this By-law, a use is permitted in a **zone** if it is indicated by the symbol "X" in the **zone** Permitted Use Table for that **zone**, or it is indicated by a special provision number symbol in the **zone** Permitted Use Table for that **zone**. If a use is not indicated by a "X" symbol or a special provision number symbol in the **zone** Permitted Use Table, the use is not permitted. A listed or defined permitted use may not be interpreted as including any other use.

(3) Abbreviations

For the purpose of this By-law, the following abbreviations and terms shall be interpreted as follows:

- (a) "m" means metres.
- (b) "ha" means hectares.
- (c) "m²" means square metres.
- (d) "min." means minimum.
- (e) "max." means maximum.
- (f) "%" means percentage.
- (g) "GFA" means **gross floor area**.
- (h) "FSI" means **floor space index**.
- (i) "GFLA" means **gross floor leasable area**.
- (j) "LRB" means **Low-rise**.
- (k) "MRB" means **Mid-rise**.
- (l) "HRB" means **High-rise**.
- (m) "S" means **detached dwelling**.
- (n) "SD" means **semi-detached dwelling**.
- (o) "DU" means **duplex dwelling**.
- (p) "MA" means a **maisonette dwelling**.
- (q) "BTH" means **block residential dwelling**.
- (r) "STH" means **street townhouse dwelling**.
- (s) "RLT" means **rear lane townhouse**.
- (t) "Q" means **quadruplex**.

(4) Technical Revisions to the Comprehensive Zoning By-law

Provided that the purpose, effect, intent, meaning and permissions of this By-law are in no way changed or altered, the following editorial revisions to this By-law are permitted without amendment:

- (a) Corrections to typographic or punctuation errors.
- (b) Additions to and revisions to technical information on schedules, including but not limited to: topographic information, labels, notes, legends, colours, shading, **zone** boundaries abutting new or deleted roads.
- (c) Changes, additions or deletions to illustrations, notations and other convenience features which do not form an operative part of this By-law.
- (d) Changes to any reference to legislation or provisions or sections thereof by a **public authority** shall include any amendments or successor legislation.
- (e) Changes to the Table of Contents which is not an operative part of this By-law may be made to reflect references to operative parts of this By-law.

1.8 Overlays, Illustrations, Notations and Other Convenience Features

- (1) Overlays, Illustrations and other convenience features included in this By-law are for convenience purposes only and do not form part of this By-law.
- (2) Margin notes that give information, clarify intention, provide examples or information, or refer to legislation or other by-laws or to other parts of this By-law are included for convenience and references purposes.

1.9 Administrator

This By-law shall be administered under the authority of the Chief Building Official of the **City** of Richmond Hill, or such employee of the **City** of Richmond Hill as designated by the Chief Building Official.

1.10 Enforcement

Any person or corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided in the **Planning Act**, R.S.O. 1990 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence.

1.11 Severability

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

1.12 Transition

1.12.1 Previous Approvals of Minor Variances to Former By-laws

Where the Committee of Adjustment of the **City**, the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal has, between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, authorized a minor variance from any zoning by-law in force and effect prior to the date that this By-law was passed by the **Council** of the **City**, the provisions of this By-law (as they apply to such land, **building** or **structure**) are modified to the extent necessary to implement that minor variance approval.

1.12.2 Previous Decisions for Permission Under Section 45(2) of the **Planning Act**, R.S.O. 1990 or to Extend Legal Non-Conforming Uses

Where the Committee of Adjustment of the **City**, the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal has, between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, granted approval in accordance with Sections 45(2)(a) or (b) of the **Planning Act** to enlarge, extend or permit a **use** that was a legal **non-conforming use** under any zoning by-law in force and effect prior to the date that this By-law was passed by the **Council** of the **City**, the provisions of this By-law (as they apply to such use, **building** or **structure**) are modified to the extent necessary to implement that approval.

1.12.3 Previous Site Plan and Heritage Permit Approvals

Where site plan approval in accordance with the **Planning Act** or a heritage permit in accordance with the Heritage Act, has been granted by the **City**, the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal, between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, the provisions of this By-law (as they apply to such land, **building** or **structure**), are modified to the extent necessary to implement that site plan approval or heritage permit.

1.12.4 Previous Provisional Consent Approvals

Where the Committee of Adjustment of the **City**, the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal has, between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, authorized

a provisional consent, the provisions of this By-law (as they apply to such land, **building or structure**) are modified to the extent necessary to implement that provisional consent so long as the provisional consent has not lapsed.

1.12.5 Building Permit Applications

Nothing in this By-law shall apply to prevent the erection or **use** of a **building or structure** for which a complete application for a building permit has been filed between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, if the project complies with the provisions of all zoning by-laws in force and effect on the day before the day that this By-law is passed by the **Council** of the **City** or **Planning Act** approvals have been obtained granting relief from such zoning by-law provisions under Sections 1.12.1 to 1.12.4 of this By-law.

1.12.6 Site Plan Approval and Heritage Approval Applications

Nothing in this By-law shall apply to prevent the erection or **use** of a **building or structure** for which a complete application for site plan approval under Section 41 of the **Planning Act** or for a heritage permit in accordance with the Heritage Act, has been filed between April 5, 2012 and the day before the day that this By-law is passed by the Council of the City, provided the application complies with all zoning by-laws in force and effect on the day before the day that this By-law is passed by the Council of the City.

1.12.7 Draft Plan of Subdivision, Draft Plan of Condominium and Part Lot Control Exemption Applications

Nothing in this By-law shall apply to prevent the erection or **use** of a **building or structure** for which a complete application for draft plan of subdivision approval, draft plan of condominium approval or part-lot control exemption pursuant to Section 50 of the **Planning Act** has been filed between April 5, 2012 and the day before the day that this By-law is passed by the **Council** of the **City**, provided the application complies with all zoning by-laws in force and effect on the day before the day that this By-law is passed by the **Council** of the **City**.

1.12.8 Duration of Transition Provisions

- a) Nothing in this By-law applies so as to continue the application of Section 1.12.1 to 1.12.7 beyond the issuance of the building permit(s) applicable to the project.
- b) The provisions of Section 1.12 shall be of no force and effect three (3) years after the day that this By-law is passed by the **Council** of the **City**.

1.13 **Planning Act**, R.S.O. 1990

A reference to the **Planning Act**, R.S.O. 1990 in this By-law, refers to the **Planning Act**, R.S.O. 1990, c. P. 13, as amended.

1.14 Repeal and Replacement of Former Zoning By-laws

Upon this By-law coming into full force and effect on any lands subject to this By-law, Zoning By-laws 1275, 1703, 2523, 2325-68, 39-71, 66-71, 181-81, 108-85, 232-85, 88-86, 107-86, 184-87, 190-87, 256-88, 76-91, 38-95, 278-96, 312-96, 313-96, 235-97, 42-02, 128-04 and 111-17, all as amended, are repealed for those lands subject to this By-law for which this By-law has come into full force and effect.

1.15 Effective Date

Enacted by **Council** of the **Corporation** of the **City** of Richmond Hill this XXXXX, XX, 2025.

Section 2 Establishment of 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** label below:

2.1 Zones and Zone Categories

- (1) Centres and Corridors **zones**:

<u>Zone Name</u>	<u>Zone Label</u>
Richmond Hill Centre	<i>(intentionally left blank)</i>
Yonge and Bernard KDA	KDA-YB
Yonge/ Carrville/ 16 th KDA	KDA-YC
Regional Mixed Use Corridor One	RMU-COR1
Regional Mixed Use Corridor Two	RMU-COR2
Local Centre Village	LC-V
Local Centre Oak Ridges	LC-OR
Local Centre Newkirk One	LC-N1
Local Centre Newkirk Two	LC-N2
Local Development Area One	LDA1
Local Development Area Two	LDA2
Local Mixed Use Corridor	LMU-COR

- (2) Neighbourhood, the **zones** in the **Residential Zones**:

<u>Zone Name</u>	<u>Zone Label</u>
<i>(intentionally left blank)</i>	

- (3) Employment Areas, the **zones** in the **Employment Areas Zones**:

<u>Zone Name</u>	<u>Zone Label</u>
<i>(intentionally left blank)</i>	

- (4) Greenway System, the **zones** in the **Greenway System Zones**:

<u>Zone Name</u>	<u>Zone Label</u>
<i>(intentionally left blank)</i>	

- (5) Leslie **Street** institutional Area, the **zones** in the **Leslie Street Institutional Area Zone**:

<u>Zone Name</u>	<u>Zone Label</u>
<i>(intentionally left blank)</i>	

- (6) Utility Corridor, Trans Canada Pipeline, and Railway, the **zones** in the **Utility Corridor, Trans Canada Pipeline, and Railway Zones**:

<u>Zone Name</u>	<u>Zone Label</u>
<i>(intentionally left blank)</i>	

2.2 Location of Zones

The **zones** and **zone** boundaries are shown on the schedules 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 following the limits of the **City** of Richmond Hill, the limits of the **City** of Richmond Hill shall be the boundary

- b) 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**.
- c) 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.
- 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 TRCA Regulation Area and Flood Vulnerable Area and the Natural Features Overlay as shown on Overlay “E1” and Overlay “F1”, the **zone** boundary shall be redefined through a Natural Heritage Evaluation or equivalent comprehensive evaluation approved by the **City** through a development application pursuant to the applicable sections of the **Planning Act, R.S.O.** Where TRCA Regulation Area and Flood Vulnerable Area and the Natural Features Overlay boundary is reduced or removed, the portion of the land formerly subject to TRCA Regulation Area and Flood Vulnerable Area and the Natural Features Overlay shall be deemed to be in accordance with the underlying **zone** as shown on Schedules outlined in Section 12.0 of this By-law, as applicable. Where TRCA Regulation Area and Flood Vulnerable Area and the Natural Features Overlay boundary is increased, the portion of the land formerly within the underlying **zone** as shown on Overlay “E1” and Overlay “F1”, shall be deemed to be in accordance with the applicable Greenway System **zone** in Section 8 of this By-law.
- f) An Overlay Schedule of this By-law may alter, add or remove some of the Provisions affecting the use of land within an area depicted on the respective Overlay.
- g) If a **lot** is subject to the High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area Overlay as shown on Overlay “G1” and is identified as being wholly or partially within an area potentially identified as a high aquifer vulnerability and/or wellhead protection area, uses and **development** may be limited in accordance with the Provisions contained in this By-law.
- h) Where none of the above provisions apply, the **zone** boundary shall be scaled from the **attached** schedules.
- i) The information shown on the Overlays may be amended from time by the Toronto and Region Conservation Authority (TRCA) or the City, as the case may be.

2.4 Exception Zones

Where a **zone** symbol on the **attached** schedule(s) is followed by one or more bracketed numbers, e.g. LC-V(1) or LC-V(1)(8), the bracketed numbers refer to Section 19 Exceptions of this By-law.

2.5 Zoning Schedules and Overlay

- (1) The Zoning Schedules as outlined in Section 12.0 of this By-law show the area of all lands regulated by this By-law.
- (2) The Density Schedules as outlined in Section 13.0 of this By-law show the minimum and maximum density of all lands regulated by this By-law.
- (3) The Height Schedules as outlined in Section 14.0 of this By-law show the minimum and maximum range or maximum number of **storeys** of all lands regulated by this By-law.
- (4) The Parking Strategy Areas Schedule “D1” shows the parking strategy areas for all lands regulated by this By-law.

- (5) The TRCA Regulation Area and Flood Vulnerable Area and Natural Features Overlay “E1” and Overlay “F1” shows the Natural Areas and Hazards for all lands regulated by this By-law.
- (6) The High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area Overlay “G1” shows groundwater protected areas applicable for all lands regulated by this By-law.

SECTION 3.0 PROVISIONS APPLICABLE TO ALL ZONES

3.1 General Provisions for All Zones

3.1.1 Holding Provision

Where a **zone** label as shown on Schedules outlined in Section 12.0 of this By-law is followed by the bracketed letter (H), the bracketed letter indicates that the lands to which it applies have been placed in a Holding (H) provision pursuant to Section 36 of the *Planning Act*, R.S.O. 1990 and the **City** of Richmond Hill Official Plan, as amended. Lands as shown on a Schedule with the Holding (H) provision, may be subject to the following:

- a) Legally existing uses, **buildings** or **structures** may continue to be permitted.
- b) Non-residential uses permitted in the applicable permitted use table in this By-law may be permitted to locate within legally existing **buildings** or **structures**;
- c) Additions to existing **buildings** referred to in (a) in this section, pursuant to Section 4.2 Interim Development shall be permitted.
- d) A sales trailer pursuant to Section 3.1.2 of this By-law shall be permitted.
- e) No **buildings** or **structures**, save and except for (a), (b), (c) and (d) in this section, may be permitted on a **lot** until the Holding (H) provision has been removed from that **lot**, in whole or in part, pursuant to an application to amend this By-law and may be subject to the following requirements:
 - i. **Lots** identified on Schedules to this By-law may provide and maintain the total non-residential **gross floor area** prescribed as the minimum requirement for each **lot**. The non-residential **gross floor area** may be located within one or more existing **buildings**, additions to existing **buildings** or new **buildings**, and may be provided within one or more phases of development.
 - ii. Where successive phases of development are proposed, the submission of a Concept Plan which demonstrates the proposed phasing of development to the satisfaction of the **City**;
 - iii. a Transportation Planning Study and a Transportation Demand Management Strategy which demonstrates to the satisfaction of **Council** or other approval authority that the proposed use of the lands, **buildings** or **structures** complies with the requirements prescribed in the applicable sections of the Official Plan dealing with Holding Provisions By-laws;
 - vi. a Functional Servicing Report subject to the satisfaction of the **City**;
 - v. an Arborist Report, Tree Inventory and Protection Plan, or Natural Heritage Evaluation to the satisfaction of the **City**; and,
 - vi. completion or fulfillment of any other study, condition or requirement as deemed necessary by the City.

3.1.2 Temporary Uses, Construction and Sales

- (1) Nothing in this By-law shall prevent, in any **zone** other than a the applicable Greenway System in Section 8 of this By-law, **uses** incidental to construction, such

as a construction camp or other such temporary work camp, temporary **parking area**, tool shed, scaffold or other **building** or **structure** incidental to the construction on a **lot** only for so long as the same are necessary for work in progress which has neither been finished nor abandoned.

- (2) Nothing in this By-law may prevent, in any **zone** other than Natural Areas and Hazards **zones** shown on Overlay “E1” and Overlays “F1”, the use of land for a sales office for the sale or lease of residential **dwelling units** or **commercial suites** provided that the following criteria are met:
 - a) The **suites** or **dwelling units** to be sold or leased are within the limits of the designated area of this By-law; and
 - b) Any sales **building** or **structure** is removed within sixty (60) days after completion of the last **suite** or **dwelling unit** as the case may be.
- (3) Nothing in this By-law may prevent, in any Centre or Corridor **zone**, the use of land for the temporary placement of tent or structure intended for **commercial** uses and including **outdoor storage** for a period of not more than sixteen (16) contiguous weeks within a calendar year. The temporary displacement of required parking spaces is permitted with the exception that the temporary tent or structure do not block or displace Fire Routes or any other fire protection equipment and required Accessible Parking Spaces.
- (4) Nothing in this By-law may prevent, in any Centre or Corridor **zone**, displacement of required parking spaces during the construction phase of a **building** or **structure** on a **lot** only for so long as the same is necessary for work in progress which has neither been finished nor abandoned.

3.1.3 Non-Complying Lots

- (1) Non-Complying

A **building** or **structure** may be **erected** and used on a **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.

- (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.

3.1.4 Non-Complying Buildings, Structures and Lot Conditions

Enlargement, Repair or Renovation

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

- (1) does not further reduce the minimum required **front, side, flankage** and/or **rear yard** setback;
- (2) Does not increase the **lot coverage**, if the **lot** coverage does not comply with this By-law;
- (3) Does not increase the amount of **gross floor area** on that part of the **lot** located within a minimum required **yard**; and,
- (4) Complies with all other applicable provisions of this By-law.

3.1.5 Non-Complying as a Result of Expropriation

- (1) 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.

3.1.6 Non-Conforming Uses

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 that this By-law is passed by the **Council** of the **City** 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.

3.1.7 Further Division of Lots or Blocks on a Registered Plan for Street Townhouses and Dwelling Units

- a) Where **dwelling units** in a **street townhouse** or multiple dwellings 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 this By-law 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 3.1.10.

3.1.8 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 parts on a **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.

3.1.9 Application for Approval for a Condominium Description

The following provision shall apply to **buildings**, **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 **buildings**, **dwelling units** or **premises** is erected in conformity with a **site plan agreement** and where the **buildings**, **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**.

3.1.10 Municipal Services

- (1) 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 regulation 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**, R.S.O. 1990 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 the **Commissioner** has assigned allocation for 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 of Infrastructure and Engineering Services has confirmed that municipal services are available in accordance with regulation (c) hereof or regulation (d) hereof as the case may be.
- c) For the purposes of this regulation, 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 **City** or other government having jurisdiction;
 2. all easements required for the service have been conveyed to the **City** 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 **City** 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 **City** 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 **City** 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 **City** 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 regulation (c), or that is within a **plan of subdivision** referred to in regulation (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 section 50(7) of the **Planning Act**, R.S.O. 1990 or pursuant to a consent under section 53 of the **Planning Act**, R.S.O. 1990, 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 **City 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 **City 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 **City 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 **City 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 **City of Richmond Hill Standards and Specifications Manual**.
- e) Notwithstanding the requirements of regulation (c) or regulation (d), for the purposes of this regulation, 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 regulation (c) or regulation (d), for the purposes of this regulation, 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 regulation shall prevent the erection of model home and sales offices, subject to such terms and conditions as established by the **City** 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.

3.1.11 Public Authority

- (1) A **Public Authority** is permitted to use and develop any **lot, building, structure or infrastructure** in all **zones**.
- (2) 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 in all **zones**.

3.1.12 Multiple Use on One Lot

Where any **building, structure** or land is used for more than one purpose as provided in the permitted use sections 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(s) shall apply.

3.1.13 Frontage on a Public Street

No **building** or **structure** shall be **erected** and no **building**, **structure**, **lot**, or parcel shall be used or occupied unless the **lot** or parcel to be used, or upon which the **building** is situated or **erected** or proposed to be **erected**, abuts or fronts onto a **street** or a lane which is assumed by the **Corporation** for maintenance purposes or is being constructed pursuant to a subdivision agreement with the **Corporation**. For purposes of a **Common Element Condominium** a **street** shall include a **lane**.

3.2 Mechanical Equipment, Penthouses and Roof Constructions

- a) Parapets, **mechanical penthouses**, and other decorative roof **structures** including screening of mechanical equipment up to a maximum height of 6 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 is less than a height of two (2) metres shall be fully screened by an architectural feature of equivalent height.
- c) Rooftop mechanical equipment that exceeds a maximum height of two (2) metres shall be fully enclosed within a **mechanical penthouse** or screened by an architectural feature of equivalent height.
- d) Rooftop mechanical equipment shall be stepped back a minimum of three (3) metres from all edges of a roof.
- e) Flagpoles and roof constructions which are less than five and a half (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**.

3.3 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 minimum rate of two (2) square metres per **dwelling unit**.

3.4 Permitted Encroachments

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

Table 3.4A Permitted Encroachments

Structure	Yards In which Encroachments are Permitted	Maximum Encroachments into a Minimum Required Yard
Sills, belt courses cornices, canopies or gutters	any yard	70 centimetres
Chimneys or pilasters	any yard	50 centimetres
Meters	any yard	50 centimetres
Window bays and window wells	Front yard, rear yard, and flankage yard	One (1) metre over a maximum width of three (3) metres
Balcony	<ol style="list-style-type: none"> 1. Front yard, flankage yard and rear yard for street townhouse dwelling, block Residential dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back-to-back dwelling or a quadruplex dwelling; or 2. any yard for other building types. 	Two (2) metres
Roof overhangs	any yard	90 centimetres
A canopy to a low-rise, mid-rise or high-rise building	any yard	One half (1/2) the setback of the building from the street line
Exterior steps including any associated landings	side yard and flankage yard	1.1 metre and no closer than 0.3 metres to a property line.

Structure	Yards In which Encroachments are Permitted	Maximum Encroachments into a Minimum Required Yard
Ramps and elevating devices	any yard	Maximum of three (3) sq.m.

- b) No balcony encroachment into a **minimum required yard** as permitted by this Section 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 provided that 50 percent of the vertical plane of the wall is open to the movement of air.
- c) No balconies, canopies, terraces, pillars, structural supports or encroachments greater than 0.6 metres shall be permitted within the first 10.5 metres of **building height** of a **main wall** of a **podium** of a **low-rise, mid-rise** or **high-rise building** abutting a **front yard, flankage yard**, or any other **yard** abutting a **street, lane** or **park**.
- d) Notwithstanding the above provisions, stairs used to access a **deck** or a **porch** or an **entry element** shall be **setback** at least 0.3 metres from any **lot line**.

3.5 Separation

The following provisions shall apply to the **podium** of a **mid-rise building**, or a **high-rise building** on a **lot**:

- a) Where a **main wall** of a **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 **established grade** distance between the **main walls** shall be 15 meters.
- b) Where a **main wall** of a **building** that 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 another **main wall** of a **building** or the same **building**, the required minimum above **established grade** distance between the **main walls** is 7.5 metres.

3.6 Soft Landscaping

- a) The following provisions shall apply to a **low-rise, mid-rise** or **high-rise building** on a **lot**:
 - i. A minimum of 20% of the **lot area** must be **soft landscaping**, which may be located at **established grade** or on top of a **building** or **structure**; and,
- b) The following provisions shall apply to a **detached dwellings and semi-detached dwellings, street townhouse dwelling, block residential 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 **soft 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 within any area of a **lot** required for **landscaping** in accordance with Section 3.6(b)i). Driveways and **parking** areas are not included in the calculation of **soft landscaping**.

3.7 Building Unit Mix

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

3.8 Accessory Buildings, Structure and Use Provisions for All Zones

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** or **accessory structure**.

3.8.1 Uses Prohibited in Accessory Buildings and Structures

- (1) 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.

3.9 Provisions for Accessory Home Occupations

3.9.1 Use Provisions

- (1) **Home occupation** is permitted in a **dwelling unit** occupied as a **principal residence** of the operator of the **home occupation**, and provided the **home occupation** use:
- a. Shall be conducted entirely within an enclosed **building**;
 - b. Shall not have a storefront;
 - 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 not consist of activities that involves the salvage, repair, maintenance or sales of **motor vehicles** or motor **vehicles** engines or parts;
 - g. Shall not be an animal shelter, veterinary services, or kennel;
 - h. Shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone, mail order, and internet sales of goods may be permitted provided that customers do not enter the **premises** to inspect, purchase or take possession of the goods;
 - i. Shall not require receipt or delivery of merchandise, goods or equipment by other than a passenger **motor vehicle** or by parcel or letter carrier mail service using **motor vehicles** typically employed in residential deliveries;
 - j. **Home occupation** shall not include an individual engaged with the **home occupation** that does not reside within the **principal residence**; and,
 - k. If involving instructional activity or personal service establishment use, shall not be occupied by more than four (4) students or patrons at any one time.
- (2) Home childcare uses are permitted as a **home occupation** use in a **dwelling unit** occupied as a **principal residence** of the operator of the **home occupation**.

3.9 Short Term Accommodation

A **short-term accommodation** is permitted on a **lot** for a period that is less than 28 consecutive days in a **dwelling unit** or **accessory residential unit** that is occupied as a **principal residence** of the operator of the **short-term accommodation**.

3.11 Provisions for Accessory Buildings and Structures

An **accessory building** or **structure**, shall be permitted, provided that:

- (a) It shall not be permitted to be located in a **side yard**, **flankage yard** or **front yard**.
- (b) the minimum **side yard setback** of the **accessory building** shall be 0.6 metres
- (c) the minimum **rear yard setback** of the **accessory building** shall be 0.6 metres
- (d) the minimum **flankage yard setback** shall be the required **setback** of the **main building**.

- (e) the maximum height of an **accessory building** or **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 an **accessory building** or **structure** with a flat roof (having a slope of less than 1:6 ratio) shall not exceed 2.75 metres.
- (f) the maximum number of storeys of an **accessory building** or **structure** is one.
- (g) no rooftop outdoor amenity areas shall be permitted.

3.12 Provisions for Garages Garage is Located in the Rear Yard

An **attached garage** to a **detached dwelling, semi-detached dwelling, street townhouse dwelling, block residential dwelling, stacked townhouse dwelling, rear lane townhouse dwelling** or a **multiplex 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**.

3.13 Provisions for Detached Garages

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

- a) the **detached garage** shall be **setback** from the **side lot line** by minimum of 0.6 metres;
- b) if the **detached garage** is to be **attached** to another **detached garage** on an **abutting lot**, no minimum **setback** shall be required where the **detached garages** are **attached** from the **side** and/or **rear lot line**;
- c) 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**;
- d) 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**;
- e) the maximum **floor area** of any **detached garage** shall be 40 square metres;
- f) 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 an **accessory residential unit**, the maximum height shall be 7.5 metres to the peak of the roof;
- g) 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**; and,

- h) the minimum interior width for a single car **detached garage** shall be three (3) metres and the minimum interior width of a double car **detached garage** shall be 5.5 metres.

3.14 Provisions for Decks and Porches

Decks and **porches** are permitted on any **lot** comprised of **detached dwelling, semi-detached dwelling, street townhouse dwelling, block residential dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back-to-back dwelling, quadruplex dwelling, detached dwelling, semi-detached dwelling, duplex dwelling** or **multiplex dwelling** in accordance with the following provisions:

- 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 two (2) 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** to a distance of 1.5 metres: and,
 - iii. a **minimum required rear yard** to 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 above **established grade** 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, 2.4 metres from the **flankage lot line**;
- 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, three (3) metres from the **flankage lot line**;
- d) No **deck** or **porch** shall be enclosed more than 50% of the vertical plane from the floor to ceiling of the storey that it serves, but this shall not prohibit a guard up to the height of 1.07 metres above the floor level; and,

3.15 Outdoor Patios

3.15.1 Use Provisions

- 1) 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.
- 2) An **outdoor patio** shall not constitute more than twenty percent (20%) of the **Gross Floor Area** of the **restaurant** or similar establishment it serves, but in no case shall constitute more than one hundred and fifteen (115) square metres in total **outdoor patio** area.
- 3) 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**.
- 4) **Outdoor patios** shall be prohibited in any **yard** which abuts any **residential zone** except where such **zones** are separated by an **active-at-grade frontage**

or arterial road as designated in the **City** of Richmond Hill Official Plan. **Outdoor patios** located on a **deck**, terrace or rooftop shall not be permitted on any site which abuts any **residential zone** except where such **zones** are separated by an **Active-at-Grade Frontage**.

- 5) The **outdoor patio** area shall be delineated and enclosed with an appropriate barrier. A minimum of one access point installed within the barrier to the outside of the **outdoor patio** shall be provided.
- 6) The **outdoor patio** area shall not interfere with any required **parking space**, **driveway** 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**.
- 7) 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 **established grade** or on a **deck** or terrace or a rooftop, is located at least one hundred (100) metres from a residential property located in any adjacent **residential zone**.
- 8) 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 **City** of Richmond Hill Light Pollution By-law.

3.16 Reserve

For the purpose of this By-law, a 0.3 metre **reserve** shall be considered part of the required **yard setback** to a **lot**.

3.17 Additional Residential Units

The following shall apply to **Additional Residential Units**:

- (1) **Additional Residential Units** shall not be permitted unless the primary **dwelling unit** is contained within a dwelling type listed in Table 4.1A of this by-law that is located:
 1. on a **lot** that has **lot frontage** on a **street** and has direct vehicular access to a **street**;
 2. on a **parcel of tied land**; or,
 3. on a parcel of land within a **common element condominium**, and
 4. on a **lot** or parcel which is separately serviced by municipal services.
- (2) Up to three (3) **Additional Residential Units** may be permitted per **lot**, provided:
 1. the total number of **dwelling units** per **lot** does not exceed four (4); and,
 2. the number of **Additional Residential Units** in an **Accessory Residential Building** does not exceed two (2).
- (3) No **Additional Residential Units** shall be located in a Natural Areas or Hazard Land shown Overlay "E1" and Overlay "F1" unless otherwise permitted by this By-law.
- (4) No **Additional Residential Unit** shall be permitted unless it adheres to the following development standards:
 - (1) For a **lot** where a detached **Additional Residential Unit** is located, the following shall apply:
 1. a minimum one (1) metre wide access path must be provided to the entrance an **Additional Residential Unit** from a **street** or a lane;
 2. the access path shall have **hard landscaping** for a minimum of 0.75 metres along its entirety;

3. no encroachment greater than 50 centimeters shall obstruct the access path; and,
 4. driveways may form part of the access path.
- (5) For an **Additional Residential Unit** located in the principal dwelling, the following shall apply:
1. a maximum of two (2) entrances to **dwelling units**, including the primary **dwelling unit**, are permitted to be located above **established grade** on the front **building** elevation of the principal dwelling and oriented parallel to the **street**.
 2. notwithstanding Section 3.18(5)(1), entrances to **dwelling units** in excess of two (2) are permitted to be located on the front **building** elevation of the principal dwelling if they are located below **established grade** and/or oriented perpendicular to the **street**.
- (6) No **Accessory Residential Building** shall be permitted unless it adheres to the following development standards:
1. only one (1) **Accessory Residential Building** is permitted per lot;
 2. an **Accessory Residential Building** shall only be located in the **rear yard** of a dwelling type listed in Table 4.1A of this bylaw;
 3. an **Accessory Residential Building** shall not be permitted to be located in a **side yard, flankage yard or front yard**;
 4. an **Accessory Residential Building** may contain an **attached garage** or an **accessory** structure provided it adheres to the development standards for the **Accessory Residential Buildings**. An **attached garage** to an **Accessory Residential Building** shall not be greater than 40 sq.m.;
 5. the minimum **side yard setback** of an **Accessory Residential Building** shall be 1.2 metres;
 6. the minimum **rear yard setback** of an **Accessory Residential Building** shall be 1.2 metres;
 7. the minimum **flankage yard setback** of an **Accessory Residential Building** shall be the **setback** of the principal dwelling;
 8. a **main wall** of an **Accessory Residential Building** shall be no less than four (4) metres from a **main wall** of the principal dwelling on the same **lot**;
 9. an **Accessory Residential Building** may not exceed two (2) **storeys**;
 10. the height of the **main walls** of an **Accessory Residential Building** shall not exceed an elevation equal to six (6) metres above average **established grade**;
 11. the height of an **Accessory Residential Building** shall not exceed 7.5 metres measured from average **established grade** to the highest point of the roof;
 12. the **building coverage** of an **Accessory Residential Building** shall not exceed eighty (80) square metres, inclusive of any area covered by an **integral garage**;
 13. no rooftop outdoor amenity areas shall be permitted on an **Accessory Residential Building**;
 14. no balconies or platforms higher than one (1) metre above **established grade** shall be permitted on the side **building** elevation or rear **building** elevation of an **Accessory Residential Building** if that side **lot line** or **rear lot line**, respectively, directly abuts a **lot** in a **residential zone**;
 15. a minimum of 50% of the **rear yard** of a **lot** shall be **soft landscaping**.

- (7) For a **lot** containing, on the day that this By-law is passed by the **Council** of the **City**, a lawfully existing **detached garage** or a lawfully existing **detached accessory structure** with **setbacks** and/or separation less than required by Section 3.17(6) of this By-law, the minimum **setbacks** and/or separation for an **Accessory Residential Building** shall be:
1. the minimum **side yard setback** for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**;
 2. the minimum **rear yard setback** for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**; and
 3. the minimum separation from the principal dwelling for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**.
- (8) For a **lot** containing, on the day that this By-law is passed by the **Council** of the **City**, a lawfully existing **Additional Residential Unit** located above a **detached garage** with heights in excess of the maximums permitted by Section 3.17(6) of this By-law, the maximum heights for an **Accessory Residential Building** shall be:
1. the existing **main wall** height for that lawfully existing **Additional Residential Unit** located above a **detached garage**; and,
 2. the existing height measured from average **established grade** to the highest point of the roof for that lawfully existing **Additional Residential Unit** located above a **detached garage**.
- (9) An **Additional Residential Unit** shall not be solely accessed from within a **garage**.
- (10) **Accessory Residential Buildings** shall not be included in the calculation of **lot coverage** for **detached accessory structures**, nor the calculation of **lot coverage** for the principal dwelling, as may be required by this By-law;
- (11) Provisions related to **rear yard amenity space**, or any similar provisions, of the Zoning By-laws shall not apply to a **lot** containing an **Accessory Residential Building**;
- (12) **Home occupation** uses shall not be permitted within **Additional Residential Units**.
- (13) Notwithstanding any minimum parking provisions for the primary **dwelling unit** within this By-law, for a **lot** containing one (1) or more **Additional Residential Units**, the following parking standards apply:
1. The minimum total number of parking spaces required for a **lot** containing one (1) or more **Additional Residential Units** is shown in Table 3.17A with respect to lands shown on Schedule D1 as PSA1, PSA2, PSA3 and PSA4 to this By-law. For greater clarity, the number of parking spaces required for a **lot** shown in Table 3.17A includes any parking spaces required for the primary **dwelling unit**.

Table 3.17A Minimum Total Number of Parking Spaces for ARUs

Parking Strategy Area	PSA1	PSA2	PSA3	PSA4
Lot containing one (1) or two (2) Additional Residential Units	0	1(1)	1(1)	2(1)(3)
Lot containing three (3) Additional Units	0	1(1)	2(1)(3)	3(1)(2)(3)

Table 3.17B Special Provisions

1	Notwithstanding Section 3.17(14)(1) of this By-law, where repealed Zoning By-laws did not require parking spaces for the primary dwelling unit , then no parking spaces shall be required for a lot containing one (1) or more Additional Residential Units .
2	Notwithstanding Section 3.17(14)(1) of this By-law, where a lot has a frontage of less than 9.0 metres (29.53 feet), no more than two (2) parking spaces shall be required.

3	Notwithstanding Section 3.17(14)(1) and Special Provision (2) of this Bylaw, where repealed Zoning By-laws require a minimum of one (1) parking space for the primary dwelling unit , then a minimum of one (1) parking space shall be required for a lot containing one (1) or more Additional Residential Units .
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2. On a **lot** or parcel referred to in Section 3.17(1)(1) and Section 3.17(1)(2) of this amending by-law, all parking spaces required for the primary **dwelling unit** and each **Additional Residential Unit** shall be located on a dedicated driveway and/or within a **garage**, whether **attached** or detached, on the same **lot** or **parcel of tied land** on which the primary **dwelling unit** is located.
3. On a parcel referred to in Section 3.17(1)(3), the required parking spaces shall serve exclusively the primary **dwelling unit**.
4. Visitor **parking spaces** within a **common element condominium**, other than as described in Sections 3.17(14)(2) and Section 3.17(14)(3) of this By-law, shall not count towards the minimum **parking spaces** required for **lots** containing **Additional Residential Units**.
5. Parking spaces required under Section 3.17 may be arranged in tandem.
6. With respect to lands shown on Schedule "D1" to this By-law, a minimum of one (1) **Long Term Bicycle Parking Space**, weather-protected bicycle parking space shall be provided for each **Additional Residential Unit** on a **lot**.

3.18 Provisions for Accessory Swimming pools

Swimming pools, erected accessory to a dwelling unit, are permitted in the following yards:

1. in the **side yard** or the **flankage yard**, provided that no part of such **swimming pool** is located closer to any **lot line** or **street line** than the required minimum **yards** and/or **setbacks** required for the **main building** on the **lot**, or 1.5 metres, whichever is greater; and,
2. in the **rear yard**, provided that no part of such **swimming pool** is located closer to any **lot line** than 1.5 metres.

In addition, the maximum **height** of a **swimming pool**, exclusive of **fences** shall be 1.5 metres above **established grade**.

3.19 Barrier Free Access Ramp on any Lot

- (1) 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**.
 - b) A **barrier free access ramp** shall be:
 - (i) **setback** a minimum of 0.45 metres from the **front lot line** and **rear lot line**;
 - (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.

Section 4.0 CENTRES AND CORRIDOR ZONE CATEGORY PROVISIONS

4.1 Zones

- a) Uses which are permitted in the **zones** are identified in following Tables:

Zone	Table
Centres and Corridor Zone Permitted Uses	Table 4.1A
Centres and Corridor Zone Special Provisions	Table 4.1B
Centres and Corridors Zone Standards	Table 4.1C
Centres and Corridor Zone Standards Special Provisions	Table 4.1D
Centres and Corridor Zone Ground-Residential Standards	Table 4.1E
Centres and Corridor Zone Ground-Residential Standards Special Provisions	Table 4.1F

- b) 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** and subject to the following:
- i. the special provisions shall specifically apply where referred to in the Permitted Uses Tables; and,
 - ii. the special provisions in Table 4.1B shall specifically apply where referred to in Table 4.1A.
- c) One or more **residential uses** and non-**residential uses** prescribed in Table 4.1A may be permitted on one **lot**.

4.2. Interim Development

- (1) Notwithstanding any other provision of this By-law to the contrary, expansions of existing **building(s)** or **structure(s)** in the Centres and Corridor **Zones** shall be permitted provided:
- a) the expansion of **building(s)** or **structure(s)** is for non-**residential uses** prescribed in Table 4.1A only;
 - b) the expansion of **building(s)** or **structure(s)** is no greater than 15% of the total **gross floor area** of the existing **building(s)** or **structure(s)** as of the day this By-law is passed by the **Council** of the **City**;
 - c) that the expansion of **building(s)** or **structure(s)** have a maximum **building height** of two (2) **storeys** and shall not include below **established grade structures**;
 - d) the expansion of **building(s)** or **structure(s)** shall comply with all other provisions of this By-law, save and except for minimum **building height**, minimum density and maximum **parking spaces**.
 - e) this section shall not apply to any expansions of **building(s)** or **structure(s)** greater than 15% as prescribed in (b) or greater than two (2) **storeys** as prescribed in (c). Such expansion of **building** or **structure** shall be subject to the provisions of this by-law.

- (2) Within the KDA-YC **Zone**, new stand-alone **building(s)** or **structures** are also permitted in addition to Section 4.1(1) provisions and shall be in accordance with Section 4.2(1)(c) through 4.2(1)(e).

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Table 4.1A Centres and Corridors Zone Permitted Uses

Residential Uses (17)	RHC <i>intentionally blank</i>	KDA-YB (5)(19)	KDA-YC (5) (22)	RMU- COR1	RMU- COR2	LC-V (4)(5)	LC-OR (4)(5)	LC-N1 (4) (7)	LC-N2 (4)	LDA1 (4)	LDA2 (4)	LMU- COR
Apartment Dwelling (HRB)		X (3)	X (3)	X		X		X (8)(6)	X			
Apartment Dwelling (MRB)		X (3)	X (3)	X	X	X	X	X (8)(6)	X	X	X	
Long Term Care Homes		X	X	X	X	X	X	X (8)	X	X	X	X
Apartment Dwelling (LRB)		X (1)(3)	X (1)(3)	X (1)	X (1)	X (2)	X	X (1)(8)(6)	X	X	X	X
Detached Dwelling (20)(21)						X (2)						
Semi-Detached Dwelling (20)(21)						X (2)						
Block Residential Dwelling (20)(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)(6)	X (1)	X (1)	X (1)	X
Street Townhouse Dwelling (20)(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)	X (1)	X (1)	X (1)	X
Rear Lane Townhouse Dwelling (20)(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)	X (1)	X (1)	X (1)	X
Stacked Townhouse Dwelling(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)	X (1)	X (1)	X (1)	X
Back-to-Back Dwelling (20)(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)	X (1)	X (1)	X (1)	X
Quadruplexes (20)(21)		X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1) (8)	X (1)	X (1)	X (1)	X
Live-Work Unit (16)		X (3)	X (3)	X	X	X	X	X (8)	X	X	X	X
Home Occupation (15)		X	X	X	X	X	X	X (8)	X	X	X	X
Short Term Accommodation (14)		X	X	X	X	X	X	X (8)	X	X	X	X

Non-Residential Uses (13)(18)	RHC <i>intentionally blank</i>	KDA-YB (5)(19)	KDA-YC (5) (22)	RMU- COR1	RMU- COR2	LC-V (4)(5)	LC-OR (4)(5)	LC-N1 (4) (7)	LC-N2 (4)	LDA1 (4)	LDA2 (4)	LMU- COR
Arts and Cultural Facilities		X	X	X	X	X	X	X	X	X	X	X
Commercial		X	X	X	X	X	X	X	X	X	X	X
Major Office		X	X	X	X			X				
Major Retail (23)		X (11)	X (11)	X	X			X			X	
Childcare Centre		X	X	X	X	X	X	X (8)	X	X	X	X
Automotive Service Station (12)				X	X		X	X	X	X	X	
Hospitals and healthcare centres and ancillary commercial uses		X	X	X	X	X	X	X (8)	X	X	X	X
Public Authority		X	X	X	X	X	X	X	X	X	X	X
Place of Worship (9)		X	X	X	X	X	X	X	X	X	X	X
Private Utility		X	X	X	X	X	X	X	X	X	X	X
Post Secondary School		X	X	X	X	X	X	X (8)	X	X	X	X
Secondary School (10)		X	X	X	X	X	X	X (8)	X	X	X	X
Primary School		X	X	X	X	X	X	X (8)	X	X	X	X
Private School		X	X	X	X	X	X	X (8)	X	X	X	X
Social Services		X	X	X	X	X	X	X (8)	X	X	X	X

Table 4.1.B Centre and Corridors Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provisions for Centre and Corridor Zones – Residential Uses and Non-Residential Uses
1	Shall not be permitted to abut Yonge Street, Carrville Road, 16th Avenue, Bernard Avenue, Highway 7, Major Mackenzie Drive or Newkirk Road, the Market Promenade as shown on Schedule “A3” or for the planned local/collector roads as shown on Schedule “A2”.
2	Shall not be permitted on lands that have frontage on Yonge Street or Major Mackenzie Drive.
3	Commercial or community uses shall be provided within the at-grade portion of a building abutting a street and for the planned local/collector roads as shown on Schedule “A2”. Commercial uses shall be provided within the at-grade portion of a building abutting the Market Promenade as shown on Schedule “A3”. Dwelling units shall be prohibited at-grade abutting a street or a park . Live-work units which may include commercial and /or dwelling unit may be permitted to locate within the at-grade portion of a building fronting onto a local street .
4	Commercial or community uses shall be provided within the at-grade portions of a building abutting Yonge Street , Major Mackenzie Drive and Newkirk Road. Dwelling units shall be prohibited abutting the at-grade portion of a building abutting Yonge Street , Major Mackenzie Drive and Newkirk Road.
5	Development on lands with existing commercial uses shall retain or exceed the amount of gross leasable floor area devoted to non-residential uses, subject to the following: <ul style="list-style-type: none"> a. This provision will not be deemed to be contravened if one or more existing buildings are demolished to facilitate new development approved pursuant to one or more Site Plan Agreements; b. Notwithstanding the further division of any lot, the minimum non-residential gross leasable floor area requirement for a lot as required in this provision shall continue to apply to that lot as a whole as it existed on the date of the passing of this By-law; c. where there is a Site Plan Agreement resulting from Section 3.1.1 which allocates the minimum non-residential gross leasable floor area requirement under this By-law to a portion of the lot, the minimum non-residential gross leasable floor area for that portion of the lot shall be provided and maintained in accordance with the Site Plan Agreement; d. Notwithstanding this Special Provision, the Hillcrest Mall building shall maintain 90% gross leasable floor area; and, e. Applicable to the KDA-YB Zone, development shall retain or exceed the amount of gross floor area as shown on Schedule “B2-1” attached hereto,
6	Commercial uses shall be provided within at least one (1) storey above the first storey of a building . In addition, a minimum of 0.5 FSI of the permitted density shall comprise of commercial uses.
7	Parking Spaces associated with transit service shall be provided below established grade or within structured parking. An above established grade parking structure shall be prohibited to locate in the first storey of a building within the first 10 metres of depth of the building measured from the main wall of the building .
8	Use prohibited to abut Centre Street East.
9	Shall be located on an arterial street.
10	Shall be located on an arterial or a collector street only.

Special Provision Number	Description of Special Provisions for Centre and Corridor Zones – Residential Uses and Non-Residential Uses
11	Major Retail shall be permitted only within an integrated mixed-use building . Parking for major retail uses shall be located below established grade or within an integrated above established grade parking structure subject to the provisions of Section 10.7.3.
12	Use permitted on lands as shown on Schedule(s) outlined in Section 12.0 of this By-law.
13	The outdoor storage of goods, materials, machinery or equipment shall be prohibited. Parking Areas accessory to motor vehicle sales is permitted.
14	A short-term accommodation must comply with the specific use provisions in Section 3.10.
15	A home occupation must comply with the specific use provisions in Section 3.9.1(1).
16	<p>A live-work unit shall be subject to the following:</p> <ul style="list-style-type: none"> a) shall not be permitted to abut the Yonge Street and Bernard Avenue Active At Grade Frontages; b) must be the primary dwelling unit of the occupant; and c) 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, d) outdoor storage and outdoor display shall be prohibited.
17	Home childcare shall be permitted subject to the specific use provisions in Section 3.9.1(2).
18	Outdoor patios must comply with the specific use provisions in Section 3.16.
19	<p>For a low-rise, mid-rise or high-rise building, the following active at-grade frontage requirements apply:</p> <ul style="list-style-type: none"> a) For lands within the KDA-YB Zone along Yonge Street, Bernard Avenue and any street south of Bernard Avenue which connects Yonge Street to Bernard Avenue, 60% of the length of the main wall of the first storey shall contain non-residential uses and have direct access onto a street.
20	Notwithstanding any other requirements of this by-law to the contrary, Additional Residential Units must comply with provisions of Section 3.18.
21	Refer to Table 4.1E for Zone Standards.
22	No building or structure shall be permitted within the Transit Area as shown on Schedule “A3”, save an except for transit service facilities and a park operated by a Public Authority.
23	Shall not exceed 30,000 gross leasable square metres.

Table 4.1C Centres and Corridors Zone Standards

Zone	Special Provisions applicable to all building types in all zones (2)(3)(4)(9)(10)(11)(12)(13)(14)	Min. Lot Frontage (M)	Min. Front Yard Setback (M)	Min. Rear Yard Setback (M)	Min. Side Yard Setback (M)	Min. Flankage Yard Setback (M)	Min. Daylight Triangle Setback (M)	Min. Front Yard Setback – Tower (M)	Min. Rear Yard Setback – Tower (M)	Min. Side Yard Setback – Tower (M)	Min. Flankage Yard Setback – Tower (M)	Min. Daylight Triangle Setback – Tower (M)	Min. Setback to CNR (M)	Min. Setback to TCPL (M)	Max. First Storey Height (M)	Min. and/or Max. Floor Space Index (FSI) (15)	Min. and/or Max. Building Heights (16)
RHC KDA-YC KDA-YC KDA-YB LC-N1 LC-N2	HRB (1)(7)(17)	30	3			3		6	12.5	12.5	6	3	15	7	6	Schedule “B”	Schedule “C”
	MRB (1)(7)	30	3			3							15	7	6	Schedule “B”	Schedule “C”
	LRB	30	3			3							15	7	6	Schedule “B”	Schedule “C”
RMU-COR1	HRB (1)(5)	30	3			3		6	12.5	12.5	6	3	15	7	4.5	Schedule “B”	Schedule “C”
	MRB (1)(5)	30	3			3							15	7	4.5	Schedule “B”	Schedule “C”
	LRB	30	3			3							15	7	4.5	Schedule “B”	Schedule “C”
RMU-COR2 LC-OR LDA1 LDA2	MRB (1)(5)(6)	30	3			3							15	7	4.5	Schedule “B”	Schedule “C”
	LRB	30	3			3							15	7	4.5	Schedule “B”	Schedule “C”
LC-V	HRB (1)(5)(8)	30	1			1		6	12.5	12.5	6	3	15	7	4.5	Schedule “B”	Schedule “C”
	MRB (1)(5)(8)	30	1			1							15	7	4.5	Schedule “B”	Schedule “C”
	LRB (8)	30	1			1							15	7	4.5	Schedule “B”	Schedule “C”
LMU-COR	LRB	30	3			3							15	7	4.5	Schedule “B”	Schedule “C”

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Table 4.1D Centres and Corridors Zone Standards Special Provisions

Special Provision Number	Description of Special Provision
1	<p>A mid-rise or high-rise building shall be subject to the following angular plane requirements:</p> <ul style="list-style-type: none"> a) for lands located within the LC-V Zone and fronting Yonge Street, a maximum 45 degree angular plane projected from the adjacent property line on the opposite side of Yonge Street is required; b) for lands located within the LC-V Zone and fronting Church Street, a maximum 30 degree angular plane projected from the adjacent property line on the opposite side of Church Street is required; c) for lands located within the KDA-YB Zone abutting lands located within a Residential Zone, such as a side-lot or back-lot condition, a maximum 45 degree angular plane measured from 10 metres above established grade from the abutting property line within the Residential Zone. Notwithstanding, a building and structure up to 15 metres in height may protrude into this 45 degree angular plane; and, d) except for as set out in a), b) and c) above, for lands in any Zone adjacent to lands located within a Residential Zone, a maximum 45 degree angular plane projected from the adjacent property line within the Residential Zone, including where separated by a street, is required. Notwithstanding, for lands located within any Zone abutting lands located within a Residential Zone, such as a site-lot or back-lot condition, a building or structure up to 15 metres in height may protrude into this 45 degree angular plane. e) 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.
2	Notwithstanding the minimum required front yard and flankage yard setbacks , the front yard and flankage yard setbacks may be reduced to 0 metres above the first 10.5 metres of building height . Special Provision Number (2) does not apply to a tower .
3	Notwithstanding the minimum required side yard and rear yard setbacks , where a side yard or rear yard abuts a street, lane, park or to a Greenway System zone , the minimum side yard or rear yard setback shall be a minimum of three (3) metres for the first 10.5 metres of building height and the minimum required side yard and rear yard setbacks , where a side yard or rear yard abuts a Residential Zone the minimum side yard or rear yard setback shall be a minimum of six (6) metres.
4	Where the main wall of any portion of a building facing a side yard or rear yard that does not abut a street, lane or park contains windows or openings, a minimum side yard or rear yard setback of 7.5 metres from the main wall of the building with windows or openings to the side lot line or rear lot line shall be required.
5	For a mid-rise or high-rise building , the main wall of any storey above the podium abutting a front yard, flankage yard , or any other yard abutting a street, lane or park shall have a minimum setback of six (6) metres and shall be stepped back a minimum of three (3) metres from the first storey of the podium .
6	Special Provision Number (5) does not apply to lands located within the RMU-COR2 Zone; LDA1 Zone; or LDA2 Zone .
7	For the lands fronting the Market Promenade as identified on Schedule A3 for KDA-YC, where a podium height is greater than four (4) storeys , all storeys of the podium located above the fourth (4 th) storey shall be stepped back a minimum of three (3) metres.
8	For lands located north of Wright Street and Dunlop Street where a podium height is greater than three (3) storeys , all storeys of the podium located above the third (3 rd) storey shall be stepped back a minimum of three (3) metres.
9	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 .
10	The required minimum and permitted maximum building heights including podium heights are as shown on Schedules outlined in Section 14.0 to this By-law.
11	The permitted maximum density is the numerical value as shown on Schedules outlined in Section 13.0 to this By-law. For the LC-N1, LC-N2 and LC-V Zones, Community uses , parks and opens spaces and infrastructure are excluded from the minimum density calculation. For KDA-YC Zone Community uses , parks, opens spaces, infrastructure and interim development are excluded from minimum density calculation. Train storage facilities are excluded from the minimum density calculation and minimum height requirements.
12	The minimum required yards shall not apply to any portion of a building or structure below established grade .

TABLE 4.1F · Centres and Corridors Zone Ground-Related Residential Special Provisions

SPECIAL PROVISION NUMBER	DESCRIPTION OF SPECIAL PROVISION
1	If a detached garage is located in a rear yard and accessed by a driveway crossing the front lot line , the minimum required side yard shall be 3.0 metres on one side and 0.6 metres on the other. Where detached garages on two adjoining lots are located in their respective rear yards and accessed by a mutual driveway crossing the front lot line , the minimum required side yard shall be 1.2 metres on the side where the mutual driveway is located and 0.6 metres on the other.
2	An attached garage shall have a minimum setback of 5.7 metres from the front lot line and, if the attached private garage is accessed by a driveway crossing the flankage lot line , the attached garage shall have a minimum setback of 5.7 metres from the flankage lot line .
3	The minimum required flankage yard for a dwelling unit is 6.2 metres if the flankage yard abuts an arterial road. The minimum required rear yard for a dwelling unit is 15.0 metres if the rear yard abuts an arterial road. The setbacks shall include all 0.3 metre reserves and buffers abutting the arterial street.
4	This provision only applies to the end units of street-townhouse dwellings .
5	Notwithstanding any other requirements of this by-law to the contrary, the minimum setback from the hypotenuse of a daylight triangle taken by the City to the main building shall be 0.6 metres
6	The minimum required front yard shall be 3.0 metres where the lot has a garage , either attached to the main building or detached from it and has access from a rear lane of at least 6.0 metres in width.
7	The minimum required front yard applies to each portion of a through lot abutting a street .
8	Where a dwelling unit is accessed by a driveway crossing a rear lot line to the rear of a dwelling unit , an attached garage may extend into the required rear yard no closer than 0.5 metres to the rear lot line provided that no more than 50% of the area of the required rear yard is used for an attached garage .
9	If a detached garage of a street townhouse dwelling is located in the rear yard and is accessed by a driveway that does not cross the front or flankage lot line , the minimum required rear yard for the main building on the lot is 12.5 metres.

SPECIAL PROVISION NUMBER	DESCRIPTION OF SPECIAL PROVISION
10	<p>Where the City has entered into a subdivision agreement pursuant to the <i>Planning Act</i>, R.S.O. 1990, which provides for the location of municipal services in a manner which would permit the reduction of the minimum side yard beyond that set out in Table 4.1F and in Special Provision 1 thereto, and which also provides for the construction and maintenance of grading and drainage services to facilitate such side yard reduction, the following minimum required side yard shall apply:</p> <p>i) The minimum required side yard shall be 1.2 metres on one side and 0.6 metres on the other provided that for interior lots, the larger side yard shall be adjacent to the larger side yard or a rear yard on the adjoining lot.</p>
11	The minimum required rear yard shall be 0.6 metres if an attached garage at the rear of the dwelling is accessed by a driveway crossing the flankage lot line .
12	Where an uneven number of lots in a row abut a flankage lot , a block or a rear yard condition, the interior side yard may be reduced to 0.6 metres provided that the adjacent yard is a minimum of 1.2 metres.
13	Where a dwelling unit is accessed by a driveway crossing a rear lot line to the rear of a dwelling unit , an attached garage , with or without rooms above, may be located no closer than 0.5 metres from the rear lot line .
14	Where a building is permitted under a Block Residential Dwelling Zone , the minimum rear yard shall be six (6) metres abutting a Residential Zone .
15	Where a building permitted under a Block Residential Dwelling Zone fronts onto a street or a lane, a minimum setback of 3.5 metres shall be provided.
16	Notwithstanding any other requirements of this by-law to the contrary, Additional Residential Units subject to Section 3.18.
17	Where the main wall of any portion of a building facing a side yard or rear yard that does not abut a street , lane or public park contains windows or openings, a minimum side yard or rear yard setback of 7.5 metres from the main wall of the building with windows or openings to the side lot line or rear lot line shall be required.
18	Notwithstanding any other requirements of this by-law to the contrary, where a Block Residential Dwelling is combined with a High-rise, Mid-rise or low-rise building the lot coverage shall not apply.
19	Notwithstanding any other requirements of this by-law to the contrary, where a dwelling unit fronts onto a street a three (3) metre front yard setback to the main wall of the building shall be provided.
20	Refer to Schedules as outlined in Section 13.0 to this By-law.

Section 5.0 Neighbourhoods

(intentionally left blank)

Section 6.0 Leslie Street Institutional Area

(intentionally left blank)

Section 7.0 Employment Areas

(intentionally left blank)

Section 8.0 Greenway System

(intentionally left blank)

Section 9.0 Utility Corridor, Trans Canada Pipeline and Canadian National Railway (CNR)

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SECTION 10.0 AUTOMOBILE PARKING, BICYCLE PARKING, TRANSPORTATION DEMAND MANAGEMENT, AND LOADING PROVISIONS

10.1 Location

- (1) Parking space, loading space, bicycle parking space and stacking lane requirements of this By-law shall be provided for and located on the same **lot** as the use for which the parking is required.

10.2 Deficiencies

- (1) Where an existing use is deficient in the minimum required **parking spaces** or exceeds that maximum **parking spaces** of this By-law, it shall be interpreted that the minimum and maximum number of required **parking spaces** shall be the legally existing **parking spaces**, provided that the existing use continues and there is no enlargement or expansion that results in a net increase that results in an increase to the **gross floor area** of the existing use, **building** or **structure**.
- (2) Where an enlargement or expansion of the existing use, **building** or **structure** is made that results in an increase to GFA, the parking space, visitor parking space, loading space and stacking **lane** requirements of this By-law shall be satisfied only with respect to the enlargement or expansion made to the existing use, **building** or **structure**.
- (3) Where an existing use changes to a new use subsequent to the day this By-law is passed by the **Council** of the **City**, and the new use is deficient in parking space requirements of this By-law, it shall be deemed that the parking space, visitor parking space, loading space and stacking space requirements of this By-law shall apply to the new use.

10.3 Access

- (1) A **parking space** or **loading space** shall have direct access to a driveway, aisle, road or **lane**. Where access to a **parking space** or **loading space** is provided by driveway or aisle the driveway or aisle shall have direct access to a road or **lane**.
- (2) A **parking space**, **loading space**, **bicycle parking space**, driveway or aisle shall be used and maintained for such purposes.
- (3) A **parking space**, **loading space**, bicycle parking space, driveway or aisle shall be unobstructed and free of any **structure** or encroachment, unless otherwise permitted by this By-law.
- (4) Nothing in this By-law shall prohibit a driveway or aisle from providing mutual access between two **lots** provided that the total width of the mutual driveway or aisle complies with the requirements of this By-law. This provision does not apply to **Residential Zones**.

10.4 Reductions

Any reduction to the **parking space** requirements of this By-law shall not apply to a required **loading space**, bicycle parking space or stacking lane.

10.5 Daylighting Triangles

A **daylighting triangle** shall be free of any encroachment or obstruction.

10.6 Calculation of Parking Spaces

If the calculation of required **parking spaces**, bicycle parking spaces, **loading spaces** or stacking lanes results in a fraction, the applicable requirement shall be rounded up to the next whole number.

10.7 Automobile Parking Space Provisions

10.7.1 Provisions Applying to All Automobile Parking Spaces

- (1) The provisions in Section 10.7 apply to all required **parking spaces** and driveways to **lots** that are regulated by this By-law.
- (2) Required automobile **parking spaces** must be provided collectively for each use on a **lot** in an amount that complies with the provisions in Section 10.7 of this By-law.

Table 10.7A Minimum Dimension of Various Types of Automobile Parking Spaces

Automobile Parking Space Type	Length (metres)	Width (metres)	Vertical Clearance (metres)
Perpendicular Parking Space	5.7	2.7	2.0
Perpendicular Compact Parking Space (Type A) (1)(6)	5.2	2.6	2.0
Perpendicular Compact Parking Space (Type B) (2)(6)	5.0	2.5	2.0
Parallel Parking Space	6.7	2.5	2.0
Tandem Parking Space	5.7	2.7	2.0
Stacked Parking Space	5.7	2.7	2.0
Stacking Lane Spaces (3)(4)(5)	6.0	2.7	2.0

Table 10.7.1B Special Provisions

1	A maximum of 40% of the residential parking spaces provided for dwelling units , for uses other than single detached dwelling, semi-detached dwelling, street townhouse dwelling, block townhouse dwelling, or back-to-back townhouse dwelling , may be in the form of Type A compact parking spaces .
2	A maximum of 10% of the residential parking spaces provided for dwelling units , for uses other than single detached dwelling, semi-detached dwelling, street townhouse dwelling, block townhouse dwelling, or back-to-back townhouse dwelling , may be in the form of Type B compact parking spaces .
3	Stacking Lane spaces shall be setback 15 metres from a Residential Zone and shall not be located in a front yard .
4	Stacking Lane spaces shall not be included in the calculation of required parking spaces .
5	Minimum stacking lane spaces required in accordance with Table 10.7.1.2.
6	Visitor parking spaces and parking spaces provided for non-residential uses shall not be in the form of Type A or Type B compact parking spaces .

Table 10.7C Minimum Stacking Lane Provisions

Use	Minimum Stacking Lane Space Requirement
Car wash (automated)	8
Drive-through Facility associated with a restaurant	8
Drive-through Facility associated with a financial institution	4

- (3) 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 2.7 metres and a minimum length of 5.7 metres.
- (4) The width of an aisle shall comply with the following:
 - (1) The width of an aisle permitting two directions of **motor vehicle** traffic shall be a minimum of 6.0 metres.
 - (2) The width of an aisle permitting one direction of **motor vehicle** traffic shall comply with the following provisions:
 - a) Aisles with **parking spaces** angled greater than 70 degrees, up to 90 degrees, to the **aisle** shall have a minimum width of 6.0 metres.
 - b) Aisles with **parking spaces** angled greater than 50 degrees, up to 70 degrees, to the **aisle** shall have a minimum width of 5.5 metres.
 - c) Aisles with **parking spaces** angled at or less than 50 degrees to the **aisle** shall have a minimum width of 4.0 metres.
- (5) A **parking structure** shall only be located below **established grade**.
- (6) Notwithstanding (6), **parking structure** may be permitted above **established grade** within the KDA-YB, KDA-YC and the LC-N1 and LC-

N2 **Zones** and where located within a high water table area as shown on Overlay “G1” High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area, and subject to the requirements of Section 10.7.3.

- (7) For a **detached dwelling, semi-detached dwelling, street townhouse, block residential dwelling, back-to-back dwelling, stacked townhouse 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 5.7 metres to such **reserve**.
- (8) Tandem **parking spaces** shall not be permitted for **non-residential uses** in a **parking structure or parking area**. For residential **low-rise, mid-rise and high-rise developments**, **tandem parking spaces** shall not contribute to the **parking space** requirements.
- (9) For a **high-rise building, mid-rise building or low-rise building**, the following provisions 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**.

10.7.2 Obstruction of a Parking Space

- (1) The side of a **parking space** is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**. Light standards that are located at the centre corners of four (4) adjoining **parking spaces** are not considered an obstruction.
- (2) Where a **parking space** is obstructed on one or both sides in accordance with this By-law, the minimum width of the **parking space** must be increased by 0.3m.

10.7.3 Automobile Parking Structure

- (1) For any **high-rise building, mid-rise building or low-rise building**, the following provisions shall apply:
 - a) Any portion of an **attached parking structure** that is above **established grade**, shall comply with the provisions for the **main building** on the **lot** in accordance with this By-law;
 - b) An above **established 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**; and,
 - c) An above **established grade parking structure** shall be integrated into the rear or side of the **podium** of a **mid-rise or high-rise building**. A standalone **parking structure** shall not be permitted.

10.7.4 Parking and Storage of Commercial Automobiles

The following provisions apply to the parking and storage of **commercial motor vehicles**:

- a) No **commercial motor vehicles**, farm machinery, farm tractor, road building machine, **school bus, semi-trailer or trailer** shall be parked on any **lot** in a **residential zone** unless parked entirely within a wholly enclosed **building** or carport. Notwithstanding, a **school bus** may be parked on a **Lot** containing a **primary or secondary school**.

- b) No person shall use any lot for the parking or storage, temporary or otherwise, of any **commercial machinery or equipment** with the exception of any **commercial machinery or equipment** which is parked or stored for the purpose of **landscaping**, construction or excavation on that **lot** and so long as the machinery or equipment is not parked or stored on the **lot** for 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**.
- c) Notwithstanding the provisions of Section 10.7.4(a) and 10.7.4(b), parking on a **lot** for not more than twenty-four (24) hours of a maintenance, service or delivery **vehicle** in the course of its normal maintenance, service or delivery duty is permitted.

10.7.5 Driveways

- (1) **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**; and
 - b) have a minimum **setback** of 0.3 metres from the **side lot line**.
- (1) A driveway may have a **setback** of 0.0 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 residential dwelling, back-to-back townhouse, rear lane townhouse, stacked townhouse** or **multiplex dwelling**.
- (3) Driveways leading to a **parking area** for **high-rise building, mid-rise building** or **low-rise building**, 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.
- (4) **Circular Driveways**
 Circular driveways are permitted on lots having a minimum of 18.0 metres of frontage, provided that the main building on the lot is set back from the front lot line a minimum of 9.0 metres and provided that the minimum distance between the two entrances, measured along the front lot line, is greater than 7.6 metres.

10.8 Automobile Parking Rates

- (1) Section 10.8 applies to the Parking Strategy Area as shown on Schedule “D1” to this By-law and are located:

Table 10.8A Parking Strategy Area

PSA1	PSA2	PSA3	PSA4
Within boundaries of Major Transit Areas	Within 400 metres of Centre line of Yonge Street south of Tower Hill Road, Highway 7 and Major Mackenzie Drive East	Within 400 metres of Centre line of Yonge Street north of Tower Hill Road, Major Mackenzie Drive East and Leslie Street	Within the boundaries of City excluding PSA1, PSA2 and PSA3

- (2) Required automobile **parking spaces** must be provided for every **building** or **structure** erected or enlarged, in accordance with Table 10.8B.
- (3) Rates in Table 10.8B are based on the number of **parking spaces** per **dwelling unit** for **residential uses** and on the number of **parking spaces** for every 100 square metres of **gross floor area** for non-**residential uses**, unless otherwise noted in Table 10.8B.

Table 10.8B Automobile Parking Space Minimum and Maximum Provisions

Parking Strategy Area	PSA 1 (1)	PSA 2	PSA 3	PSA 4
Rate Range	Min/Max	Min/Max	Min/Max	Min/Max
Residential Uses (parking spaces per dwelling unit)				
Apartment Dwelling				
Bachelor	0.00/0.80		0.80/1.00	
One Bedroom	0.00/0.95		0.90/1.15	
Two Bedroom +	0.00/1.05		1.00/1.25	
Block Residential Dwelling	0.00/2.00		1.00/2.00	
Back-to-back Dwelling	0.00/2.00		1.00/2.00	
Rear Lane Townhouse Dwelling	0.00/2.00		1.00/2.00	
Stacked Townhouse Dwelling	0.00/2.00		1.00/2.00	
Live-Work Unit	0.00/2.00		1.00/2.00	
Street Townhouse Dwelling	0.00/0.00		1.00/0.00	
Multiplex Dwelling	0.00/0.00		1.00/0.00	
Detached Dwelling	0.00/0.00		1.00/0.00	
Semi-detached Dwelling	0.00/0.00		1.00/0.00	
Duplex Dwelling	0.00/0.00		1.00/0.00	
Independent Seniors Living Residence/Seniors Citizen Dwelling	0.00/0.60		0.33/0.60	
Long Term Care Home (2)	0.00/0.60		0.25/0.60	
Assisted Living Residence	0.00/0.60		0.25/0.60	
Non-Residential Uses (parking spaces per 100 square metres unless otherwise noted)				
Arts and Cultural Facilities	0.00/5.30		4.70/5.90	
Auto Body Repair Shop	0.00/3.75		3.00/3.75	
Repair Shops for Internal Combustion Engines	0.00/3.75		3.00/3.75	
Automobile Service Station	0.00/3.50		3.00/3.75	
Vehicle Washing Establishment per bay	0.00/1.25		1.00/1.25	
Gas Bar – Ancillary Commercial	0.00/3.75		3.00/3.75	
Gas Bar - Restaurant	0.00/3.50		3.10/3.90	
Commercial School	0.00/3.40		3.00/3.75	
Commercial Uses	0.00/3.15		3.00/3.75	
Childcare Centre	0.00/2.20		2.25/2.80	
Hospitals and healthcare centres and ancillary commercial uses	0.00/3.15		2.50/3.15	
Hotel/Motel				
-per 100 square metres of conference space	0.00/5.30		4.45/5.30	
-in addition, per room	0.00/0.80		0.70/0.80	
Major Office	0.00/2.50		2.20/2.75	
Place of Worship	0.00/5.30		4.70/5.90	
Post Secondary School				
- per classroom	0.00/2.00		1.80/2.25	
Primary School				
- per classroom	0.00/1.70		1.40/1.70	
Private School				
- per classroom	0.00/3.40		3.00/3.75	
Secondary School				
- per classroom	0.00/3.40		2.80/3.50	
Social Services	0.00/5.30		4.70/5.90	

Table 10.8C Special Provisions

1	The provisions of 10.7 do not apply to PSA1 save and except for 10.10. Where a parking space , stacking lane, loading space , tandem parking space , stacked parking space , driveway or aisle is provided such shall be in accordance with provisions of 10.7.
2	Parking space requirement for Long Term Care Facility is calculated on total number of beds.

Table 10.8D Visitor Automobile Parking Space Provisions

Parking Strategy Area	PSA 1	PSA 2	PSA 3	PSA 4
	Min/Max	Min/Max	Min/Max	Min/Max
Apartment Dwelling	0.00/0.20		0.15/0.20	
Block Residential Dwelling	0.00/0.20		0.15/0.20	
Stacked Townhouse Dwelling	0.00/0.20		0.15/0.20	

10.9 Automobile Parking Space Exemptions

10.9.1 Shared Parking Rates

- (1) 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**. This provision does not apply to PSA 1.
- (2) Where there is one or more uses on a **lot**, the minimum required **parking spaces** and the portion thereof shall be applied to each of the uses in Table 10.8B.

10.9.2 Mixed-Use Development Shared Parking Reduction

- (1) Where visitor **parking spaces** and **parking spaces** provided for non-residential uses within a mixed use development on a **lot** are shared, a 10% reduction to the minimum required **parking spaces** for these non-residential uses shall be permitted, provided that all shared **parking spaces** provided for visitors and the non-residential uses must be accessible and available for use by non-residential uses and visitors.
- (2) This reduction shall not be applicable to any uses or the required **parking spaces** for uses that are not on the same **lot**.

10.10 Bicycle Parking Space Provisions

10.10.1 Provisions Applying to All Bicycle Parking Spaces

- (1) No person shall use any **land, building or structure** in any **zone** for any purpose permitted by this By-law, unless bicycle spaces are provided on the same **lot**.
- (2) The provisions in Section 10.10 apply to all required **bicycle parking spaces to lots** that are regulated by this By-law.
- (3) Required bicycle parking spaces must be provided collectively for each use on a **lot** in an amount that complies with the provisions in Section 10.10 of this By-law.
- (4) Minimum dimensions of various types of bicycle parking **spaces** are set out in Table 10.10A.
- (5) Required bicycle parking spaces must be provided for every **building or structure**, in accordance with Table 10.10B.
- (6) For vertical bicycle parking spaces the length shall be oriented in the direction of the bicycle.

Table 10.10A Minimum Dimension of Various Types of Bicycle Parking Spaces Provisions

Bicycle Parking Space Type	Length (metres)	Width (metres)	Vertical Clearance (metres)
Bicycle Parking Space (Horizontal)	1.8	0.6	1.9
Bicycle Parking Space (Vertical)	1.9	0.6	1.2
Bicycle Parking Space (Stacked)	1.8	0.6	1.2

Table 10.10B Minimum Required Bicycle Parking Space Provisions

	PSA1	PSA1	PSA2	PSA2	PSA3	PSA3	PSA4	PSA4
	Min. Long Term Bicycle Parking Spaces (3)(4)	Min. Short Term Visitor Bicycle Parking Spaces (1)(2)	Min. Long Term Bicycle Parking Spaces	Min. Short Term Visitor Bicycle Parking Spaces (1)(2)	Min. Long Term Bicycle Parking Spaces	Min. Short Term Visitor Bicycle Parking Spaces (1)(2)	Min. Long Term Bicycle Parking Spaces	Min. Short Term Visitor Bicycle Parking Spaces (1)(2)
Apartment Dwelling, (4)	0.72 bicycle parking space	0.045 bicycle parking space	0.6 bicycle parking space per	0.03 bicycle parking space per	0.6 bicycle parking space per	0.03 bicycle parking space per	0.6 bicycle parking space per	0.03 bicycle parking space per

	per dwelling unit	per dwelling unit	dwelling unit	dwelling unit	dwelling unit	dwelling unit	dwelling unit	dwelling unit
Block Residential Dwelling Rear Land Townhouse Dwelling Stacked Townhouse Dwelling		0.045 bicycle parking space per dwelling unit		0.03 bicycle parking space per dwelling unit		0.03 bicycle parking space per dwelling unit		0.03 bicycle parking space per dwelling unit
Stacked Townhouse Dwelling	0.72 bicycle parking space per dwelling unit	0.045 bicycle parking space per dwelling unit	0.6 bicycle parking space per dwelling unit	0.03 bicycle parking space per dwelling unit	0.6 bicycle parking space per dwelling unit	0.03 bicycle parking space per dwelling unit	0.6 bicycle parking space per dwelling unit	0.03 bicycle parking space per dwelling unit
Non-residential use (4)	0.195 bicycle parking space per 100 sq.m. of GFA	0.225 bicycle parking space per 100 sq.m. of GFA	0.13 bicycle parking space per 100 sq.m. of GFA	0.15 bicycle parking space per 100 sq. m. of GFA	0.13 bicycle parking space per 100 sq.m. of GFA	0.15 bicycle parking space per 100 sq.m. of GFA	0.13 bicycle parking space per 100 sq.m. of GFA	0.15 bicycle parking space per 100 sq.m. of GFA

Table 10.10C Special Provisions

<u>1</u>	Short Term Visitor bicycle parking spaces shall be located at established grade or the ground floor of a building or in combination thereof .
<u>2</u>	Minimum 50% of required short term parking spaces shall be located in a covered area.
<u>3</u>	Minimum of six (6) public bicycle parking space are required in addition to the short term bicycle parking spaces
<u>4</u>	All required bicycle parking spaces be located established grade or one level below established grade or one level above established grade or in combination thereof within PSA1 and PSA2.

10.11 Loading Space Provisions

10.11.1 Provisions Applying to All Loading Spaces

- (1) The provisions in Section 10.11 apply to all required **loading spaces** to **lots** that are regulated by this By-law.
- (2) **Loading spaces** must be provided collectively for each use on a **lot** in an amount that complies with the provisions in Section 10.11.2 of this By-law.
- (4) A **loading space** shall be paved, free of any encroachments and have a width of not less than 4.0 metres and a length of not less than 13.0 metres with a minimum of 6.5 metres overhead clearance.
- (5) 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.
- (6) Notwithstanding 10.11.1(5), a **loading space** shall not be permitted in a **yard** abutting an **Active-At-Grade Frontage**.
- (6) Aisles and driveways leading to a **loading space** shall not be used for the temporary parking or storage of 1 or more **motor vehicles**.

10.11.2 Loading Space Rate by Land Use

- (1) Required **loading spaces** must be provided for every **building** or **structure**, in accordance with Table 10.11A.
- (2) Rates in Table 10.11A are based on **dwelling unit** ranges for **residential uses** and on **gross floor area** ranges of **non-residential uses**, unless otherwise noted in the Table 10.11A.

Table 10.11A Minimum Required Loading Spaces Provisions

	Minimum Required Loading Spaces
Buildings containing dwelling units	
0 to 30 dwelling units	0
31 to 399 dwelling units	1
400 dwelling units or more	2
Buildings containing non-residential uses	
Gross floor area less than 500 square metres	0
Gross floor area of between 500 to 2322 square metres	1
Gross floor area of between 2323 to 9290 square metres	2
For every additional 9290 square metres above 9290 square metres	1 additional

10.12 Provisions for Loading spaces for Automobile Service Stations

The following provisions apply to **Automobile Service Station** uses:

- a) One (1) **loading space** for a **gas bar convenience retail store**, having a width of 3.5 metres and located adjacent to the **gas bar convenience retail store** is required.

10.13 Electric Vehicle and Electric Bicycle Provisions

10.13.1 Electric Vehicle Parking Provisions

- a) **Parking spaces** shall be provided in the form of **electric vehicle ready parking spaces** and **electric vehicle parking spaces** in accordance with Table 10.13A
- b) Notwithstanding the requirements of 10.13.1(a), **electric vehicle ready parking spaces** and **electric vehicle parking spaces** are not required for **parking spaces** provided for the following:
 - 1) **Short term parking spaces** for residential uses
 - 2) **Additional residential units**

Table 10.13A Electric Vehicle and Electric Bicycle Minimum Provisions

Use	Minimum number of required Electric Vehicle Ready Parking Spaces	Minimum number of required Electric Vehicle Parking Spaces
Residential Uses		
Apartment dwelling Stacked townhouse dwelling within a building with a parking structure	100% of the total provided parking spaces	None
Stacked townhouse dwelling within a building without a parking structure Detached dwelling Semi-detached dwelling Street townhouse dwelling Block Residential dwelling Rear lane townhouse dwelling Back-to-back dwelling Duplex dwelling Triplex dwelling Quadruplex dwelling Multiplex dwelling (1)	1.0 space per dwelling unit	None
Non-Residential Uses		
Major office	10% of the total provided parking spaces or 1.0 space, whichever is greater	5% of the total provided parking spaces
For commercial uses other than major office use	5% of the total provided parking spaces or 1 space, whichever is greater	2.5% of the total provided parking spaces

Table 10.13B Special Provisions

1	Provision does not apply to developments containing ten (10) dwelling units or less.
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10.13.2 Permitted Electric Vehicle Supply Equipment within a Parking Space

Electric vehicle charging stations are permitted to encroach 0.3 metres into a required **parking space** provided the encroachment is not located further than one (1) metre from either end of the **parking space**.

DRAFT

SECTION 11.0 DEFINITIONS

The following are defined words, terms, or phrases in this By-law which are bolded and listed as they are shown in this By-law.

Accessory

Means a **use, building** or **structure** 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**.

Accessory Residential Building

Means a detached **building** containing one (1) or more **Additional Residential Units** located on the same **lot** as and **accessory** to a primary **dwelling unit**. For greater clarity, an **Accessory Residential Building** is not a **detached accessory structure**.

Active-At-Grade Frontage

Means a **street line** that abuts an arterial road or collector road.

Additional Residential Unit

Means a self-contained **dwelling unit** permitted in addition to a primary **dwelling unit**. The addition of an **additional residential unit** does not change a dwelling into any other type of residential **building**.

Adult Day Care

Mean a facility licensed to provide daily living needs to adults by professional caregiving staff.

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.

Apartment Dwelling

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 **low-rise, mid-rise** or **high-rise building**.

Arts and Cultural Facilities

Means **premises**, or **structure**, or any part of any land, **building** or **structure**, used for the programing, production, presentation, and/or exhibition of art, performing art, including but not limited to music, dance, theatre, painting, sculpture, photography, media art, and museums.

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 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**.

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 **established grade**, shared in common with an adjacent **building** or **buildings**.

Attached Garage

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**.

Automobile Service Station

Means a **building** or **structure** or parts thereof, used for the sale of refueling products and automobile accessories and for minor maintenance essential to the actual operation of **motor vehicles**. The use may include **gas bar convenience retail store, gas bar, motor vehicle/lubrication establishment** and **motor vehicle washing establishment** associated uses. A **motor vehicle sales establishment, an auto body repair shop** or public garage or a standalone motor vehicle washing establishment are not an **automobile service station**.

Back-to-Back Dwelling

Means a **building** or part thereof containing three (3) or more **dwelling units** that are **attached** to each other, but not **attached** to any other **dwelling unit** or **structure**, but shall exclude an **apartment dwelling** or a **townhouse dwelling**.

Balcony

Means an elevated **structure** projecting from a wall of a **building** or **structure** that is above 4.5 metres above **established grade**.

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.

Block on a Registered Plan

Means a parcel of land that is indicated by the word and letter "A," "B" or by a number "1", "2", or as the case may be.

Block Residential Dwelling (BTH)

Means a **building** that may include a **townhouse dwelling, stacked townhouse dwelling, rear lane townhouse, back-to-back dwelling, half-back dwelling, multiplex dwelling, duplex dwelling, semi-detached, and single detached dwelling** and each **dwelling unit** that has shared amenities and/or vehicular access by means of a common **driveway** or **lane**.

Building

Means a **structure** occupying an area greater than 10 square metres 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.

Building Frontage

Means the length of the **main wall** of a **building** measured as a percentage of the length of the **front lot line** parallel to the **main wall** of a **building**.

Building Height

Means the metered height and number of **storeys** measured from, and including the **first storey** of each **building**. For the purposes of this definition, the minimum and maximum **building heights** in each **zone** shall apply only to that portion of such **lot** which is located within said **zone** prescribed as shown on Schedules outlined in Section 14.0 to this By-law.

Building Separation

Means the facing distance between buildings or a portion of the same building, measured from the nearest **main wall** of each **building** or portion of a **building**.

Childcare Centre

Means a facility licensed under the Child Care and Early Years Act.

Chord of the Front Lot Line

Means 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**.

City

Means The **Corporation** of the **City** of Richmond Hill.

Commercial

Means the use of land, **buildings** or **structures** for the purpose of buying or selling commodities and supplying of services. **Commercial** uses may be separately defined for purposes of **parking space** requirements but otherwise are deemed to be **commercial** uses. For the purposes of this By-law, **Commercial uses** shall exclude the following:

- **Major Retail;**
- **Major Office;**
- **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; and,
- Public Garage uses.

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.

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.

Commissioner

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

Common Element Condominium

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

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 or healthcare centre, place of worship, arts and cultural facilities**, childcare centre, **home childcare, long term care homes, adult care centre and social services**.

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**;
- c) the common elements are owned by all of the owners as tenants in common; and,
- d) **Condominium** does not include a **Common Element Condominium**.

Corner Lot

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**.

Corporation

Means the **Corporation** of the **City** of Richmond Hill, when capitalized in this By-law.

Council

Means the Council for the **City** of Richmond Hill.

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 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.

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 **established grade**, and which is designed and intended for use as a sun **deck** but shall not include a landing or a stair.

Detached Accessory Structure

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**.

Detached Dwelling (S)

Means a completely detached **dwelling unit**.

Detached Garage

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**.

Drive Through Facility

Means a facility to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in a vehicle that are in a stacking aisle. An **automotive service station** or **motor vehicle washing establishment** is not a **drive through facility**.

Duplex Dwelling (DU)

Means a **building** containing two **dwelling units** divided horizontally and having an independent entrance either directly to the outside or through a common vestibule.

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 a means of egress with other shared **dwelling units**.

Electric Vehicle Supply Equipment (EVSE)

The complete assembly consisting of cables, connectors, devices, apparatus, and fittings, installed for power transfer and information exchange between the branch circuit and an electric vehicle.

Electric Vehicle Parking Space

A **parking space** that contains a minimum of a fully installed **Level 2 Charging EVSE** with **energized outlet** that conforms to Section 86 of the Ontario Electrical Safety Code.

Electric Vehicle Ready Parking Space

A **parking space** constructed with an **energized outlet** to be electric vehicle ready, allowing for future installation of a minimum **Level 2 Charging EVSE** that conforms to Section 86 of the Ontario Electrical Safety Code.

Energized Outlet

A connected point in an electrical wiring installation at which current is taken to supply utilization equipment for electric vehicle charging.

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.

Established Grade

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 front of such **building** and, when used with reference to a **structure** other than a **building**, shall mean the average elevation of the finished **established 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.

Expropriating Authority

Means the same definition that is in the Expropriations Act, R.S.O. 1990, c. E. 26.

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.

First Storey

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

Flankage Lot Line

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

Flankage Yard

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**.

Floor Area

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

Floor Space Index

Means the **gross floor area** of all **buildings** on a **lot** expressed as a ratio or multiple of the **lot area**. The term is also referred to in this By-law as the acronym FSI.

Front Lot Line

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.

Front Yard

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**.

Garage

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

Means a **building** or **structure** or parts thereof including lands appurtenant thereto, used for the sale of refueling products and automobile accessories and for minor running repairs essential to the actual operation of **motor vehicles**. The use may include gas bar convenience retail store, gas bar, motor vehicle/ lubrication establishment and **motor vehicle washing establishment** associated uses. A motor vehicle sales establishment, an auto body repair shop or public garage or a standalone motor vehicle washing establishment are not an **automobile service station**.

Gross Floor Area

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 basement, **mechanical penthouses**, **loading spaces**, any portion of a **parking structure**, elevator shaft, stairwell, mechanical or electrical rooms, and any space with a floor to ceiling height of less than 1.8 metres.

Gross Leasable Area

Means the total **floor area** occupied by a commercial facility for its exclusive use including all seating areas associated with any **restaurant** use, **food court**, or eating establishment permitted by this by-law, **basements**, mezzanines, upper story areas and integral storage area, but in a **shopping centre** shall not include public or common areas such as malls, corridors, stairways, elevators, machine or equipment rooms, washrooms or garbage rooms, or storage areas located below **established grade**.

Ground Floor Height

Means the measured vertical distance between the surface of the **ground floor** to the floor of the storey or roof immediately above the **ground floor**.

Hard Landscaping

Means an area used for decorative stonework, permeable stone pavers, retaining walls, walkways, synthetic turf, or other non-living landscape or architectural feature. Driveways and **loading spaces**, **parking spaces** or storing of **motor vehicles** are not **hard landscaping**.

High-Rise

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

Home Occupation

Means an economic enterprise operated within a **dwelling unit** or **accessory residential building**, incidental and secondary to the **residential use** where the dwelling unit is the principal residential of the operator(s) of the home occupation.

Hospital

Means any tract of land, or **structure**, or any part of any land, **building** or **structure** used as a private or public **hospital** under the Province of Ontario Public Hospitals Act, RSO, 1990 or the Province of Ontario Private Hospitals Act, RSO, 1990 for the care or treatment of:

- a) persons afflicted with or suffering from sickness, disease or injury;
- b) convalescent or chronically ill persons;
- c) persons suffering from substance addictions; or
- d) persons suffering from emotional, psychological or mental disorders.

Hotel

Means a **building** or part of a **building** or two (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. A **hotel** does not include separate kitchen or housekeeping facilities but may include a **restaurant**, dining room, lounge, meeting rooms, **retail stores**, and other ancillary uses.

Independent Seniors Living Residence/Senior Citizens Dwelling

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**.

Interior Lot

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

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.

Level 2 Charging

An alternating current charging system operating at a voltage between 208/240V, with a power output of up to 19.2 kW, as recognized by industry standards including SAE J1772.

Live-Work Unit

Means a single unit (e.g. studio, loft, or apartment) consisting of a **dwelling unit** and may include a **commercial use**. A **live-work unit** may be used as both a **dwelling unit** and a business operated by one or more people who reside in the **dwelling unit**.

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.

Long Term Bicycle Parking Space

Means a bicycle parking space located within a **building** or **structure** designed for storage of bicycles equipped with a rack or stand designed to lock the wheel and frame of a bicycle, or within a locked room for exclusive use of bicycle parking.

Long Term Care Home

Means a facility that is licensed under the Fixing Long Term Care Act.

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**, His Majesty in the Right of Canada, or the **Region**.

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**.

Lot Area

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

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 **established 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**.

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 (6) metres back from and parallel to the **chord of the front lot line**.

Lot Line

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

Low-Rise

Means **buildings** or **structures** with a height of four (4) **storeys** or less and shall exclude a **detached dwelling**, **duplex dwelling**, **semi-detached dwelling**, **street townhouse dwelling**, **block residential dwelling**, **stacked townhouse dwelling**, **rear lane townhouse dwelling**, **back-to-back dwelling** or a **quadruplex dwelling**.

Maisonette Dwelling (MA)

Means a building that is divided into three or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonette dwelling shall not be considered an apartment dwelling.

Main Building

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

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.

Major Office

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.

Major Retail

Means a large format retail building, such as retail big box stores, retail warehouses and shopping centres which has a **gross floor area** of 10,000 square metres and not more than 30,000 square metres gross leasable floor area.

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.

Mid-Rise

Means **buildings** or **structures** with heights ranging between five (5) **storeys** and eight (8) **storeys**.

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 traveling 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.

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.

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**.

Motor Vehicle Washing Establishment

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

Multiplex Dwelling

Means a **triplex dwelling**, **link villa dwelling**, **maisonette dwelling**, **fourplex dwelling** or **quadruplex dwelling**.

Non-Complying

Means that which does not comply with the provision(s) of this By-law as of the day that this By-law is passed by the **Council** of the **City**.

Non-Complying Building or Structure

Means a **building** or **structure** that legally existed as of the day that this By-law is passed by the **Council** of the **City** and no longer complies with one or more standards of this By-law.

Non-Complying Lot

Means a **lot** that legally existed as of this By-law as of the day that this By-law is passed by the **Council** of the **City** that has less than the minimum required **lot frontage** or **lot area** required by this By-law.

Non-Conforming Use

Means a legally existing use as of the day that this By-law is passed by the **Council** of the **City**, which is not a permitted use in the **zone** in which the said use is situated.

Non-Residential Building

Means a **building** that does not contain any **residential uses**.

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.

Outdoor Storage

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

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 Section 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.

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 **motor vehicles**.

Parking Structure

Means a **building** or part thereof used for the storage or parking of **motor vehicles**.

Parking Space

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

Place of Worship

Means lands or **buildings** used by a bona fide religious organization for religious worship, services, ceremonies or rites. Lands or **buildings** may also include accessory uses by a **Place of Worship** for the advancement of its charitable character, which may include but is not limited to temporary emergency shelter, community outreach activities and community events.

Plan of Subdivision

Means a **plan of subdivision** registered in accordance with Section 51 of the **Planning Act**, R.S.O. 1990.

Podium

Means the base portion of a **mid-rise** or **high-rise building** identified in metered height and number of **storeys**.

Porch

Means a **structure** abutting a **dwelling unit** having a roof, but with walls that are open and unenclosed to the extent that fifty percent (50%) of the vertical plane of the wall is open to the movement of air and which is used as an outdoor living area. A porch is not a deck.

Portable School

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

Post Secondary School

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

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**.

Primary School

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

Private School

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.

Private Utility

Any telephone or communications utility company operating within the **City** 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 provisions prescribed for such **zone** or use.

Public Authority

Means any Federal or Provincial government authority, agency, body or department, the **Region**, or the **Corporation** of the **City** of Richmond Hill, or any agency, body or department of either of these municipalities.

Quadruplex Dwelling (Q)

Means a **building** divided vertically and/or horizontally into four (4) **dwelling units**, each one of which has two (2) walls or parts thereof in common with adjoining units and an independent entrance to either the ground or common corridor.

Rear Lane Townhouse Dwelling

Means a **townhouse dwelling**, **street townhouse dwelling** or **block residential dwelling**, that is not a **stacked townhouse 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**.

Rear Lot Line

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 (3) metres in length entirely within the **lot**, parallel to and at a maximum distance from the **front lot line**.

Rear Yard

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**.

Region

Means The Regional Municipality of York.

Reserve

Means a strip of land 0.5 metres in width or less abutting a **street** and owned by the **public authority** having jurisdiction over such a **street**.

Residential Use

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

Residential Zone

Means the lands designated “Neighbourhood” under the City of Richmond Hill Official Plan.

School Bus

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

Secondary School

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

Semi-Detached Dwelling (RD1)

Means a **building** that is divided vertically into two **dwelling units** sharing a common wall above the **established grade** and each of which has an independent entrance either directly to the outside or through a common vestibule.

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.

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 area** or **loading space** for which a **setback** is required by this By-law.

Short Term Accommodation

Means all or part of a **dwelling unit** that is used to provide sleeping accommodation for any rental period that is less than 28 consecutive days and is the principal residence of the short term rental operator.

Short Term Bicycle Parking Space

Means a bicycle parking space that is equipped with a rack, corral, or stand designed to lock the wheel and frame of a bicycle, that is available for use by visitors to the **building**.

Side Lot Line

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

Side Yard

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** or **structure** on the **lot**.

Site Plan Agreement

Means an agreement entered into pursuant to Section 41 of the *Planning Act*, R.S.O. 1990.

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.

Soft Landscaping

Means an at-grade area on a lot that is suitable for the growth and maintenance of vegetation and permits the infiltration of water into the ground but shall not include hard surfaced areas such as driveways, parking spaces, patios, walkways and hard landscaping. For greater clarity, interlocking stone and permeable pavement are not Soft Landscape.

Stacked Parking Space

Means a parking space that is positioned above or below another parking space and is accessed only by means of an elevating device.

Stacked Townhouse Dwelling

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.

Stepped Back

Means the horizontal distance measured from the main wall of a building at right angles for a determined distance in metres as required in this By-law towards the centre of the building.

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.

Street Line

Means the boundary between a street and a lot.

Street Townhouse Dwelling (STH)

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

Storey

Means that portion of a building between the surface of a floor and the floor or roof immediately above, provided that any portion of a building partly below established 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 first storey exceeding 4.5 metres in height shall be deemed an additional storey, unless otherwise specified in this By-law.

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.

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, dormitories and **premises**.

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**.

Through Lot

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.

Tower

Means all **storeys** above the **storeys** that constitute the height of a **podium** in a **high-rise building**.

Townhouse Dwelling

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 yard** and **rear yard** immediately abutting the **front wall** and **rear wall**.

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.

Triplex Dwelling

Means a **building** divided horizontally into three (3) **dwelling units**.

Veterinary

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

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.

Zone

Means a designated area of land use.

Section 12.0 Zoning Schedules

- 12.1 Richmond Hill Centre **Zone** (*Schedule "A1" intentionally left blank*)
- 12.2 Yonge and Bernard Key Development Area **Zone** (Schedule "A2")
- 12.3 Yonge/Carrville/16th Avenue Key Development Area **Zone** (Schedule "A3")
- 12.4 Regional Mixed Use Corridor **Zones** (Schedule "A4-1", "A4-2", "A4-3", "A4-4", "A4-5", "A4-6", "A4-7" and "A4-8")
- 12.5 Local Centre Village **Zone** (Schedule "A5")
- 12.6 Local Centre Oak Ridges **Zone** (Schedule "A6")
- 12.7 Local Centre Newkirk **Zones** (Schedule "A7")
- 12.8 Local Development Area **Zones** (Schedule "A8-1" and "A8-2")
- 12.9 Local Mixed Use Corridor **Zone** (Schedule ("A9-1", "A9-2" and "A9-3"))

Section 13.0 Density Schedule

- 13.1 Richmond Hill Centre **Zone** (*Schedule "B1" intentionally left blank*)
- 13.2 Yonge and Bernard Key Development Area **Zone** (Schedule "B2")
- 13.3 Yonge/Carrville/16th Avenue Key Development Area **Zone** (Schedule "B3")
- 13.4 Regional Mixed Use Corridor **Zones** (Schedule "B4-1", "B4-2", "B4-3", "B4-4", "B4-5", "B4-6", "B4-7" "B4-8")
- 13.5 Local Centre Village **Zone** (Schedule "B5")
- 13.6 Local Centre Oak Ridges **Zone** (Schedule "B6")
- 13.7 Local Centre Newkirk **Zones** (Schedule "B7")
- 13.8 Local Development Area **Zones** (Schedule "B8-1" and "B8-2")
- 13.9 Local Mixed Use Corridor **Zone** (Schedule ("B9-1", "B9-2" and "B9-3"))
- 13.10 Yonge and Bernard Key Development Area **Zone** Existing Non-residential **Gross Floor Area** (GFA) (Schedule "B2-1")

Section 14.0 Height Schedule

- 14.1 Richmond Hill Centre **Zone** (*Schedule "C1" intentionally left blank*)
- 14.2 Yonge and Bernard Key Development Area **Zone** (Schedule "C2")
- 14.3 Yonge/Carrville/16th Avenue Key Development Area **Zone** (Schedule "C3")
- 14.4 Regional Mixed Use Corridor **Zones** (Schedule "C4-1", "C4-2", "C4-3", "C4-5", "C4-5", "C4-6", "C4-7" and "C4-8")
- 14.5 Local Centre Village **Zone** (Schedule "C5")
- 14.6 Local Centre Oak Ridges **Zone** (Schedule "C6")
- 14.7 Local Centre Newkirk **Zones** (Schedule "C7")
- 14.8 Local Development Area **Zones** (Schedule "C8-1" and "C8-2")
- 14.9 Local Mixed Use Corridor **Zone** (Schedule ("C9-1", "C9-2" and "C9-3"))

Section 15.0 Parking Strategy Areas Schedule

- 15.1 Parking Strategy Areas (Schedule "D1")

Section 16.0 TRCA Regulation Area and Flood Vulnerable Area Overlay

- 16.1 TRCA Regulation Area and Flood Vulnerable Area (Overlay "E1")

Section 17.0 Greenway System Overlay

- 17.1 Natural Features (Overlay "F1")

Section 18.0 High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area Overlay

- 18.1 High Aquifer Vulnerability, Highly Vulnerable Aquifers and Wellhead Protection Area (Overlay "G1")

Section 19.0 Exceptions

The following Sections of this Section 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. LC-V(1) or LC-V(1)(8) the bracketed numbers refer to Sections in Section 19.0 this By-law.

- 7.1 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following special provisions shall apply to the lands located at 10909 Yonge **Street** zoned “**KDA-YB Zone**” and more particularly shown as “KDA(H)” on Schedule A2 and denoted by a bracketed number (1):
- i) For the purposes of applying Schedule “B2-1”, Table 4.1B Special Provision 5, the minimum required non-residential **gross floor area** required shall be 13,953 square metres.
 - ii) For the purposes of Table 4.1C, Special Provision 13, where a new development is situated on lands which are subject to more than one maximum FSI, the overall maximum FSI for the development shall be calculated by applying the maximum FSI for each area on a pro-rata basis, and the resulting FSI can be applied anywhere on the property from the lower density area to the higher density area, unless otherwise permitted by the bylaw, recognizing that a portion of the property may have a resulting FSI less than and/or greater than the FSI applicable to that portion.
 - iii) For the purposes of Table 4.1B Special Provision (1), all of the lands located at 10909 shall be deemed one **lot** for the purposes of defining frontage on a public **street**.
 - iv) For the purposes of Table 4.1B Special Provision (1), **dwelling units** may be permitted in the **first storey street** wall abutting Bernard Avenue, but units shall only be accessed internally and not be permitted any direct access along Bernard Avenue.
 - v) For the purpose of Table 4.1B Special Provision (19) indoor **amenity space** for an **apartment dwelling** 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 60% of the **Active- At-Grade Frontages**.
 - vi) For the purposes of Section 3.5, 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 habitable 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 habitable windows on the same **lot**, the minimum required above **established grade** distance between the **main walls** shall be 15.0 meters.
 - b. Where a **main wall** of the **building** has habitable windows abuts another **main wall** of a **building** or the same **building** on the same **lot** which does not have habitable 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 **established grade** distance between the **main walls** is 7.5 metres.
 - vii) The definition of **amenity space** in Section 11.0 shall mean outdoor space on a **lot** or part of a **building** that is accessible, communal and available for use by the occupants of a **building** on the **lot** for recreational or social activities.
 - viii) The definition of **street** in Section 11.0 shall be amended to include a private **street** for the purpose of applying zoning provisions related to **setbacks**.
 - ix) On the southerly 1.15 ha of land located at 10909 Yonge **Street**:
 - a. For the purposes of Table 4.1D Special Provision (5), for the northern **building** no more than 50% of the podium shall be permitted with zero (0) m **stepbacks** and three (3) metre **setback** to the **Tower**.
 - b. For the purposes of Table 4.1B Special Provision (19), a **street** wall shall be a minimum of 40% of the length of a **lot line** abutting a **street** or a **lane**.
 - c. For the purposes of Table 4.1D Special Provision (13), the maximum **FSI** shall be 3.66.

7.2 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following special provisions shall apply to the lands located at 16 Naughton Drive zoned “**KDA-YB Zone**” and more particularly shown as “KDA-YB(H)” on Schedule “A2” and denoted by a bracketed number (2):

- i) For the purposes of Table 4.1D Special Provision (4), a **building main wall** with windows or openings shall be **setback** a minimum of 3.0 m to the westerly **lot** line. All other requirements of Special Provision 4 shall continue to apply.
- ii) Notwithstanding the definition of **amenity space** in Section 11.0, **amenity space** shall mean outdoor space on a **lot** or part of a **building** that is accessible, communal and available for use by the occupants of a **building** on the **lot** for recreational or social activities.
- iii) Notwithstanding Section 3.2, a **mechanical penthouse** located on the rooftop of a **building** within the portion of the lands identified on Schedule C2 as being subject to the minimum height of four (4) **storeys**, may include a connected, enclosed area which contains indoor **amenity space** that is accessible, communal and available for use by the occupants of a **building** on the **lot** for recreational or social activities. The **mechanical penthouse** inclusive of the indoor **amenity space** shall be deemed not to be a **storey** and shall be excluded from the calculation of maximum **building height** provided that it complies with all provisions in Section 3.2 and with the **angular plane** requirements of the By-law.

7.3 11,488 Yonge Street

- (1) For lands with the Holding Zone (H) Shown on Schedule “A4-1”, no development shall occur on the lands until the Holding (H) Zone symbol has been removed by the City. The Holding (H) Zone may be lifted once the owner has, at no cost or expense to the City, conveyed to the City free and clear of all encumbrances (including charges or mortgages) that portion of the lands that contains the Tributary of the Rouge River and its environs (i.e.: adjacent environmental lands associated with the stream, wetland, significant valleyland, hazardous lands and associated minimum vegetation protection zones/buffers), all to the satisfaction of the **Commissioner** and within the **Commissioner’s** sole and absolute discretion.

7.4 0 Addison Street and 0 Hopkins Street

- a) High-Rise and mid-rise buildings shall be permitted as follows:
 - 1) within Area “7.4A”, one terraced mixed-use base building ranging in height from 6 to 8 storeys along the Yonge Street frontage and one residential tower fronting onto Harding Boulevard with a maximum building height of 20 storeys (exclusive of mechanical) and a maximum floorplate of 780 square metres above the base building, as well as one terraced residential building along the Addison Street frontage with a maximum building height of 10 storeys (exclusive of mechanical) and stepped backs and articulation above the 4th and 7th storeys;
 - 2) within Area “7.4B”, one terraced mixed-use base building ranging in height from 6 to 8 storeys along the Yonge Street frontage and one residential tower fronting onto the new public street to the south with a maximum building height of 20 storeys (exclusive of mechanical) and a maximum floorplate of 780 square metres above the base building, as well as one terraced residential building along the Addison Street frontage with a maximum building height of 10 storeys (exclusive of mechanical) and stepped backs and articulation above the 4th and 7th storeys;
 - 3) within Area “7.4C”, one terraced mixed-use base building ranging in height from 6 to 8 storeys along the Yonge Street and Hopkins Street frontages and one residential tower fronting onto the new public street to the south with a maximum building height of 20 storeys (exclusive of mechanical) and a maximum floorplate of 780 square metres above the base building, as well as one terraced residential building along the Addison Street frontage with a maximum building height of 10 storeys

(exclusive of mechanical) and stepped backs and articulation above the 4th and 7th storeys;

- 4) within Area “7.4D”, one terraced residential base building ranging in height from 5 to 8 storeys (exclusive of mechanical) along the Hopkins Street frontage and one residential tower at the corner of Hopkins Street and Atkinson Street with a maximum building height of 15 storeys (exclusive of mechanical) and a maximum floorplate of 820 square metres above the base building, as well as one terraced mixed-use building along the Major Mackenzie Drive and Atkinson Street frontages ranging in height from 5 to 10 storeys (exclusive of mechanical);
- b) The maximum combined FSI for Areas “7.4A”, “7.4B” and “7.4C” shall be 4.02 (to be calculated based on the gross site area prior to any road conveyances);
- c) The maximum FSI for Exception Area “7.4D” shall be 3.30 (to be calculated based on the gross site area prior to any road conveyances);
- d) The minimum separation distance between the towers permitted within Areas “7.4A”, “7.4B” and “7.4C” shall be 75 metres;
- e) **Block residential dwelling, street townhouse, townhouse dwellings, stacked townhouse dwellings, quadruplex dwelling, maisonette dwelling, back-to-back townhouse dwelling, rear lane townhouse dwellings and live-work units** shall not be permitted at grade level in the portions of the buildings fronting directly onto Yonge Street or Major Mackenzie Drive;
- f) **Commercial** uses shall be provided as follows:
 - 1) within Area “7.4A”, a minimum **gross floor area** of 1,200 sq. m. shall be provided for **commercial** uses at grade level in the portions of the buildings fronting directly onto Yonge Street;
 - 2) within Area “7.4B”, a minimum gross floor area of 1,600 sq. m. shall be provided for **commercial** uses at grade level in the portions of the buildings fronting directly onto Yonge Street;
 - 3) within Area “7.4C”, a minimum gross floor area of 2,300 sq. m. shall be provided for **commercial** uses at grade level, and a minimum **gross floor area** of 2,780 sq. m. shall be provided for office uses above the ground floor, in the portions of the buildings fronting directly onto Yonge Street and Hopkins Street; and
 - 4) within Area “7.4D”, a minimum **gross floor area** of 800 sq. m. shall be provided for **commercial** uses at grade level, of which a minimum of 600 sq. m. shall be reserved for office uses, in the portions of the buildings fronting directly onto Major Mackenzie Drive West.

7.5 10,481 Yonge Street

Block residential dwelling, street townhouse, townhouse dwellings, stacked townhouse dwellings, quadruplex dwelling, maisonette dwelling, back-to-back townhouse dwelling, rear lane townhouse dwellings shall not be permitted.

7.6 1070 Major Mackenzie Drive East

The lands shall only be used for a retirement residence which may be in the form of a **high-rise building** having a maximum **building height** of 9 storeys. The maximum FSI shall be 3.06.