

The Corporation of the City of Richmond Hill

By-law Number 93-25

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

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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 to the lands identified in Schedules “A” and “A1”.

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. For ground related built forms including **detached dwelling**, **semi-detached dwelling**, **street townhouse dwelling**, **rear lane townhouse dwelling**, **back-to-back dwelling**, and **quadruplex dwelling** located on a parcel of land, the minimum required **yards** shall apply below **established grade**. For **detached dwellings** linked below **established grade**, no **setback** shall be required for that portion of the **dwelling** unit connected below **established grade** to a **dwelling unit** on an abutting parcel of land. 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 Permitted Uses Table for that **zone**, or it is indicated by a special provision number symbol in the Permitted Uses Table for that **zone**. If a use is not indicated by a “X” symbol or a special provision number symbol in the Permitted Uses Table for that **zone**, 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) “GLFA” means **gross leasable floor area**.
- j) “LRB” means **low-rise building**.
- k) “MRB” means **mid-rise building**.
- l) “HRB” means **high-rise building**.
- 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 dwelling**.
- t) “Q” means **quadruplex dwelling**.
- u) “BTB” means **back-to-back dwelling**.
- v) “ST” means **stacked townhouse dwelling**.
- w) “NA” means **apartment dwelling**.
- x) “CNR” means Canadian National Railway.
- y) “TCPL” means TransCanada Pipeline.
- z) “PC” Protected Countryside.
- aa) “PSA” means Parking Strategy Area.

(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, grammar, mathematical abbreviations 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, and **zone** boundaries abutting the applicable Greenway System **zone**.
- 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

- (5) 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.
- (1) 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.
- (2) Section 14.0 Amendments to this By-law is for convenience purposes only and does not form part of this By-law.

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, or portions thereof, of this By-law or any portion of the schedules to this By-law 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 **Council**, authorized a minor variance from By-law 30-25, as amended, or any zoning by-law in force and effect prior to the date that this By-law was passed by **Council**, 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

- (1) 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 **Council**, granted approval in accordance with Sections 45(2)(a) or (b) of the *Planning Act*, R.S.O. 1990 to enlarge, extend or permit a use that was a legal **non-conforming use** under By-law 30-25, as amended, or any zoning by-law in force and effect prior to the date that this By-law was passed by **Council**, 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.
- (2) Notwithstanding Section 1.12.2(1), on lands **zoned** ORMNL, ORMNC, ORMCO, ORMH, ORMP, ORMOS, ORMOS1 and ORMKNF, no land, **building** or **structure** shall be used for a purpose prohibited by the provisions of this By-law unless such land, **building** or **structure** was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose.

1.12.3 Previous Site Plan and Ontario Heritage Permit Approvals

Where site plan approval in accordance with the *Planning Act*, R.S.O. 1990 or a heritage permit in accordance with the *Ontario 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 **Council**, 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 **Council**, 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 **Council**, 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 **Council**.

1.12.6 Site Plan Approval and Heritage Permit Approval Applications

Nothing in this By-law shall apply to site plan approval or heritage permit approval where a complete application for site plan approval under Section 41 of the *Planning Act*, R.S.O. 1990 or for a heritage permit in accordance with the *Ontario Heritage Act*, has been filed between April 5, 2012 and the day before the day that this By-law is passed by **Council**, 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 **Council**.

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

Nothing in this By-law shall apply to draft **plan of subdivision** approval, draft plan of **condominium** approval, consent to sever or part-lot control exemption where a complete application for draft **plan of subdivision** approval, draft plan of **condominium** approval, consent to sever or part-lot control exemption has been filed between April 5, 2012 and the day before the day that this By-law is passed by **Council**, 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 **Council**.

1.12.8 Duration of Transition Provisions

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

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 986 1275, 1703, 2523, 2325-68, 39-71, 66-71, 3-74, 150-80, 109-81, 181-81, 183-82, 251-82, 273-82, 108-85, 232-85, 88-86, 107-86, 355-86, 356-86, 184-87, 190-87, 57-88, 256-88, 12-89, 329-89, 76-91, 38-95, 255-96, 278-96, 312-96, 313-96, 235-97, 42-02, 85-02, 128-04, 91-13, 54-15, 55-15, 111-17 and 30-25, 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 Enactment

Enacted by **Council** of the **Corporation** of the City of Richmond Hill this September 24th, 2025.

Section 2.0 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	RHC
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 **zones**:

<u>Zone Name</u>	<u>Zone Label</u>
Neighbourhood	N
Neighbourhood One	N1
Neighbourhood Two	N2
Neighbourhood Three	N3
Neighbourhood Four	N4
Neighbourhood Semi-Detached One	NS1
Neighbourhood Semi-Detached Two	NS2
Neighbourhood Townhouse One	NT1
Neighbourhood Townhouse Two	NT2
Neighbourhood Apartment	NA
Neighbourhood Mixed Use	NMU
Neighbourhood Local Commercial	NLC

(3) Employment Area **zones**:

(intentionally left blank)

(4) Greenway System **zones**:

<u>Zone Name</u>	<u>Zone Label</u>
Oak Ridges Moraine Rural	ORMCO
Oak Ridges Moraine Rural Settlement Area	ORMH
Oak Ridges Moraine Pit	ORMP
Oak Ridges Moraine Natural Core	ORMNC
Oak Ridges Moraine Natural Linkage	ORMNL
Oak Ridges Moraine Open Space	ORMOS
Oak Ridges Moraine Open Space One	ORMOS1
Oak Ridges Moraine Key Natural Feature	ORMKNF
Greenway Natural Core	GNC
Greenway Natural Linkage	GNL
Protected Countryside	PC
Major Urban Open Space	MUOS

(5) Institutional Area **zones**:

<u>Zone Name</u>	<u>Zone Label</u>
Institutional One	I1
Institutional Two	I2
Institutional Three	I3

(6) Utility Corridor **zones**:

<u>Zone Name</u>	<u>Zone Label</u>
Utility Corridor	UC

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 Toronto and Region Conservation Authority Regulation Area (TRCA) and/or **Hazardous Lands** and/or the Natural Features Overlay as shown on Overlay "E" and/or Overlay "F":
 - i. 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. 1990*.
 - ii. Where a TRCA Regulation Area and/or **Hazardous Lands** and/or the Natural Features overlay boundary is reduced or removed, the portion of the land formerly subject to the overlay shall be deemed to be in accordance with the underlying **zone** as shown on schedules in Section 12.0, as applicable.
 - iii. Where a TRCA Regulation Area and/or **Hazardous Lands** and/or the Natural Features overlay boundary is increased, the portion of the land formerly within the underlying **zone** as shown on Overlay "E" and/or Overlay "F", shall be deemed to be in accordance with the applicable Greenway System **zone** in Section 8.0.
- f) An overlay 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** and Wellhead Protection Area Overlay as shown on Overlay “G” 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 TRCA or the **City**, as the case may be.
- j) The boundary of the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule “A1” shall be at a Canadian Geodetic Vertical Datum 1928 (CDVD28) elevation of 245.00 metres.

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 13.0 Exceptions of this By-law.

2.5 Zoning Schedules and Overlays

- (1) The Zoning Schedules as outlined in Section 12.0 show the area of all lands regulated by this By-law.
- (2) The Density Schedule as outlined in Section 12.0 shows the minimum and maximum density of all lands regulated by this By-law.
- (3) The Height Schedule as outlined in Section 12.0 shows the minimum and maximum range or maximum number of storeys of all lands regulated by this By-law
- (4) The Parking Strategy Areas Schedule as outlined in Section 12.0 shows the parking strategy areas for all lands regulated by this By-law.
- (5) The TRCA Regulation Area and **Hazardous Lands** Overlay “E” and Natural Features Overlay “F” show the Natural Areas and **Hazardous Lands** for all lands regulated by this By-law.
- (6) The High **Aquifer Vulnerability** and Wellhead Protection Area Overlay “G” 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 is followed by the bracketed symbol (H), the bracketed symbol 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 Uses Table in this By-law may be permitted to locate within legally existing **buildings** or **structures**;
- c) Additions to existing **buildings** referred to in Section 3.1.1(a) in this section, pursuant to Section 4.2 Interim Development may be permitted.
- d) A sales **trailer** pursuant to Section 3.1.2 may be permitted.
- e) No **buildings** or **structures**, save and except for 3.1.1 (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 Provision by-laws;
 - iv. 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 the applicable Greenway System **zone** in Section 8.0, 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 a Greenway System **zone** and as identified on Overlay “E” and/or Overlay “F”, the use of land for a sales office or **trailer** 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 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 Centres or Corridors **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 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 an access route for fire department use or any other fire protection equipment and required accessible **parking spaces**.
- (4) Nothing in this By-law may prevent, in any Centres or Corridors **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 or 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:

- a) does not further reduce the minimum required **front, side, flankage** and/or **rear yard setback**;
- b) does not increase the **lot coverage**, if the **lot coverage** does not comply with this By-law;
- c) does not increase the amount of **gross floor area** on that part of the **lot** located within a minimum required **yard**;
- d) for **lots** located within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule “A1” (ORM Greenway System), Section 3.1.4 only applies to **buildings** or **structures** existing as of November 15, 2001; and,
- e) 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.
- (2) The reconstruction within the same location and dimensions of an existing **building** or **structure** that is damaged or destroyed by causes beyond the owner's control is permitted on lands shown on Schedule "A" and Schedule "A1" and the reconstructed **building** or **structure** shall be deemed to be an existing **building** or **structure** if there is no change in use and no intensification of the use.

3.1.6 Non-Conforming Uses

- (1) 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 **Council** 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.
- (2) For **lots** located within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule "A1" (ORM Greenway System), no land, **building** or **structure** shall be used for a purpose prohibited by the provisions of this By-law unless such land, **building** or **structure** was lawfully used for that purpose on November 15, 2001 and continues for that purpose.

3.1.7 Further Division of Lots or Blocks on a Registered Plan for Semi-Detached, Street Townhouses and Multiple Dwelling Units

- (1) Where **dwelling units** in a **semi-detached, street townhouse dwelling** 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**.
- (2) Where **dwelling units** in a **semi-detached** or **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 **semi-detached** or **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

- (1) Where any form of **dwelling units** or **premises** is erected in conformity with a **site plan agreement** or site alteration agreement:
 - a) part of the lands affected by the **site plan agreement** or site alteration agreement are parts on a **common element condominium**; and,
 - b) the balance of the lands affected by the **site plan agreement** or site alteration 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** or site alteration 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** or site alteration agreement and where the **buildings, dwelling units** or **premises** is proposed for approval pursuant to the *Condominium Act*, 1998 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** or site alteration agreement.

3.1.10 Municipal Services

- (2) 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 provision 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 Section 3.1.10 (1) (c) hereof or Section 3.1.10 (1) (d) hereof as the case may be.
 - c) For the purposes of this provision, 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 **plan 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 of Infrastructure and Engineering Services.
- 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 Section 3.1.10 (1) (c), or that is within a **plan of subdivision** referred to in Section 3.1.10 (1) (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, Ontario Regulation 350/06, as amended, or any successor legislation or provision, 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 Section 3.1.10 (1) (c) or Section 3.1.10 (1) (d), for the purposes of this provision, 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 3 or more **dwelling units** and having 4 or more stories, up to 9 months prior to the time that such municipal services are actually completed and operational.
- f) Notwithstanding the requirements of Section 3.1.10 (1) (c) or Section 3.1.10 (1) (d), for the purposes of this provision, 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 2 months prior to the time that such municipal services are actually completed and operational.
- g) Nothing in this provision 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, Ontario Regulation 350/06, as amended, or any successor legislation or provision, has been provided.

3.1.11 Public Authority

- (3) A **Public Authority** is permitted to use and develop any **lot, building, structure** or infrastructure in all **zones**.
- (4) 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**.
- (5) Within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule "A1" and located within a Greenway System **zone**, only those public uses that conform to Ontario Regulation 140/02 are permitted.
- (6) Within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule "A1", an office used by a **Public Authority** is permitted where offices are permitted in a **zone**.
- (1) Sections 3.1.11 (1) to (4) do not apply on lands within lands **zoned** ORMKNF, ORMOS and ORMOS1.
- (2) Notwithstanding Section 3.1.11 (5), transportation, infrastructure and utilities are permitted on lands **zoned** ORMOS and ORMOS1.
- (3) A public school may be located within all Neighbourhood, Institutional Area and Centres and Corridors **zones**.

3.1.12 Multiple Uses 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** or **structure** 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 the purposes of a **common element condominium**, a **street** shall include a **lane**. A **street** which includes a **lane** for purposes of a **common element condominium** shall not be assumed by the **Corporation**.

3.2 Mechanical Equipment, Penthouses and Roof Constructions

- (4) Parapets, **mechanical penthouses**, roof constructions such as flagpoles, chimneys and/or solar panels, 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**. Mechanical equipment, **mechanical penthouses** and roof constructions shall not be used as habitable space.
- (1) Rooftop mechanical equipment shall be fully enclosed within a **mechanical penthouse** or fully screened by an architectural feature of equivalent height.

3.3 Amenity Space

The following provisions shall apply to a **high-rise building, mid-rise building** or **low-rise building** containing 20 or more dwelling units:

- a) **amenity space** shall be calculated for each **dwelling unit** at a minimum rate of 2 m² per **dwelling unit**;
- b) **amenity space** shall be located on the same lot as the **dwelling units** for which the **amenity space** is provided;
- c) a minimum of 50% of the required **amenity space** shall be provided as a contiguous common space;
- d) the required **amenity space** may be provided at grade and/or located on a terrace and/or rooftop; and,
- e) **amenity space** provided at grade or on a terrace and/or rooftop may be included in satisfying the applicable minimum soft landscaping requirements of this By-law.

3.4 Permitted Encroachments

- (2) The following are permitted to encroach into the maximum **building height** or minimum required **yards** defined in this By-law:

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
Window bays and window wells	front yard, rear yard, and flankage yard	1 metre over a maximum width of 3 metres
Balcony	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.	2 metres
Roof overhangs	any yard	90 centimetres
A canopy to a low-rise building, mid-rise building or high-rise building	any yard	50% of the setback of the building from the street line
Exterior steps including any associated landings and stairwell associated with underground parking structures	rear yard, side yard and flankage yard	no closer than 0.3 metres to a property line

- (3) 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% of the vertical plane of the wall is open to the movement of air.
- (4) Notwithstanding Sections 3.4 (1) and (2), 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 **high-rise building** abutting a **front yard, flankage yard**, or any other **yard** abutting a **street, lane** or park.

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 that **main wall** intercepts another **main wall** of a **building** or the same **building** with windows on the same **lot**, the minimum required above grade distance between the **main walls** shall be 15 metres.
- b) Where a **main wall** of a **building** has windows and a line projected at a right angle from that **main wall** intercepts another **main wall** of a **building** or the same **building** which does not have windows on the same lot, the minimum required above grade distance between the **main walls** is 7.5 metres.

3.6 Soft Landscaping

- (5) The following provisions shall apply to a **low-rise building, mid-rise building or high-rise building** on a **lot**:
- a) A minimum of 20% of the **lot area** shall be used for no other purpose than **soft landscaping**, which may be located at grade or on top of a **building or structure**.
- (6) The following provisions shall apply to a detached dwelling and semi-detached dwelling, street townhouse dwelling, block residential dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back-to-back dwelling or a quadruplex dwelling:
- a) A minimum 45% of the area of a **front yard** and **flankage yard** shall be used for no other purpose than **soft landscaping**. Notwithstanding the foregoing, where this 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 **soft landscaping**;
 - b) Notwithstanding Section 3.6 (2)(a), a walkway no wider than 1 metre from the **street** to the **dwelling units** shall be permitted;
 - c) The parking of **motor vehicles** is prohibited within any area of a **lot** required for **soft landscaping** in accordance with Section 3.6 (2)(a). Driveways and **parking areas** are not included in the calculation of **soft landscaping**; and,
 - d) For a **block residential dwelling**, a minimum 45% of the area of a **front yard** or a **flankage yard** shall be used for no other purpose other than **soft landscaping**. Section 3.6 (2)(d) applies to the **lot**.

3.7 Building Dwelling Unit Mix

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

3.8 Provisions for Accessory Home Occupations

3.8.1 Use Provisions

- (7) A **home occupation** is permitted in a **dwelling unit** occupied as a principal residence of the operator of the **home occupation**, provided that 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% 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 involve the salvage, repair, maintenance or sales of **motor vehicles** or **motor vehicles** engines or parts;
 - g) shall not consist of an animal shelter, **veterinary service**, or kennel;

- h) shall not consist of an occupation that involves the sale of a commodity not produced on the premises. For commodities produced on the **premises**, sales of those commodities are permitted provided 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) a **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 uses, shall not be occupied by more than 4 students or patrons at any one time.
- (8) Home child care 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 Provisions for Accessory Home Businesses (ORMCP)

For lands located within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule "A1", where a **home business** is permitted in a **zone**, the **home business**:

- a) Shall be conducted entirely within an enclosed **building**;
- b) Shall not detract from the residential character of the **dwelling unit** or the **lot** on which the **home business** is located;
- c) Shall not involve the **outdoor storage** or an outdoor display and sales area for materials or finished products associated with the **home business**;
- d) Shall not occupy more than 25% of the **gross floor area** of the **dwelling unit**;
- e) Shall not result in the discharge or emission or odours, noxious or toxic matter or vapour as listed on Ontario Regulation 347 of the Revised Regulations of Ontario, R.S.O. 1990; heat, glare; noise; radiation; or recurrently generated ground vibrations; and,
- f) Shall not consist of an occupation that involves the salvage, repair, maintenance or sale of **motor vehicles** or **motor vehicles** engines or parts.

3.10 Short-Term Accommodation

A short-term accommodation is permitted:

- a) On a **lot** in a **dwelling unit** or **accessory residential unit** that is designated as a principal residence of the rental operator of the **short-term accommodation**;
- b) A **short-term accommodation** shall not include a **bed and breakfast** use;
- c) A **short-term accommodation** on a residential property must be operated in a manner that does not constitute a **commercial** use; and,
- d) A rental operator may operate a maximum of two separate **short-term accommodations** within the same **dwelling unit** or same **accessory residential unit**.

3.11 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**.

3.11.1 Uses Prohibited in Accessory Buildings and Structures

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.

3.11.2 Prohibition of Accessory Buildings or Structures in the Oak Ridges Moraine Conservation Plan Area

Notwithstanding any other provision of this By-law to the contrary, new **accessory uses, buildings and structures**, including **swimming pools**, related to the existing **uses** in accordance with the permitted uses of this By-law are only permitted if the **accessory use, building or structure** does not intrude into any area in ORMNC, ORMNL, ORMOS1, ORMOS or ORMKNF **Zones**. Where such uses are located in a ORMNC, ORMNL, ORMOS1, ORMOS or ORMKNF **Zones**, new **accessory** uses shall be restricted to the **development envelope**.

3.12 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 or structure** shall be 0.6 metres;
- c) the minimum **rear yard setback** of the **accessory building or structure** 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 sloped 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, and 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 height of an **accessory building or structure** without a roof shall not exceed 2.75 metres;
- g) the maximum number of **storeys** of an **accessory building or structure** is one;
- h) no rooftop outdoor amenity areas shall be permitted;
- i) **buildings or structures** within any **zone** abutting the TransCanada Pipeline right-of-way shall have a minimum **setback** of 7 metres;
- j) **buildings or structures** within any **zone** abutting the Canadian National Railway right-of-way shall have a minimum 30 metre **setback**; and,
- k) the total **lot coverage** for all **detached accessory buildings and structures** on any **lot** shall not exceed 5% of the **lot area**.

3.13 Provisions for Garages Located in the Rear Yard

An attached garage to a detached dwelling, semi-detached dwelling, street townhouse 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% 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**;
- c) the **attached garage** shall be **setback** a minimum of 0.6 metres from the **rear lot line**; and,
- d) notwithstanding Sections 3.13 (a), (b), and (c), no minimum **setback** shall be required from the **side lot line** for an **attached garage** if the **attached garage** is to be **attached** to another **attached garage** or **detached garage** on an **abutting lot**.

3.14 Provisions for Detached Garages

- (9) A detached garage to a detached dwelling, semi-detached dwelling, street townhouse 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 a 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** along 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 a **detached garage** shall be 40 m²;
 - f) the maximum height of a **detached garage** shall be 4.2 metres to the highest point of the roof. In the case of a **detached garage** having an **accessory residential unit**, the maximum height of the **detached garage** shall be 7.5 metres to the highest point 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**;
 - h) Section 3.14 (1) (g) does not apply on lands within the **Oak Ridges Moraine Conservation Plan Area** as shown on Schedule "A1";
 - i) 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; and,
 - j) 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.
- (10) Notwithstanding Section 3.14 (1), a **detached garage** or an **attached garage** to a **detached dwelling**, **semi-detached dwelling**, or **street townhouse dwelling** for a single car shall have a minimum interior width of 3 metres and the minimum interior width of a double car **detached garage** or **attached garage** shall be 5.5 metres.

3.15 Provisions for Decks and Porches

Decks and porches are permitted on any **lot** comprised of a **detached dwelling, semi-detached dwelling, street townhouse dwelling, block residential dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back-to-back dwelling, quadruplex 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 2 metres, provided that the **porch** is not closer to a **side lot line** than the required **setback** to the **main building** on the **lot**;
 - ii. a minimum required **flankage yard** to a distance of 1.5 metres;
 - iii. a minimum required **rear yard** to a distance of 2.5 metres, provided that the **porch** is not closer to a **side lot line** than the required **setback** to the **main building** on the **lot**; and,
 - iv. Where a **building** permitted under a **block residential dwelling** fronts onto a lane, internal walkway, park or other communal area, a porch may encroach in accordance with Sections 3.15 (a) (i) to (iii).
- b) The following provisions apply to **decks** located within the required **rear yard**:
 - i. **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;
 - ii. **Decks** which are 0.6 metres in height or greater above **established grade** are permitted no closer to a required **side lot line** than 0.3 metre; and,
 - iii. **Deck** which are 0.6 metres in height or greater above **established grade** are permitted no closer to a required **flankage lot line** than 2.4 metres.
- c) The following provisions apply to **decks** located within the required **rear yard**:
 - i. **Decks** which are less than 0.6 metres in height above **established grade** are permitted to encroach into the minimum required **rear yard** to a distance of 2 metres from the **rear lot line**;
 - ii. **Decks** which are less than 0.6 metres in height above **established grade** are permitted no closer to a required **side lot line** than 0.3 metre; and,
 - iii. **Decks** which are less than 0.6 metres in height above **established grade** are permitted no closer to a required **flankage lot line** than 2.4 metres.
- d) Where a **building** permitted under a **block residential dwelling** fronts onto a **lane**, internal walkway, park or other communal area, a **deck** may encroach in accordance with Sections 3.15 (b) and (c);
- e) No **deck** or **porch** shall be enclosed to 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,
- f) 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**.

3.16 Outdoor Patios

3.16.1 Use Provisions

- (1) Notwithstanding any provision 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 20% of the **gross floor area** of the restaurant or similar establishment it serves, but in no case shall constitute more than 115 m² 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 **neighbourhood zone** except where such **zones** are separated by an **active-at-grade frontage** or arterial **street**. **Outdoor patios** located on a **deck**, terrace or rooftop shall not be permitted on any site which abuts any **neighbourhood 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 100 metres from a residential property located in any adjacent **neighbourhood 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.

3.17 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**. A **reserve** shall be included as part of the abutting **lot** when calculating **floor space index**.

3.18 Additional Residential Units

The following shall apply to **additional residential units**:

- (9) **Additional residential units** shall not be permitted unless the primary **dwelling unit** is contained within a dwelling type as identified by Special Provision (1) noted in Table 5.1B that is located:
 - a) on a **lot** that has **lot frontage** on a **street** and has direct vehicular access to a **street**;

- b) on a **parcel of tied land**; or,
 - c) on a parcel of land within a **common element condominium**, and which a **lot** or parcel is separately serviced by municipal services.
- (10) Up to 3 **additional residential units** may be permitted per **lot**, provided:
- a) the total number of **dwelling units** per **lot** does not exceed 4; and,
 - b) the number of **additional residential units** in an accessory residential building does not exceed 2.
- (11) No **additional residential units** shall be located on lands within a Greenway System **zone**:
- a) on Schedules “A” and “A1”, the TRCA Regulation Area and/or Hazardous Lands as shown on Overlay “E” and natural features as shown on Overlay “F”, unless otherwise permitted by this By-law.
 - b) With respect to lands located within the Greenway Natural Core designation under the Greenbelt Plan 2017 as the GNC **zone** shown on Schedule "A", no **additional residential units** shall be permitted.
 - c) No more than 1 **additional residential unit** shall be permitted in an existing **detached dwelling**, or in an existing **accessory building** or **structure** or within an **accessory residential building** located on the same lot as the **detached dwelling** on lands **zoned** PC, provided that the lot has safe access and the **additional residential unit** is not located within **hazardous lands** or a wetland.
 - d) With respect to the lands **zoned** ORMCO and ORMH, no more than 1 **additional residential unit** shall be permitted on a **lot** and which shall be located in a **detached dwelling**.
 - e) With respect to the lands **zoned** ORMNC and ORMNL, no **additional residential unit** shall be permitted.
- (12) No **additional residential unit** shall be permitted unless it adheres to the following development standards:
- a) For a **lot** where an **additional residential unit** is located, the following shall apply:
 - i. a minimum 1 metre wide access path must be provided to the entrance of an **additional residential unit** from a **street** or a **lane**;
 - ii. the access path shall have **hard landscaping** for a minimum width of 0.75 metres along its entirety;
 - iii. notwithstanding Table 3.1A, no encroachment greater than 50 centimeters shall obstruct the access path; and,
 - iv. driveways may form part of the access path.
- (13) For an **additional residential unit** located in the principal dwelling, the following shall apply:
- a) a maximum of 2 main 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**.

- b) notwithstanding Section 3.18 (5)(a), main entrances to **dwelling units** in excess of 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**.
- (14) No **accessory residential building** shall be permitted unless it adheres to the following development standards:
- a) only 1 **accessory residential building** is permitted per lot;
 - b) an **accessory residential building** shall only be located in the **rear yard** of a **dwelling** type listed in Special Provision(1) noted in Table 5.1B;
 - c) an **accessory residential building** shall not be permitted to be located in a **side yard, flankage yard** or **front yard**;
 - d) an **accessory residential building** may contain an **attached garage** or an **accessory structure** provided it adheres to the development standards for the **accessory residential building**. An **attached garage** to an **accessory residential building** shall not be greater than 40 m²;
 - e) the minimum **side yard setback** of an **accessory residential building** shall be 1.2 metres;
 - f) the minimum **rear yard setback** of an **accessory residential building** shall be 1.2 metres;
 - g) the minimum **flankage yard setback** of an **accessory residential building** shall be the **setback** of the principal **dwelling**;
 - h) a **main wall** of an **accessory residential building** shall be no less than 4 metres from a **main wall** of the principal **dwelling** on the same **lot**;
 - i) an **accessory residential building** may not exceed 2 storeys;
 - j) the height of the **main walls** of an **accessory residential building** shall not exceed an elevation equal to 6 metres above **established grade**;
 - k) the height of an **accessory residential building** shall not exceed 7.5 metres measured from **established grade** to the highest point of the roof;
 - l) the **building** coverage of an **accessory residential building** shall not exceed 80 m², inclusive of any area covered by an integral **garage**;
 - m) no rooftop outdoor amenity areas shall be permitted on an **accessory residential building**;
 - n) no balconies or platforms higher than 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, abuts a **lot** in a **neighbourhood zone**; and,
 - o) a minimum of 50% of the **rear yard** of a **lot** shall be **soft landscaping**.
- (15) For a **lot** containing, on the day that this By-law is passed by **Council**, a lawfully existing **detached garage** or a lawfully existing **detached accessory structure** that is to be converted into an **accessory residential building** with **setbacks** and/or separation less than required by Section 3.18 (6), the minimum **setbacks** and/or separation for an **accessory residential building** shall be:
- a) the minimum **side yard setback** for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**;
 - b) the minimum **rear yard setback** for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**; and

- c) the minimum separation from the principal dwelling for that lawfully existing **detached garage** or lawfully existing **detached accessory structure**.

Notwithstanding Section 3.18 (7), additions to the lawfully existing **detached garage** or **detached accessory structure** for the purposes of an **accessory residential building** shall comply with the provisions of Section 3.18 (6).

- (16) For a **lot** containing, on the day that this By-law is passed by **Council**, a lawfully existing **additional residential unit** located above a **detached garage** with heights in excess of the maximum heights permitted by Section 3.18 (6), the maximum heights for an **accessory residential building** shall be:
- a) the existing **main wall** height for that lawfully existing **additional residential unit** located above a **detached garage**; and,
 - b) 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**.
- (17) An **additional residential unit** shall not be solely accessed from within a **garage**.
- (18) **Accessory residential building** 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;
- (19) 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**;
- (20) A **home occupation** shall not be permitted within **additional residential units**.
- (21) Notwithstanding any minimum parking provisions for the primary **dwelling unit** within this By-law, for a **lot** containing 1 or more **additional residential units**, the following parking standards apply:
- a) The minimum total number of **parking spaces** required for a **lot** containing 1 or more **additional residential unit** is shown in Table 3.18A with respect to lands shown on Schedule "D" as PSA1, PSA2, PSA3 and PSA4. For greater clarity, the number of **parking spaces** required for a **lot** shown in Table 3.18A includes any **parking spaces** required for the primary **dwelling unit**.

Table 3.18A Minimum Total Number of Parking Spaces for Additional Residential Units

Parking Strategy Area	PSA1	PSA2	PSA3	PSA4
Lot containing 1 or 2 additional residential units	0	1 (1)	1 (1)	2 (1)(3)
Lot containing 3 additional residential units	0	1 (1)	2 (1)(3)	3 (1)(2)(3)

Table 3.18B Special Provisions

1	Notwithstanding Section 3.18 (13)(a), where repealed zoning by-laws do not require parking spaces for the primary dwelling unit , no parking spaces shall be required for a lot containing 1 or more additional residential units .
2	Notwithstanding Section 3.18 (13)(a), where a lot has a frontage of less than 9 metres, no more than 2 parking spaces shall be required.
3	Notwithstanding Section 3.18 (13)(a) and Special Provision (2), where repealed zoning by-laws require a minimum of 1 parking space for the primary dwelling unit , a minimum of 1 parking space shall be required for a lot containing 1 or more additional residential units .

- b) On a **lot** or parcel referred to in Sections 3.18 (1)(a) and 3.18 (1)(b) 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.
 - c) On a parcel referred to in Section 3.18 (1)(c), the required **parking spaces** shall serve exclusively the primary **dwelling unit**.
 - d) Visitor **parking spaces** within a **common element condominium**, other than as described in Sections 3.18 (13)(b) and Section 3.18 (13)(c), shall not count towards the minimum **parking spaces** required for **lots** containing **additional residential units**.
 - e) **Parking spaces** required under Section 3.18 may be arranged in tandem.
 - f) With respect to lands shown on Schedule "D" as PSA 1, PSA 2 and PSA 3, a minimum of 1 weather-protected, **long-term bicycle parking space** shall be provided for each **Additional Residential Unit** on a **lot**.
- (22) Notwithstanding the definitions within Section 11.0 for **duplex dwelling**, **triplex dwelling**, **quadruplex dwelling** and any similar terms, where a new **building** is constructed that contains 2, 3, or 4 **dwelling units** on a parcel of land, in accordance with Section 3.18, that **building** may be considered to be one of the permitted dwelling types and containing a primary **dwelling unit** and **additional residential unit(s)**, subject to the applicable regulations for the permitted dwelling type in the **zone**.

3.19 Provisions for Accessory Swimming pools

Swimming pools, erected accessory to a dwelling unit, are permitted as follows:

- a) 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;
- b) in the **rear yard**, provided that no part of such **swimming pool** is located closer to any **lot line** than 1.5 metres;
- c) where an **accessory deck** or support **structure** is included, the provisions in Section 3.19 (a) and 3.19 (b) shall apply to the **accessory deck** or support **structure**; Section 3.15 does not apply to a **swimming pool**;
- d) unless otherwise permitted by this By-law, such **swimming pool** shall not be located on lands **zoned** Greenway System; and,
- e) **swimming pools** shall be **setback** a minimum of 7 metres from the TransCanada Pipeline (TCPL) right-of-way.

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

3.20 Barrier-Free Access Ramp and elevating devices

- (1) The following provisions shall apply to a **barrier-free access ramp** and elevating devices on any **lot**:
 - a) A **barrier-free access ramp** and elevating devices are permitted within any **yard** subject to following:

- i. shall be **setback** a minimum of 0.45 metres from the **side lot line** and **rear lot line**;
- ii. no **setback** is required from a **front lot line**; and,
- iii. shall be **setback** a minimum of 0.90 metres from the **flankage lot line**.

3.21 Daylighting Triangle

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

Section 4.0 Centres and Corridors

4.1 Zones

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

	Zone	Table
Centres and Corridors Zone Permitted Uses	RHC KDA-YB	Table 4.1A
Centres and Corridors Zone Permitted Uses Special Provisions	KDA-YC RMU-COR1 RMU-COR2 LC-V	Table 4.1B
Centres and Corridors Zone Standards	LC-OR LC-N1 LC-N2	Table 4.2A
Centres and Corridors Zone Standards Special Provisions	LDA1 LDA2 LMU-COR	Table 4.2B

- b) Permitted uses in a **zone** are noted by the symbol '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 shall specifically apply where referred to in the Standards Tables.
- 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

- (2) Notwithstanding any other provision of this By-law to the contrary, expansions of existing **building(s)** or **structure(s)** in the Centres and Corridors **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 **Council**;
 - c) that the expansion of **building(s)** or **structure(s)** have a maximum **building height** of 2 **storeys** and shall not include **structure** below **established grade**;
 - 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**; and,
 - e) this section shall not apply to any expansions of **building(s)** or **structure(s)** greater than 15% as prescribed in Section 4.2 (1) (b) or greater than 2 **storeys** as prescribed in Section 4.2 (1) (c). Such expansion of **building(s)** or **structure(s)** shall be subject to the provisions of this By-law.
- (3) Within the KDA-YC **Zone**, new stand-alone **building(s)** or **structure(s)** are also permitted in accordance with to Section 4.2 (1).

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Table 4.1A Centres and Corridors Zone Permitted Uses

Residential Uses (17)(21)	RHC	KDA-YB (5)(19)	KDA-YC (5)	RMU- COR1	RMU-COR2	LC-V (4)(5)	LC-OR (4)(5)	LC-N1 (4)(7)	LC-N2 (4)(7)	LDA1 (4)	LDA2 (4)	LMU- COR
Apartment Dwelling (HRB)	X (23)(24)	X (3)	X (3)	X		X		X (6)(8)	X			
Apartment Dwelling (MRB)	X (23)(24)	X (3)	X (3)	X	X	X	X	X (6)(8)	X	X	X	
Long-Term Care Home	X	X	X	X	X	X	X	X (8)	X	X	X	X
Apartment Dwelling (LRB)	X (23)(10)	X (1)(3)	X (1)(3)	X (1)	X (1)	X (2)	X	X (1)(6)(8)	X	X	X	X
Detached Dwelling (20)						X (2)						
Semi-Detached Dwelling (20)						X (2)						
Block Residential Dwelling (20)	X (10)		X (1)	X (1)	X (1)	X (2)	X (1)	X (1)(8)	X (1)	X (1)	X (1)	X
Street Townhouse Dwelling (20)	X (10)	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)	X (10)	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	X (10)	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)	X (10)	X (1)	X (1)	X (1)	X (1)	X (2)	X (1)	X (1)(8)	X (1)	X (1)	X (1)	X
Quadruplex Dwelling (20)	X (10)	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	X (3)	X (3)	X	X	X	X	X (8)	X	X	X	X
Home Occupation (15)	X (10)	X	X	X	X	X	X	X (8)	X	X	X	X
Short-Term Accommodation (14)	X	X	X	X	X	X	X	X (8)	X	X	X	X

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Non-Residential Uses (13)(18)(21)	RHC	KDA-YB (5)(19)	KDA-YC (5)	RMU- COR1	RMU-COR2	LC-V (4)(5)	LC-OR (4)(5)	LC-N1 (4)(7)	LC-N2 (4)(7)	LDA1 (4)	LDA2 (4)	LMU-COR
Arts and Cultural Facility	X	X	X	X	X	X	X	X	X	X	X	X
Commercial	X	X	X	X	X	X	X	X	X	X	X	X
Major Office	X	X	X	X	X			X				
Major Retail (22)	X (11)	X (11)	X (11)	X	X			X				
Child Care Centre	X	X	X	X	X	X	X	X (8)	X	X	X	X
Automotive Service Station (12)				X	X		X	X	X	X	X	
Hospital and healthcare centre and ancillary commercial uses	X	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	X
Place of Worship (9)	X	X	X	X	X	X	X	X	X	X	X	X
Private Utility	X	X	X	X	X	X	X	X	X	X	X	X
Private School	X	X	X	X	X	X	X	X (8)	X	X	X	X
Social Services	X	X	X	X	X	X	X	X (8)	X	X	X	X

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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, or the Market Promenade and the Planned Local/Collector Streets as shown on Schedule “A”.
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 Streets as shown on Schedule “A”. Commercial uses shall be provided within the at-grade portion of a building abutting the Market Promenade as shown on Schedule “A”. Dwelling units shall be prohibited at-grade abutting a street or a park. Live-work units which may include commercial uses and /or a 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 within 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 GLFA devoted to non-residential uses as it existed on the date of passing of this By-law, subject to the following: <ul style="list-style-type: none"> a. This special 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 GLFA requirement for a lot as required in this special 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 GLFA requirement under this By-law to a portion of the lot, the minimum non-residential GLFA 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 a minimum of 90% of the non-residential GLFA. The remaining 10% of GLFA area may be converted to non-commercial uses; and, e. Applicable to the KDA-YB Zone, development shall retain or exceed the amount of commercial GFA as shown on Schedule “B”.
6	Commercial uses shall be provided within first storey and at least 1 storey above the first storey of a building . In addition, a minimum of 0.5 FSI of the permitted maximum density shall comprise of commercial uses.

Special Provision Number	Description of Special Provisions for Centre and Corridor Zones – Residential Uses and Non-Residential Uses
7	Parking spaces associated with transit service shall be provided below established grade or within a parking structure . 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 only be located on an arterial street as shown on Overlay “H”.
10	Use shall be permitted only on lands within the RHC Zone that abut a neighbourhood zone west of Yonge Street, but do not have frontage on Yonge Street.
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 10.6.3.
12	Automotive service station use shall only be permitted on lands as shown on Schedule “A”.
13	The outdoor storage of goods, materials, machinery or equipment shall be prohibited. Notwithstanding this special provision, 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 3.8.1 (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 commercial use within a live-work unit 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 child care shall be permitted subject to the specific use provisions in Section 3.8.1 (2).

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Special Provision Number	Description of Special Provisions for Centre and Corridor Zones – Residential Uses and Non-Residential Uses
18	Outdoor patios must comply with the specific use provisions in Section 3.16.
19	For a low-rise building, mid-rise building or high-rise building, the following active-at-grade frontage requirements apply: 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 the provisions of Section 3.18.
21	No building or structure shall be permitted within the Transit Area as shown on Schedule “A”, save an except for transit service facilities and a park operated by a Public Authority .
22	Shall not exceed 30,000 m ² of GLFA .
23	For a low-rise building, mid-rise building or high-rise building , the following requirements apply to the RHC Zone : a. For lands located within the area bounded by Bantry Avenue to the north, the CNR right-of-way to the east, Beresford Drive to the south, and Yonge Street to the west, a minimum of 60% of the length of the main wall of the first storey abutting any public street , park, and open space shall contain commercial, major office, major retail or community uses and have direct access onto a street ; b. Notwithstanding (a), for lands having frontage on Yonge Street, a minimum of 70% of the length of the main wall of the first storey abutting any public street , park, and open space shall contain commercial, major office, major retail or community uses and have direct access onto a street ; c. For lands located within the area bounded by Bantry Avenue to the north, Red Maple Road to the east, High Tech Road to the south, and the CNR right-of-way to the west, a minimum of 25% of the length of the main wall of the first storey abutting any public street , park, and open space shall contain commercial, major office, major retail or community uses and have direct access onto a street ; and, d. For lands located within the area bounded by High Tech Road to the north, Red Cedar Avenue to the east, Red Maple Road to the west, and the utility corridor to the south, a minimum of 25% of the length of the main wall of the first storey abutting any public street , park, and open space shall contain commercial, major office, major retail or community uses have direct access onto a street .
24	For lands within the RHC Zone located within the area bounded by High Tech Road to the north, Red Cedar Avenue to the east, Red Maple Road to the west, and the limit of the RHC Zone to the south, a minimum of 15% of the total gross floor area of all buildings shall contain commercial, major office, major retail or community uses .

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Table 4.2A Centres and Corridors Zone Standards

Zone (16)(17)	Special Provisions applicable to all building types in all zones (11)	Min. Lot Frontage (m)	Min. Front Yard Setback (m)	Min. Rear Yard Setback (m) (3)(4)	Min. Side Yard Setback (m) (3)(4)	Min. Flankage Yard Setback (m)	Min. Daylighting 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. Daylighting Triangle Setback – Tower (m)	Max. First Storey Height (m)	Min. and/or Max. FSI (10)(12)(13)	Min. and/or Max. Building Heights (9)(14)
RHC	HRB (1)(2)(5)(7)(18)	30	3			3		6	12.5	12.5	6	3	6.5	Schedule “B”	Schedule “C”
KDA-YB KDA-YC	MRB (1)(5)(7)	30	3			3							6.5	Schedule “B”	Schedule “C”
LC-N1 LC-N2	LRB	30	3			3							6.5	Schedule “B”	Schedule “C”
RMU-COR1	HRB (1)(2)(5)	30	3			3		6	12.5	12.5	6	3	6.5	Schedule “B”	Schedule “C”
	MRB (1)(5)	30	3			3							6.5	Schedule “B”	Schedule “C”
	LRB	30	3			3							6.5	Schedule “B”	Schedule “C”
RMU-COR2	MRB (1)(5)(6)	30	3			3							6.5	Schedule “B”	Schedule “C”
LC-OR LDA1 LDA2	LRB	30	3			3							6.5	Schedule “B”	Schedule “C”

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Zone (16)(17)	Special Provisions applicable to all building types in all zones (11)	Min. Lot Frontage (m)	Min. Front Yard Setback (m)	Min. Rear Yard Setback (m) (3)(4)	Min. Side Yard Setback (m) (3)(4)	Min. Flankage Yard Setback (m)	Min. Daylighting 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. Daylighting Triangle Setback – Tower (m)	Max. First Storey Height (m)	Min. and/or Max. FSI (10)(12)(13)	Min. and/or Max. Building Heights (9)(14)
LC-V (15)	HRB (1)(2)(5)(8)	30	1			1		6	12.5	12.5	6	3	4.5	Schedule "B"	Schedule "C"
	MRB (1)(5)(8)	30	1			1							4.5	Schedule "B"	Schedule "C"
	LRB (19)	30	3			3							4.5	Schedule "B"	Schedule "C"
LMU-COR	LRB	30	3			3							6.5	Schedule "B"	Schedule "C"

Table 4.2B Centres and Corridors Zone Standards Special Provisions

Special Provision Number	Description of Special Provision
1	<p>A mid-rise building 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 neighbourhood 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 neighbourhood zone is required. Notwithstanding, a building and structure up to 15 metres in height may protrude into this 45-degree angular plane; d. except as set out in (a), (b) and (c) above, for lands in any zone adjacent to lands located within a neighbourhood zone, a maximum 45-degree angular plane projected from the adjacent property line within the neighbourhood zone, including where separated by a street, is required. Notwithstanding, for lands located within any zone abutting lands located within a neighbourhood 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; and, f. for lands located within the RHC Zone: <ul style="list-style-type: none"> i) that abut a neighbourhood zone, the maximum building height shall not exceed the projection of a 45-degree angular plane measured from 10 metres above the established grade at the neighbourhood zone lot line. Notwithstanding, a building and structure up to 15 metres in height may protrude into this 45-degree angular plane. ii) that are west of Yonge Street, where an existing or planned street is located adjacent to a neighbourhood zone, the maximum building height shall not exceed the projection of a 45-degree angular plane measured from the established grade at the adjacent neighbourhood zone lot line.
2	<p>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 the required podium. Special Provision (2) does not apply to a tower.</p>

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Special Provision Number	Description of Special Provision
3	Notwithstanding the minimum required side yard and rear yard setbacks , where a side yard or rear yard abuts a street , lane, or park, the minimum side yard or rear yard setback shall be a minimum of 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 neighbourhood zone not separated by a street the minimum side yard or rear yard setback shall be a minimum of 6 metres. Where a side yard or rear yard abuts a Greenway System zone , the minimum side yard or rear yard setback shall be a minimum of 3 metres. Special Provision (3) does not apply to a tower .
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 building 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 6 metres and shall be stepped back a minimum of 3 metres from the first storey of the podium .
6	Special Provision (5) does not apply to lands located within the RMU-COR2, LDA1, or LDA2 Zones .
7	For the lands fronting onto the Market Promenade as identified on Schedule "A" for KDA-YC Zone , where a podium height is greater than 4 storeys , all storeys of the podium located above the fourth storey shall be stepped back a minimum of 3 metres.
8	For lands located north of Wright Street and Dunlop Street where a podium height is greater than 3 storeys , all storeys of the podium located above the third storey shall be stepped back a minimum of 3 metres.
9	The required minimum and permitted maximum building heights , including podium heights, are as shown on Schedule "C". For lands within the KDA-YC Zone , train storage facilities are excluded from the minimum building height requirements.
10	The required minimum and permitted maximum densities are the numerical value as shown on Schedule "B". For the LC-N1, LC-N2 and LC-V Zones , community uses , parks and open 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 located within the KDA-YC Zone are excluded from the minimum density calculation requirements.
11	The minimum required yards shall not apply to any portion of a building or structure below established grade .
12	For the purposes of this By-law, 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 in accordance with its proportion of the overall land area associated with the development parcel.

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Special Provision Number	Description of Special Provision
13	Refer to Schedule "B".
14	Refer to Schedule "C".
15	<p>Within the LC-V Zone, the following provisions shall apply to:</p> <ul style="list-style-type: none"> a. detached dwellings: N3 Zone provisions contained in Table 5.2A b. semi-detached dwelling: NS1 Zone provisions contained in Table 5.2A c. notwithstanding any provision to the contrary, the permitted density shall be in accordance with Schedule "B". d. notwithstanding any provision to the contrary, the permitted building height shall be in accordance with Schedule "C".
16	<p>Within the RHC, LC-V, KDA-YB, KDA-YC, RMU-COR1, RMU-COR2, LC-OR, LC-N1, LC-N2, LDA1, LDA1 and LMU-COR Zones, the following provisions shall apply to:</p> <ul style="list-style-type: none"> a. block residential dwelling: NT2 Zone provisions contained in Table 5.2A b. street townhouse dwelling: NT1 Zone provisions contained in Table 5.2A c. rear lane townhouse dwelling: NT1 Zone provisions contained in Table 5.2A d. back-to-back dwelling: NT1 Zone provisions contained in Table 5.2A e. quadruplex dwelling: NT1 Zone provisions contained in Table 5.2A f. stacked townhouse dwelling: NT2 Zone provisions contained in Table 5.2A g. notwithstanding any provision to the contrary, the permitted density shall be in accordance with Schedule "B". h. notwithstanding any provision to the contrary, the permitted building height shall be in accordance with Schedule "C".
17	Notwithstanding any other requirements of this by-law to the contrary, where a block residential dwelling is combined with a high-rise building, mid-rise building, or low-rise building the development standards contained in Table 4.2A shall apply.
18	For lands located within the RHC Zone , the maximum tower floor plate size for a high-rise building shall be 850 m ² . For this special provision, tower floor plate shall mean the area of any storey of a high-rise building located above the podium .
19	For a lot fronting onto Yonge Street, the required front yard setback and flankage yard setback may be reduced to 1 metre.

Section 5.0 Neighbourhoods

5.1 Zones

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

	Zone	Table
Neighbourhood Zone Permitted Uses	N	Table 5.1A
	N1	
Neighbourhood Zone Permitted Uses Special Provisions	N2	Table 5.1B
	N3	
	N4	
	NS1	
Neighbourhood Zone Standards	NS2	Table 5.2A
	NT1	
	NT2	
Neighbourhood Zone Standards Special Provisions	NA	Table 5.2B
	NMU	
	NLC	

- b) Permitted uses in a **zone** are noted by the symbol '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 shall specifically apply where referred to in the Standards Tables.
- c) One or more uses prescribed in Table 5.1A may be permitted on one **lot**.

Table 5.1B Neighbourhood Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other requirements of this By-law to the contrary, additional residential units must comply with the provisions of Section 3.18.
2	A short-term accommodation must comply with the specific use provisions in Section 3.10.
3	Commercial uses shall only be permitted on lands within an NA Zone that have frontage on an arterial street as shown on Overlay “H” within the first storey of a building .
4	Notwithstanding any other requirements of this By-law to the contrary, retail sales and medical clinics are prohibited as home occupation uses within the West Gormley Community as shown on Schedule “A”.
5	Automotive service station use shall only be permitted on lands as shown on Schedule “A” unless otherwise identified in a Permitted Uses Table of this By-law.
6	Within the North Leslie Community as shown on Schedule “A”, a building used for a single non-residential use shall not exceed 929 m ² gross floor area .
7	The outdoor storage of goods, material, machinery or equipment shall be prohibited.
8	Within the North Leslie Community and the West Gormley Community as shown on Schedule “A”, drive through facilities shall be prohibited except for lands in NLC Zone .
9	Within the North Leslie Community and the West Gormley Community as shown on Schedule “A”, an apartment dwelling shall not include an independent seniors living residence/senior citizens dwelling .
10	<p>Development on lands with existing commercial uses shall retain or exceed the amount of GLFA devoted to commercial uses as it existed on the date of passing of this By-law, subject to the following:</p> <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 GLFA 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.

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Special Provision Number	Description of Special Provision
11	No department stores and a maximum of one supermarket or anchor tenant shall be permitted.
12	Outdoor patios must comply with the specific use provisions in Section 3.16.
13	Home child care shall be permitted subject to the specific use provisions in Section 3.8.1 (2)
14	<p>A live-work unit shall be subject to the following:</p> <ul style="list-style-type: none"> a. must be the primary dwelling unit of the occupant; b. a commercial use within a live-work unit shall only be permitted on the first storey and shall have direct access to a street; and, c. outdoor storage and outdoor display shall be prohibited.
15	For a stacked townhouse dwelling , the development standards required for the NT2 Zone shall apply.
16	<p>Notwithstanding any other requirements of this By-law to the contrary, apartment building, supermarket and motor vehicle washing establishment shall be permitted subject to the following:</p> <ul style="list-style-type: none"> a. In a building containing both commercial and residential uses: <ul style="list-style-type: none"> i) apartment dwellings shall be connected to and form an integral part of a building containing commercial uses; ii) no dwelling units shall be permitted on the first storey; and, iii) access to the dwelling units shall be separate from the access to the commercial uses within the building; and, b. An apartment dwelling shall have a maximum building height of 10 storeys and a maximum FSI of 2.0.
17	Notwithstanding any other requirements of this By-law to the contrary, the requirements of Table 5.2A for the NT1 and NT2 Zones provision shall apply.
18	Notwithstanding any other requirements of this By-law to the contrary, street townhouse dwelling, rear lane townhouse dwelling, back-to-back townhouse dwelling, block residential dwelling, quadruplex dwelling and home occupations shall not be permitted within the West Gormley Community as shown on Schedule "A".

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Table 5.2A Neighbourhood Zone Standards

Zone (1)(2)(4)(11)		Min. Lot Frontage (m)	Min. Lot Area (m²) (15)	Max. Lot Coverage (21)	Min. Front Yard Setback (m) (12)(19)	Min. Side Yard Setback (m)	Min. Required Flankage Yard Setback (m)	Min. Required Rear Yard Setback (m)	Max. Height (m) (14)
N (10)	S	(16)	(16)	40%	3.5	1.2	2.4	6	11
N1 (5)(7)(10)	S	18	540	50%	3.5	1.2 (9)	2.4	6 (8)	11
N2 (5)(7)(10)	S	15	450	50%	3.5	1.2 (9)	2.4	6 (8)	11
N3 (5)(7)(10)	S	12	300	50%	3.5	1.2 (9)	2.4	6 (8)	11
N4 (5)(7) (10)(17)	S	9	270	50%	3.5	1.2 (9)	2.4	6 (8)	11
NS1 (5)(10)	SD	12	300	50%	3.5	1.2 (9)	2.4	6 (8)	11
NS2 (10)	S (5)(7)	9	270	50%	3.5	1.2 (9)	2.4	6 (8)	11
	SD (5)	12	300	50%	3.5	1.2 (9)	2.4	6 (8)	11
	Q	20	750	40%	3.5	3	3	6	11

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Zone (1)(2)(4)(11)		Min. Lot Frontage (m)	Min. Lot Area (m ²) (15)	Max. Lot Coverage (21)	Min. Front Yard Setback (m) (12)(19)	Min. Side Yard Setback (m)	Min. Required Flankage Yard Setback (m)	Min. Required Rear Yard Setback (m)	Max. Height (m) (14)
NT1 (10)	STH	6	150	60%	3	1.2 (3)	2.4 (3)	6 (6)(8)	11
	RLT	4.5	105	90%	3.5	1.2 (3)	2.4 (3)	6 (6)(8)	11
	BTB	6	85	80%	3.5	1.2 (3)	2.4 (3)		11
	Q	20	750	40%	3.5	3	3	6	11
NT2 (18)		20		60%	3	1.2 (3)	3	6 (8)	11
NA (20)		20			6	6	6	6	
NMU	LRB	30			3	3	3	6	4 storeys
	NS2 (13)								
	NT1 (13)								
	NT2 (13)(17)								
	NA (13)								
NLC (22)		20			3	6	3	6	2 storeys

Table 5.2B Neighbourhood Zone Standards Special Provisions

Special Provision Number	Description of Special Provision
1	Subject to Sections 3.13 and 3.14.
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	This provision only applies to the end units of townhouse dwellings located on a lot .
4	Notwithstanding any other requirements of this By-law to the contrary, the minimum setback from the hypotenuse of a daylighting triangle taken by the City to the main building shall be 0.6 metres.
5	The minimum required front yard setback applies to each portion of a through lot abutting a street .
6	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 lot line or flankage lot line , the minimum required rear yard for the main building on the lot is 10.5 metres.
7	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 5.2B, 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 setback shall apply: a. The minimum required side yard setback shall be 1.2 metres on one side and 0.6 metres on the other provided that for interior lots , the larger side yard setback shall be adjacent to the larger side yard or a rear yard on the adjoining lot .
8	The minimum required rear yard setback shall be 0.6 metres if a garage at the rear of the dwelling is accessed by a driveway crossing the flankage lot line .
9	Where an uneven number of lots in a row abut a flankage lot , a block or a rear yard condition, the interior side yard setback may be reduced to 0.6 metres provided that the adjacent yard is a minimum of 1.2 metres.

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Special Provision Number	Description of Special Provision
10	Notwithstanding any other requirements of this by-law to the contrary, additional residential units must comply with the provisions of Section 3.18.
11	Notwithstanding any other requirements of this by-law to the contrary, within the Village Core Community the shown on Schedule "A", an attached or detached garage shall not project beyond the front main wall of the primary dwelling unit .
12	The minimum front yard setback of any building erected on a lot or grouping of lots situated between two lots containing existing dwellings which are not more than 90 metres apart shall be established by the averaging a line connecting the closest point of the front main wall of the existing dwellings to the street .
13	Development standards required for the NS2, NT1, NT2 and NA Zones apply.
14	Notwithstanding any other requirements of this by-law to the contrary, the maximum building height permitted is as shown on Schedule "C".
15	Within the West Gormley Community as shown on Schedule "A", the maximum lot area shall be 1 hectare.
16	The minimum lot frontage and lot area required is as existing on the day before the day that this By-law is passed by Council .
17	Notwithstanding any other requirements of this By-law to the contrary, where a block residential dwelling is combined with a high-rise building, mid-rise building or low-rise building the development standards contained in Table 4.2A for each zone shall apply.

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Special Provision Number	Description of Special Provision
18	<p>Notwithstanding any other provision to the contrary, the follow provisions related to block residential dwellings shall apply:</p> <ul style="list-style-type: none"> a. Where a building is permitted under a block residential dwelling, the minimum rear yard shall be 6 metres abutting a neighbourhood zone. b. Where a building permitted under a block residential dwelling fronts onto a street and/or a lane, a minimum setback of 3 metres shall be provided to the street and/or lane. c. Special Provision (c) only applies to the end units of a Block Residential Dwelling located on a lot which has a flankage yard on a street a lane. Where a building is permitted under a block residential dwelling, the required rear yard may be reduced to 1.2 metres where an end unit to a block residential dwelling abuts a rear yard. d. Special Provision (d) only applies to the end units of block residential dwelling located on a parcel which flanks onto a lane. Where a building is permitted under a block residential dwelling, the required setback to the lane shall be 1.5 metres. e. Where a building is permitted under a block residential dwelling, the end units of any block residential dwellings shall have a minimum combined separation of 2.4 metres. f. Where a building permitted under a block residential dwelling fronts onto a street or a lane, a minimum of 6 metres shall be provided at the rear of the building. g. Where a building permitted under a block residential dwelling fronts onto an internal walkway, park or other communal area, a minimum setback of 3 metres shall be provided to the internal walkway, park or other communal area.
19	<p>Notwithstanding any other requirements of this By-law to the contrary, the minimum front yard setback shall be 3 metres for the North Leslie Community and the West Gormley Community as shown on Schedule "A".</p>
20	<p>Apartment building(s) or structure(s) lawfully existing prior to the date that this By-law was passed by Council within the NA Zone shall be permitted.</p>
21	<p>Notwithstanding any other requirements of this By-law to the contrary, the maximum density permitted is as shown on Schedule "B".</p>
22	<p>For residential uses permitted in Table 5.1A, the development standards required for the NT1 and NT2 Zones shall apply.</p>

Section 6.0 Institutional

6.1 Zones

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

	Zone	Table
Institutional Zone Permitted Uses	I1 I2 I3	Table 6.1A
Institutional Zone Permitted Uses Special Provisions		Table 6.1B
Institutional Zone Standards		Table 6.2A
Institutional Zone Standards Special Provisions		Table 6.2B

- b) Permitted uses in a **zone** are noted by the symbol '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 shall specifically apply where referred to in the Standards Tables.
- c) One or more uses prescribed in Table 6.1A may be permitted on one **lot**.

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Table 6.1A Institutional Zone Permitted Uses

Non-Residential Uses	Long-Term Care Home	Arts and Cultural Facility	Public Authority	Place of Worship	Private School	Social Services	Child Care Centre	Hospital	Commercial	Private School
I1	X	X	X	X	X	X	X		X (1)	X
I2	X		X	X			X	X		
I3	X		X	X			X			

Table 6.1B Institutional Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other provision to the contrary, commercial uses shall only occupy a maximum of 49% of the gross floor area of any building on a lot . This provision does not apply to office uses.

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Table 6.2A Institutional Zone Standards

Zone	Min. Lot Frontage (m)	Min. Front Yard Setback (m)	Min. Rear Yard Setback (m)	Min. Side Yard Setback (m)	Min. Flankage Yard Setback (m)	Max. Lot Coverage (%)	Max. Building Heights (m)
I1	30	3	2	3	3	60	11 (1)
I2	30	6	6	3	3		13
I3	30	6	6	6	6		13

Table 6.2B Institutional Zone Standards Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other requirements of this By-law to the contrary, the maximum building height permitted is as shown on Schedule "C".

Section 7.0 Employment Area

7.1 Zones

(intentionally left blank)

Table 7.1A Employment Area Zone Permitted Uses

(intentionally left blank)

Table 7.1B Employment Area Zone Permitted Uses Special Provisions

(intentionally left blank)

Table 7.2A Employment Area Zone Standards

(intentionally left blank)

Table 7.2B Employment Area Zone Standards Special Provisions

(intentionally left blank)

Section 8.0 Greenway System

8.1 Provisions applicable to lands within the Oak Ridges Moraine Conservation Plan Area with a zone symbol starting with “ORM”

8.1.1 Area of High Aquifer Vulnerability Zone – Oak Ridges Moraine Conservation Plan Area

Notwithstanding any other provision of this By-law, except for existing uses, buildings and structures, the following uses are prohibited within an area of High **Aquifer Vulnerability** as shown on Overlay “G”:

- a) generation or storage of **hazardous waste** or **liquid industrial waste**;
- b) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- c) underground or above-ground **bulk storage tanks** that are not equipped with a secondary containment device; and,
- d) the use, creation, handling or storage of **hazardous waste** as identified in Regulation 347 of the Revised Regulations of Ontario, 1990.

8.1.2 Rapid Infiltration Basins and Columns

The use of rapid infiltration basins and columns are prohibited.

8.1.3 Landform Conservation Areas

The following provisions shall apply to the ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 AND ORMKNF **Zones**:

(1) Landform Conservation Area – Category 1

An application for **development** or **site alteration** shall:

- a) limit the portion of the **net developable area** of the site that is disturbed to not more than 25% of the total area of the site; and,
- b) limit the portion of the **net developable area** of the site that has **impervious surfaces** to not more than 15% of the total areas of the site.

(2) Landform Conservation Area – Category 2

An application for **development** or **site alteration** shall:

- a) limit the portion of the **net developable area** of the site that is disturbed to not more than 50% of the total area of the site; and,
- b) limit the portion of the **net developable area** of the site that has **impervious surfaces** to not more than 20% of the total area of the site.

(3) Notwithstanding Section 8.1.3 (1) and (2), no **development** or **site alteration** shall occur beyond the limits of the **development envelope** for lots developed for a **detached dwelling**.

8.2 Zones

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

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	Zone	Table
Rural		
Oak Ridges Moraine Rural Zone Permitted Uses	ORMCO	Table 8.1A
Oak Ridges Moraine Rural Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Rural Zone Standards		Table 8.2A
Oak Ridges Moraine Rural Zone Standards Special Provisions		Table 8.2B
Oak Ridges Moraine Rural Settlement Area Zone Permitted Uses	ORMH	Table 8.1A
Oak Ridges Moraine Rural Settlement Area Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Rural Settlement Area Zone Standards		Table 8.2A
Oak Ridges Moraine Rural Settlement Area Zone Standards Special Provisions		Table 8.2B
Oak Ridges Moraine Pit Zone Permitted Uses	ORMP	Table 8.1A
Oak Ridges Moraine Pit Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Pit Zone Standards		Table 8.2A
Oak Ridges Moraine Pit Zone Standards Special Provisions		Table 8.2B
Environmental Zones		
Oak Ridges Moraine Natural Core Zone Permitted Uses	ORMNC	Table 8.1A
Oak Ridges Moraine Natural Core Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Natural Core Zone Standards		Table 8.2A
Oak Ridges Moraine Natural Core Zone Standards Special Provisions		Table 8.2B
Oak Ridges Moraine Natural Linkage Zone Permitted Uses	ORMNL	Table 8.1A
Oak Ridges Moraine Natural Linkage Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Natural Linkage Zone Standards		Table 8.2A
Oak Ridges Moraine Natural Linkage Zone Standards Special Provisions		Table 8.2B

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	Zone	Table
Oak Ridges Moraine Open Space Zone Permitted Uses	ORMOS	Table 8.1A
Oak Ridges Moraine Open Space Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Open Space Zone Standards		Table 8.2A
Oak Ridges Moraine Open Space Zone Standards Special Provisions		Table 8.2B
Oak Ridges Moraine Open Space One Zone Permitted Uses	ORMOS1	Table 8.1A
Oak Ridges Moraine Open Space One Zone Permitted Uses Special Provisions		Table 8.1B
Oak Ridges Moraine Open Space One Zone Standards		Table 8.2A
Oak Ridges Moraine Open Space One Zone Standards Special Provisions		Table 8.2B
Oak Ridges Moraine Key Natural Feature Zone Permitted Uses	ORMKNF	Table 8.1A
Oak Ridges Moraine Key Natural Feature Zone Special Provisions		Table 8.1B
Oak Ridges Moraine Key Natural Feature Zone Standards		Table 8.2A
Oak Ridges Moraine Key Natural Feature Zone Standards Special Provisions		Table 8.2B

- b) Permitted uses in a **zone** are noted by the symbol '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 shall specifically apply where referred to in the Standards Tables.
- c) One or more uses prescribed in Table 8.1A may be permitted on one **lot**.

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Table 8.1A Oak Ridges Moraine Rural and Environmental Zone Permitted Uses

Zone	ORMCO	ORMH	ORMP (5)	ORMNC	ORMNL	ORMOS (7)(12)	ORMOS1 (10)(12)	ORMKNF (8)(9)(12)
Use								
Agriculture (3)	X			X	X			
Detached Dwelling (1)(6)	X	X		X	X	X	X	X
Agricultural related uses	X (3)	X (3)						
Conservation projects and flood and erosion control projects	X	X	X	X	X	X	X	X
Fish, wildlife and forest management	X	X	X	X	X	X	X	X
Home Businesses (2)	X	X		X	X		X	X
Home Industry (2)	X			X	X		X	X
Bed and Breakfast Establishment (2)	X	X		X	X		X	X
Low intensity recreational uses including, but not limited to non-motorized trail use, natural heritage appreciation and unserviced camping (4)		X						
Mineral Aggregate Operations and Wayside Pits			X					
Unserviced Park		X		X (11)				
Public Authority (6)	X	X	X	X	X	X	X	X
Uses, buildings or structures accessory to the above permitted uses	X	X	X	X	X		X	X

Table 8.1B Oak Ridges Moraine Rural and Environmental Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provision
1	A detached dwelling is permitted on lots of record if the use, erection and location would have been permitted by the applicable zoning by-law existing on November 15, 2001 and shall be contained within the development envelope and the dwelling does not exceed 500 m ² ground floor area.
2	Uses are permitted only within building or structures that existed on November 15, 2001 and additions thereto.
3	Agricultural uses, agricultural related uses and buildings and structures to these are permitted on lots of record existing on November 15, 2001 and shall be contained within the development envelope and the dwelling does not exceed 500 m ² gross floor area .
4	Unserviced camping is permitted on public and institutional lands.
5	For greater clarity, the existing uses shall include, but not be limited to one hot mix asphalt batching plant and an open storage yard for road building contractors' materials and/or equipment within that area as shown on Schedule "A", provided that a strip of land not less than 1.5 metres in width inside and abutting the frontage of the said lands shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exists to the subject lands.
6	Expansion of existing buildings or structures shall be contained within the area as shown on Schedule "A".
7	The ORMOS Zone as shown on Schedule "A1" shall be maintained in their natural state and all buildings or structures are prohibited other than those required for conservation projects, flood and erosion control projects and transportation, infrastructure and utilities and as permitted in Special Provision (1).
8	All lands within the ORMKNF Zone as shown on Schedules "A1" shall be maintained in their natural state and all buildings or structures are prohibited other than those required for conservation projects, flood and erosion control projects and transportation, infrastructure and utilities and as permitted in Special Provision (1).
9	All lands within 30 metres of a defined key natural heritage feature shall be maintained in their natural state and all buildings or structures are prohibited other than those required for conservation projects, flood and erosion control projects, fence posts and transportation, utilities and public works and as permitted in Special Provision (1).

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Special Provision Number	Description of Special Provision
10	All lands within 90 metres of an Open Space Zone of a defined key natural heritage feature shall be maintained in their natural state and all buildings or structures are prohibited other than those required for conservation projects, flood and erosion control projects, fence posts and transportation, utilities and public works and as permitted in Special Provision (1).
11	Notwithstanding any other provision to the contrary, an unserviced park is permitted.
12	Notwithstanding any other provision to the contrary, Schedule “A1” does not apply to the lands within the West Gormley Community as shown on Schedule “A”.

Table 8.2A Oak Ridges Moraine Rural and Environmental Zone Standards

	ORMCO	ORMH	ORMP	ORMNC	ORMNL	ORMOS	ORMOS1	ORMKNF
Use	All							
Standard								
Min. Lot Frontage (m)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Min. Lot Area (m)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Min. Require Front Yard (m)	3 (2)	7.5 (2)	7.5	3 (2)	3 (2)	3 (2)	3 (2)	3 (2)
Min. Required Side Yard (m)	3 (2)	3 (2)	3	3 (2)	3 (2)	3 (2)	3 (2)	3 (2)
Min. Required Flankage Yard (m)	6 (2)	3 (2)	3	6 (2)	6 (2)	6 (2)	6 (2)	6 (2)
Min. Required Rear Yard (m)	7.5 (2)	7.5 (2)	3	7.5 (2)	7.5 (2)	7.5 (2)	7.5 (2)	7.5 (2)
Max. Coverage		20%						
Max. Height (m)	11	11	(1)	11	11	11	11	11

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Table 8.2B Oak Ridges Moraine Rural and Environmental Zone Special Provisions

Special Provision Number	Description of Special Provision
1	Existing means lawfully in existence on November 15, 2001.
2	Expansion of existing buildings or structures , and/or new buildings, structures and accessory uses shall be contained within a development envelope , which shall be limited to a maximum of 40% of the lot .

8.3 Provisions applicable to the Greenway System within the urban areas and outside of the lands within the Oak Ridges Moraine Conservation Plan Area subject to Section 8.1 of this By-law

8.3.1 Zones

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

	Zone	Table
Greenway System		
Greenway Natural Core Zone Permitted Uses	GNC	Table 8.3A
Greenway Natural Core Zone Permitted Uses Special Provisions		Table 8.3B
Greenway Natural Core Zone Standards		Table 8.4A
Greenway Natural Core Zone Standards Special Provisions		Table 8.4B
Major Urban Open Space Zone Permitted Uses	MUOS	Table 8.3A
Major Urban Open Space Zone Permitted Uses Special Provisions		Table 8.3B
Major Urban Open Space Zone Standards		Table 8.4A
Major Urban Open Space Zone Standards Special Provisions		Table 8.4B
Protected Countryside Zone Permitted Uses	ORMP	Table 8.3A
Protected Countryside Zone Permitted Uses Special Provisions		Table 8.3B
Protected Countryside Zone Standards		Table 8.4A
Protected Countryside Zone Standards Special Provisions		Table 8.4B
Greenway Natural Linkage Zone Permitted Uses	GNL	Table 8.3A
Greenway Natural Linkage Zone Permitted Uses Special Provisions		Table 8.3B
Greenway Natural Linkage Zone Standards		Table 8.4A
Greenway Natural Linkage Zone Standards Special Provisions		Table 8.4B

- b) Permitted uses in a **zone** are noted by the symbol '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 shall specifically apply where referred to in the Standards Tables.
- c) One or more uses prescribed in Table 8.3A may be permitted on one **lot**.

Table 8.3A Greenway System Zone Permitted Uses

Zone	GNC	GNL	PC	MUOS
Existing residential, commercial and institutional uses, buildings and structures (1)	X	X		X
Detached Dwelling			X (3)	
Private park		X	X	X
Conservation projects and flood and erosion control projects	X	X	X	X
Fish, wildlife and forest management	X	X	X	X
Low intensity recreational uses including, but not limited to non-motorized trail use, natural heritage appreciation and unserved park	X	X	X	X
Public Authority	X	X	X	X
Agricultural uses			X (3)	
Agricultural related uses			X (3)	
Kennel and veterinarian establishment			X (3)	
Cemetery			X (3)	X (2)
Place of Worship			X (3)	
Medical clinic			X (3)	
Secondary School				X (4)
Elementary School				X (4)
Arts and Cultural Facility				X (4)
Uses, buildings or structures accessory to the above permitted uses	X	X		X

Table 8.3B Greenway System Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other provision to the contrary, uses, buildings or structures lawfully in existence which comply with all zoning by-laws in force and effect on the day before the day that this By-law is passed by Council shall be permitted. A home occupation is permitted.
2	Notwithstanding any other provision to the contrary, cemetery, columbarium and crematorium uses are only permitted within the lands located at the southeast corner of Leslie Street and Elgin Road East as shown on Schedule "A".
3	Notwithstanding any other provision to the contrary, uses are permitted within the North Leslie Community shown on Schedule "A". For lands zoned PC, frontage shall be deemed to be along Highway 404. A home occupation is permitted.
4	Notwithstanding any other provision to the contrary, uses are only permitted within the lands as shown on Schedule "A" within the David Dunlap Observatory Area.

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Table 8.4A Greenway System Zone Standards

	GNC	GNL	PC	MUOS
Use	All			
Standard				
Min. Lot Frontage (m)	(1)	(1)	(1)	(1)
Min. Lot Area (m)	(1)	(1)	(1)	(1)
Min. Require Front Yard (m)	3	7.5	7.5	
Min. Required Side Yard (m)	3	3	3	
Min. Required Flankage Yard (m)	6	3	3	
Min. Required Rear Yard (m)	7.5	7.5	7.5	
Max. Height (m)	11	11	11	Canadian Geodetic Datum elevation of 249.2 m (2)

Table 8.4B Greenway System Zone Standards Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other provision to the contrary, uses, buildings or structures lawfully in existence which comply with all zoning by-laws in force and effect on the day before the day that this By-law is passed by Council are permitted.
2	The maximum height for new buildings or structures shall be measured to the peak of a pitched roof (having a slope equal to or greater than 1:6 ratio) or to the top of a flat roof (having a slope less than 1:6 ratio) and that no portion of a building or structure such as mechanical equipment, chimneys and transmission antennae shall exceed the maximum height.

Section 9.0 Utility Corridor

9.1 Zones

- a) Uses which are permitted in the **Utility Corridor zone** are identified in following Tables:

	Zone	Table
Utility Corridor Zone Permitted Uses	UC	Table 9.1A
Utility Corridor Zone Permitted Uses Special Provisions		Table 9.1B
Utility Corridor Zone Standards		Table 9.2A
Utility Corridor Zone Standards Special Provisions		Table 9.2B

- b) Permitted uses in a **zone** are noted by the symbol '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,
 - i. the special provisions shall specifically apply where referred to in the Standards Tables.
- c) One or more uses prescribed in Table 9.1A may be permitted on one **lot**.

Table 9.1A Utility Corridor Zone Permitted Uses

Non-Residential Uses	UC
Public Authority	X
Automotive service station, Motor vehicle washing establishment and retail associated with an automotive service station	X (1)
Agriculture, Horticultural Nursery	X
Auto Campus for the sale, leasing, rental, service, storage and repair of automobiles and trucks	X
Commercial uses limited to: fast food restaurant, Take-out restaurants, Restaurants, Garden centre and Nursery Sales and Places of entertainment.	X
Private park	X
Recreational uses	X
Parking area	X
Uses, buildings or structures accessory to the above permitted uses	X

Table 9.1B Utility Corridor Zone Permitted Uses Special Provisions

Special Provision Number	Description of Special Provision
1	An Automotive service station use shall only be permitted on lands as shown on Schedule "A".

Table 9.2A Utility Corridor Zone Standards

	UC
Use	All
Min. Lot Frontage (m) (1)	60 m
Min. Lot Area (ha) (1)	0.8 ha
Min. Require Front Yard (m) (1)	12
Min. Required Side Yard (m) (1)	6 (2)(3)(4)
Min. Required Flankage Yard (m) (1)	6 (2)(3)(4)
Min. Required Rear Yard (m) (1)	12 (2)(3)(4)
Max. Height (m) (1)	40

Table 9.2B Utility Corridor Zone Special Provisions

Special Provision Number	Description of Special Provision
1	Notwithstanding any other provision to the contrary, the development standards apply to buildings or structures within the Provincial Utility Corridor and not to the CNR or the TCPL right-of-way.
2	Buildings or structures within any zone abutting the CNR right-of-way shall have a minimum setback of 30 metres.
3	Buildings or structures within any zone abutting the TCPL right-of-way shall have a minimum setback of 7 metres.
4	The minimum required setback to the TCPL right-of-way applies to buildings, structures, parking areas, loading spaces, parking spaces, stacking lanes, bicycle parking spaces, aisles, or driveways.

Section 10.0 Automobile Parking, Bicycle Parking and Loading Provisions

10.1 Location

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 space, loading space, bicycle parking space or stacking lane** is required.

10.2 Deficiencies

- (1) Where an existing use is deficient in the required minimum number of **parking spaces** or exceeds the permitted maximum number of **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 number of **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 gross floor area 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 **Council**, and the new use is deficient in the required minimum number of **parking space** requirements of this By-law, it shall be deemed that the **parking space, visitor parking space, loading space and stacking lane space** requirements of this By-law shall apply to the new use.

10.3 Access

- (4) A **parking space or loading space** shall have direct access to a driveway, aisle, **street** or **lane**. Where access to a **parking space or loading space** is provided by a driveway or aisle, the driveway or aisle shall have direct access to a **street** or **lane**.
- (5) A **parking space, loading space, bicycle parking space, driveway or aisle** shall be used and maintained for such purposes.
- (6) 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.
- (7) 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 **neighbourhood 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 Calculation of Parking Spaces

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

10.6 Automobile Parking Space Provisions

10.6.1 Provisions Applying to All Automobile Parking Spaces

- (1) The provisions in Section 10.6 apply to all required **parking spaces** and driveways to **lots** that are regulated by this By-law.
- (2) 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 10.1A Minimum Dimensions of Various Types of Automobile Parking Spaces Provisions

Automobile Parking Space Type	Length (m)	Width (m)	Vertical Clearance (m)
Perpendicular parking space	5.7	2.7	2.0
Perpendicular compact parking space (Type A) (1)(6)(7)	5.2	2.6	2.0
Perpendicular compact parking space (Type B) (2)(6)(7)	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 10.1B Minimum Dimensions of Various Types of Automobile Parking Spaces Special Provisions

1	A maximum of 40% of the residential parking spaces provided for dwelling units , for uses other than detached dwelling, semi-detached dwelling, street townhouse dwelling, block residential dwelling, or back-to-back dwelling , excluding facilities used exclusively for visitor parking, may be in the form of Type A compact parking spaces .
2	A maximum of 10% of the residential parking spaces provided for apartment dwellings and block residential dwellings that share a parking facility, excluding facilities used exclusively for visitor parking may be in the form of Type B compact parking spaces .
3	Stacking Lane spaces shall be setback a minimum of 15 metres from a neighbourhood 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	The minimum number of stacking lane spaces shall be required in accordance with Table 10.2A
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 .
7	Type A and Type B compact parking spaces are permitted within a site development.

Table 10.2A Minimum Stacking Lane Space 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:
 - a) The width of an aisle permitting two directions of **motor vehicle** traffic shall be a minimum of 6 metres.
 - b) The width of an aisle permitting one direction of **motor vehicle** traffic shall comply with the following provisions:
 - i. aisles with **parking spaces** angled greater than 70 degrees and up to 90 degrees, to the **aisle** shall have a minimum width of 6 metres;
 - ii. aisles with **parking spaces** angled greater than 50 degrees and up to 70 degrees, to the **aisle** shall have a minimum width of 5.5 metres; and,
 - iii. aisles with **parking spaces** angled at or less than 50 degrees to the aisle shall have a minimum width of 4 metres.
- (5) A parking structure shall only be located below established grade.
- (6) Notwithstanding Section 10.6.1 (5), a **parking structure** may be permitted above **established grade** within the KDA-YB **Zone** and where located within a high water table area as shown on Overlay “G” and subject to the requirements of Section 10.6.3.
- (7) For a **detached dwelling, semi-detached dwelling, street townhouse dwelling, block residential dwelling, back-to-back dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, or 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 buildings, mid-rise buildings** and **high-rise buildings**, tandem parking spaces shall not contribute to the minimum **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 yard** of a **lot**; and,
 - b) **parking areas** shall not be permitted to locate in any **yard** abutting an **active-at-grade frontage**.

10.6.2 Obstruction of a Parking Space

- (10) 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 metre from either end of the **parking space**. Light standards that are located at the centre corners of 4 adjoining **parking spaces** are not considered an obstruction.

- (11) 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 0.3 metres.

10.6.3 Automobile Parking Structures

- (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 **attached parking structure** that is above **established grade** is prohibited to locate in the **first storey** of a **building** within the first 10 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 **parking structure** that is above **established grade** shall be integrated into the rear or side of the **podium** of a **mid-rise building** or **high-rise building**. A standalone **parking structure** shall not be permitted.

10.6.4 Parking and Storage of Commercial Vehicles

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 **neighbourhood zone** unless parked entirely within a wholly enclosed **building** or carport. Notwithstanding, a **school bus** may be parked on a **lot** containing an **elementary school** 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 96 hours prior to commencement and 96 hours after the completion of said construction, landscaping or excavation on that **lot**.
- c) Notwithstanding the provisions of Sections 10.6.4(a) and (b), parking on a **lot** for not more than 24 hours of a maintenance, service or delivery vehicle in the course of its normal maintenance, service or delivery duty is permitted.

10.6.5 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**;
 - b) have a minimum **setback** of 0.3 metres from the **side lot line**;
 - c) no **parking area** shall be permitted within a required **front yard** or required **flankage yard** except on a **driveway**; and,

- d) the parking of a **motor vehicle** in a **soft landscaped** area is prohibited.
- (2) A driveway may have a **setback** of zero 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 dwelling, block residential dwelling, back-to-back dwelling, rear lane townhouse dwelling, stacked townhouse dwelling** or **multiplex dwelling**.
- (3) Driveways leading to a **parking area** for a **high-rise building, mid-rise building, low-rise building, and dwelling units** with frontage onto a **lane**, shall have a minimum width of 4 metres for one-way **motor vehicle** traffic and 6 metres for two-way **motor vehicle** traffic.
- (4) Circular driveways are permitted on lots having a minimum **lot frontage** of 18 metres, provided that the **main building** on the lot is set back from the **front lot line** a minimum of 9 metres and provided that the minimum distance between the two driveway entrances, measured along the **front lot line**, is greater than 7.6 metres.
- (5) Number of driveways permitted on a **lot**:
- On lots having less than 18 metres of **lot frontage**, only one driveway is permitted.
 - On lots having between 18 metres and 25 metres of **lot frontage**, a maximum of two driveways are permitted.
 - On **lots** having more than 25 metres of **lot frontage**, a maximum of three driveways are permitted.

10.7 Automobile Parking Rates

Section 10.7 applies to the Parking Strategy Area as shown on Schedule “D”.

- (6) Automobile **parking spaces** must be provided for every **building** or **structure** erected or enlarged, in accordance with Table 10.3A.
- (7) The rates in Table 10.3A are based on the number of **parking spaces** per **dwelling unit** for **residential uses** and on the number of **parking spaces** for every 100 m² of **gross floor area** for **non-residential uses**, unless otherwise noted in Table 10.3A.

Table 10.3A Minimum and Maximum Automobile Parking Space 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 unit	0.00/0.80	0.65/0.80	0.80/1.00	0.90/0.00
1 bedroom unit	0.00/0.95	0.75/0.95	0.90/1.15	1.00/0.00
2 or more bedroom unit	0.00/1.05	0.85/1.05	1.00/1.25	1.20/0.00
Block residential dwelling	0.00/2.00	1.00/2.00	1.00/2.00	1.50/0.00
Back-to-back dwelling (3)	0.00/2.00	1.00/2.00	1.00/2.00	1.50/0.00
Rear lane townhouse dwelling (3)	0.00/2.00	1.00/2.00	1.00/2.00	1.50/0.00
Stacked townhouse dwelling (3)	0.00/2.00	1.00/2.00	1.00/2.00	1.50/0.00
Live-work unit	0.00/2.00	1.00/2.00	1.00/2.00	2.00/0.00

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Parking Strategy Area	PSA 1 (1)	PSA 2	PSA 3	PSA 4
Rate Range	Min/Max	Min/Max	Min/Max	Min/Max
Street townhouse dwelling	0.00/0.00	1.00/0.00	1.00/0.00	2.00/0.00
Multiplex dwelling	0.00/0.00	1.00/0.00	1.00/0.00	1.00/0.00
Detached dwelling (3)	0.00/0.00	1.00/0.00	1.00/0.00	2.00/0.00
Semi-detached dwelling (3)	0.00/0.00	1.00/0.00	1.00/0.00	2.00/0.00
Duplex dwelling	0.00/0.00	1.00/0.00	1.00/0.00	1.00/0.00
Independent seniors living residence / Seniors citizen dwelling	0.00/0.60	0.33/0.60	0.33/0.60	0.50/0.00
Long-term care home (2)(4)	0.00/0.60	0.25/0.60	0.25/0.60	0.25/0.00
Assisted living residence (4)	0.00/0.60	0.25/0.60	0.25/0.60	0.25/0.00
Non-Residential Uses (parking spaces per 100 m ² unless otherwise noted)				
Arts and cultural facility	0.00/5.30	4.25/5.30	4.70/5.90	6.00/0.00
Auto body repair shop	0.00/3.75	3.00/3.75	3.00/3.75	3.00/0.00
Repair shops for internal combustion engines	0.00/3.75	3.00/3.75	3.00/3.75	3.00/0.00
Automotive service station	0.00/3.50	3.00/3.75	3.00/3.75	3.00/0.00
Vehicle washing establishment per bay	0.00/1.25	1.00/1.25	1.00/1.25	1.00/0.00
Automotive service station – accessory commercial	0.00/3.75	3.00/3.75	3.00/3.75	3.00/0.00
Automotive service station – restaurant	0.00/3.50	2.80/3.50	3.10/3.90	6.00/0.00
Commercial uses	0.00/3.15	2.50/3.15	3.00/3.75	4.30/0.00
Major retail	0.00/3.15	2.50/3.15	3.00/3.75	4.30/0.00
Child care centre	0.00/2.20	1.75/2.20	2.25/2.80	2.50/0.00
Hospital and healthcare centre and ancillary commercial uses	0.00/3.15	2.50/3.15	2.50/3.15	2.50/0.00
Hotel / Motel				
per 100 m ² of conference space	0.00/5.30	4.50/3.15	4.45/5.30	5.00/0.00
in addition, per room	0.00/0.80	0.65/0.80	0.70/0.80	0.80/0.00
Major office	0.00/2.50	2.00/2.50	2.20/2.75	2.80/0.00
Place of worship	0.00/5.30	4.25/5.30	4.70/5.90	6.40/0.00
Private school				
per classroom	0.00/3.40	2.70/3.40	3.00/3.75	3.80/0.00
Social services	0.00/5.30	4.25/5.30	4.70/5.90	6.00/0.00
All other Community uses	0.00/3.75	3.00/3.75	4.00/5.00	4.50/0.00

Parking Strategy Area	PSA 1 (1)	PSA 2	PSA 3	PSA 4
Rate Range	Min/Max	Min/Max	Min/Max	Min/Max
Manufacturing	0.00/0.90	0.70/0.90	0.70/0.90	0.70/0.00
Assembly of manufactured goods and materials	0.00/1.40	1.10/1.40	1.10/1.40	1.10/0.00
Warehouse	0.00/0.90	0.70/0.90	0.70/0.90	0.70/0.00

Table 10.3B Minimum and Maximum Automobile Parking Space Special Provisions

1	The provisions of Section 10.7 do not apply to PSA1 save and except for 10.9. Where a parking space, stacking lane, loading space, tandem parking space, stacked parking space, driveway or aisle is provided on lands located within PSA 1, such shall be in accordance with provisions of 10.7.
2	The parking space requirement for a long-term care home is calculated on total number of beds.
3	Notwithstanding Table 10.3A, one parking space per dwelling unit is required on lands located within a Greenway System zone as shown on Schedules "A" and "A1".
4	Notwithstanding Table 10.3A, one parking space per four beds is required on lands located within a Greenway System zone as shown on Schedules "A" and "A1".

Table 10.3C Minimum and Maximum 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	0.15/0.20	0.20/0.00
Block residential dwelling	0.00/0.20	0.15/0.20	0.15/0.20	0.20/0.00
Stacked townhouse dwelling	0.00/0.20	0.15/0.20	0.15/0.20	0.20/0.00

10.8 Automobile Parking Space Exemptions

10.8.1 Shared Parking Rates

- (8) 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.
- (9) 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 Tables 10.3A and 10.3C.

10.8.2 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) The reduction identified in Section 10.8.2 (1) shall not be applicable to any uses or the required **parking spaces** for uses that are not located on the same **lot**.

10.9 Bicycle Parking Space Provisions

10.9.1 Provisions Applying to All Bicycle Parking Spaces

- (3) 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** in accordance with Table 10.4B, unless otherwise permitted by this By-law.
- (4) The provisions in Section 10.9 apply to all required **bicycle parking spaces** to **lots** that are regulated by this By-law.
- (5) Bicycle parking spaces must be provided collectively for each use on a **lot** in an amount that complies with the provisions in Section 10.9.
- (6) Minimum dimensions of various types of bicycle parking **spaces** are set out in Table 10.4A.
- (7) Bicycle parking spaces must be provided for every **building** or **structure**, erected or enlarged in accordance with Table 10.4B.
- (8) The rates in Table 10.4B are based on the number of bicycle parking spaces per **dwelling unit** for **residential uses** and on the number of bicycle parking spaces for every 100 m² of **gross floor area** for **non-residential** uses, unless otherwise noted in Table 10.4B.

Table 10.4A Minimum Dimension of Various Types of Bicycle Parking Spaces Provisions

Bicycle Parking Space Type	Length (m)	Width (m)	Vertical Clearance (m)
Bicycle parking space (horizontal)	1.8	0.6	1.9
Bicycle parking space (vertical)	1.2	0.6	1.9
Bicycle parking space (stacked)	1.8	0.6	1.2

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Table 10.4B Minimum Bicycle Parking Space Provisions

	PSA1	PSA1	PSA2	PSA2	PSA3	PSA3	PSA4	PSA4
	Min. Long-Term Bicycle Parking Spaces	Min. Short-Term Visitor Bicycle Parking Spaces (1)(2)(3)	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 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
Block residential dwelling Rear lane 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)	0.20 bicycle parking space per 100 m ² of GFA	0.23 bicycle parking space per 100 m ² of GFA	0.13 bicycle parking space per 100 m ² of GFA	0.15 bicycle parking space per 100 m ² of GFA	0.13 bicycle parking space per 100 m ² of GFA	0.15 bicycle parking space per 100 m ² of GFA	0.13 bicycle parking space per 100 m ² of GFA	0.15 bicycle parking space per 100 m ² of GFA

Table 10.4C Minimum Bicycle Parking Space Special Provisions

1	Short-term visitor bicycle parking spaces shall be located at-grade or within the first storey of a building or in combination thereof.
2	A minimum of 50% of the required short-term bicycle parking spaces shall be located in a covered area.
3	A minimum of 6 public bicycle parking spaces are required in addition to the short-term bicycle parking spaces
4	All required bicycle parking areas shall be located at-grade, no more than one level below or above grade , on any other parking level adjacent to an elevator shaft or in combination thereof.

10.10 Loading Space Provisions

10.10.1 Provisions Applying to All Loading Spaces

- (1) The provisions in Section 10.10 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 10.10.2.
- (3) A **loading space** shall be paved and free and clear of any encroachments including any overhead encroachments. A required **loading space** shall have a width of not less than 4 metres and a length of not less than 13 metres with a minimum of 6.5 metres overhead clearance. The minimum overhead clearance applies to the area of the **loading space**. No structural or other encroachments may impinge on the vertical clearance of 6.5 metres above the entire loading space.
- (4) A **loading space** shall not be located in any **yard** abutting 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.
- (5) Notwithstanding 10.10.1 (4), 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**.
- (7) Section 10.10 does not apply on lands located within a Greenway System **zone** as shown on Schedules "A" and "A1".

10.10.2 Loading Space Rates

- (8) **Loading spaces** must be provided for every **building** or **structure** erected or enlarged in accordance with Table 10.5A.
- (9) The rates in Table 10.5A are based on **dwelling unit** ranges for **residential uses** and on **gross floor area** ranges for **non-residential uses**, unless otherwise noted in the Table 10.5A.

Table 10.5A Minimum 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 m ²	0
Gross floor area of between 500 to 2322 m ²	1
Gross floor area of between 2323 to 9290 m ²	2
For every additional 9290 m ² above 9290 m ²	additional

10.11 Provisions for Loading spaces for Automotive Service Stations

The following provisions apply to **automotive service station** uses:

- a) A minimum of 1 **loading space** for a gas bar convenience retail store, having a width of not less than 3.5 metres and a length of not less than 13 metres and located adjacent to the gas bar convenience retail store is required.

10.12 Electric Vehicle and Electric Bicycle Provisions

10.12.1 Electric Vehicle Parking Space 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 10.6A
- b) Notwithstanding the requirements of Section 10.12.1(a), **electric vehicle ready parking spaces** and **electric vehicle parking spaces** are not required for **parking spaces** provided for the following:
 - i. visitor **parking spaces** for residential uses; and,
 - ii. **additional residential units**

Table 10.6A Minimum Electric Vehicle and Electric Bicycle Parking Space 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 (1) Detached dwelling (1) Semi-detached dwelling (1) Street townhouse dwelling (1) Block residential dwelling (1) Rear lane townhouse dwelling (1) Back-to-back dwelling (1) Duplex dwelling (1) Triplex dwelling (1) Quadruplex dwelling (1) 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
Commercial uses	5% of the total provided parking spaces or 1 space, whichever is greater	2.5% of the total provided parking spaces
Major retail	5% of the total provided parking spaces or 1 space, whichever is greater	2.5% of the total provided parking spaces

Table 10.6B Minimum Electric Vehicle and Electric Bicycle Parking Space Special Provisions

1	This special provision does not apply to developments containing 10 dwelling units or less.
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10.12.2 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 that the encroachment is not located further than 1 metre from either end of the **parking space**.

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 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 **street** or collector **street** as specified in this By-law.

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 which provides supervised daytime care for adults. Such use constitutes a **commercial** use.

Agricultural Uses

- (1) growing crops, including nursery and horticultural crops;
- (2) raising livestock and other animals, including poultry and fish, for food and fur;
- (3) aquaculture; and,
- (4) agro-forestry and maple syrup production.

Agricultural Related Use

Means **commercial** and industrial uses that are:

- (a) small-scale;
- (b) directly related to a farm operation; and,
- (c) required in close proximity to the farm operation.

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 (NA)

Means a **building** containing 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 building**, **mid-rise building** or **high-rise building**. An **apartment dwelling** includes retirement residences, **assisted living residences** and **independent seniors living residence/senior citizens dwelling**.

Aquifer Vulnerability

Means an aquifer's intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

Arts and Cultural Facility

Means **premises**, or **structure**, or any part of any land, **building** or **structure**, used for the programming, 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**.

Automotive 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 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** is not an **automotive service station**.

Area of Natural and Scientific Interest (Earth Science)

Means an area that has been:

- (a) identified as having earth science values related to protection, scientific study or education; and,
- (b) further identified by the Ministry of Natural Resources using evaluation procedures established by the Ministry.

Area of Natural and Scientific Interest (Life Science)

Means an area that has been:

- (a) identified as having life science values related to protection, scientific study or education; and,

- (b) further identified by the Ministry of Natural Resources using evaluation procedures established by the Ministry.

Back-to-Back Dwelling

Means a **building** or part thereof containing 3 or more **dwelling units** that are **attached** to each other and each of which has **lot frontage** on a **street** or a **lane** but shall exclude an **apartment dwelling, stacked townhouse dwelling** or a **townhouse dwelling**. A **back-to-back dwelling** may take form of a **townhouse dwelling** with zero **rear yard setback**.

Balcony

Means an elevated **structure** above the first **storey** 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.

Bed and Breakfast Establishment

Means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the traveling or vacationing public in up to three guest rooms within a detached dwelling that is the principal residence of the proprietor of the establishment.

Block on a Registered Plan

Means a parcel of land that is indicated by a 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 dwelling, back-to-back dwelling, multiplex dwelling, duplex dwelling, semi-detached dwelling, and 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 m² 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 Height

Means:

- (5) For a building that is 5 **storeys** or greater in 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 Schedule "C" to this By-law.
- (6) With reference to a **building** or **structure**, the vertical distance measured from the **established grade** of such **building** or **structure** to:
 - a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof (having a slope of less than 1:6 ratio);

- b) the declivity of a mansard roof;
- c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of;
- d) pitched roof (having a slope equal to or greater than 1:6 ratio). Where a gabled, hip or gambrel roof or other type of pitched roof (having a slope equal to or greater than 1:6 ratio), not containing habitable space, terminates in a flat roof such roof shall be deemed a sloped roof; or,
- e) in case of a **structure** with no roof, the highest point of the said **structure**.

Bulk Storage Tank

Means a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a retail store or a tank for storage incidental to some other use of any **premises** where such tank or container is located.

Child Care 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. Individual **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:

- (a) auto body repair shop.
- (b) **automotive service station**;
- (c) gas bar;
- (d) gas bar convenience retail store;
- (e) **major office**; and,
- (f) **major retail**.

Commercial uses shall exclude the following in a standalone format, but may be permitted **accessory** to a permitted **commercial** use:

- (a) **motor vehicle lubrication establishment**;
- (b) **motor vehicle washing establishment**;
- (c) repair shops for internal combustion engines, motorized vehicles or similar uses; and,
- (d) **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, private school, hospital or healthcare centre, place of worship, arts and cultural facility, child care centre, home child care, long-term care home, 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**, an **accessory residential building** and outdoor **swimming pool**.

Detached Dwelling (S)

Means a detached dwelling unit that is detached above established grade.

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**.

Development (ORMCP)

Means the creation of a new lot, a change in land use, or the construction of **buildings** or **structures**, any of which require approval under the *Planning Act*, R.S.O. 1990, the *Environmental Assessment Act*, or the *Drainage Act*, but does not include:

- (a) the construction of facilities for transportation, infrastructure or utilities by a **public authority**;
- (b) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* in existence on November 15, 2001; or,
- (c) the carrying out of agricultural practices on land that was being used for **agricultural uses** on November 15, 2001.

Development Envelope (ORMCP)

Means the area of **site alteration** or disturbance within a **lot** which may be used for **development** and includes **buildings** or **structures**, driveways, **garages**, **parking areas**, septic fields, pools, **decks** and hard and soft landscaped areas and any other **accessory uses**, **buildings** or **structures**. The **development envelope** shall be limited in area and shall not encroach into a **key natural heritage feature** or hydrologic feature.

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.

Elementary School

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

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**, **detached accessory structure**, **detached accessory residential building** 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.

Farm Vacation Home (ORMCP)

Means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.

Fence

Means a **structure** constructed of posts, boards, tailings, 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 (FSI)

Means the **gross floor area** of all **buildings** on a **lot** expressed as a ratio or multiple of the **lot area**. **Lot area** shall be deemed to be the total **lot area** prior to any conveyance of land to a **public authority** except for any environmental feature and associated buffers shown on Overlay "F" as defined through a *Planning Act*, R.S.O. 1990 application. The term is also referred to in this By-law as the acronym FSI.

Forest Management

Means the management of woodlands, including **accessory** uses such as the construction and maintenance of forest access roads and maple syrup production facilities:

- (a) for the production of wood and wood products, including maple syrup;
- (b) to provide outdoor recreation opportunities;
- (c) to maintain, and where possible improve or restore, conditions for wildlife; and,
- (d) to protect water supplies.

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. If a **corner**

lot or a **through lot** do not front onto a regional or provincial road or highway then either **lot line** may be the **front lot line**.

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**.

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, garbage rooms and any space with a floor to ceiling height of less than 1.8 metres.

Gross Leasable Floor 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 **storey** areas and integral storage areas, 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 grade.

Group Home

Means a **premise** used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

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**.

Hazardous lands

Means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River system, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous Waste

Means the same as meaning in Regulation 347 of the Revised Regulations of Ontario, 1990.

High-Rise Building

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

Home Business (ORMCP)

Means an occupation that:

- (a) involves providing personal or professional services or producing custom or artisanal products;
- (b) is carried on as a small-scale **accessory** use within a single dwelling by one or more of its residents; and,
- (c) does not include uses such as an auto repair or paint shop or furniture stripping.

Home Industry (ORMCP)

- (a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation;
- (b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community;
- (c) may be carried on in whole or in part in an **accessory building**; and,
- (d) does not include uses such as an auto repair or paint shop or furniture stripping.

Home Occupation

Means an economic enterprise operated within a **dwelling unit** incidental and secondary to the **residential use** where the **dwelling unit** is the principal residential residence 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**, part of a **building**, or two 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.

Hydrologic Features (ORMCP)

Means,

- (a) permanent and intermittent streams;
- (b) wetlands;
- (c) kettle lakes and their surface catchment areas;
- (d) seepage areas and springs; and,
- (e) aquifers and recharge areas.

Impervious Surface (ORMCP)

Means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

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**.

Inorganic (ORMCP)

Means substances, materials, chemicals or compounds not having a chemical or biological structure of living things, and which are not hydrocarbons or associated derivatives.

Interior Lot

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

Key Natural Heritage Feature (ORMCP)

Means:

- (a) wetlands;
- (b) significant portions of the habitat of endangered, rare and threatened species;
- (c) fish habitat;
- (d) significant valleylands;
- (e) significant woodlands;
- (f) significant wildlife habitat; and,
- (g) sand barrens, savannahs and tallgrass prairies.

Landform Features (ORMCP)

Means distinctive physical attributes of land such as slope, shape, elevation and relief.

Landform Conservation Area.

Means a **landform conservation area** as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

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.

Liquid Industrial Waste (ORMCP)

Has the same meaning as in Regulation 347 of the revised Regulations of Ontario, 1990.

Live-Work Unit

Means a single unit (e.g. studio, loft, or apartment) consisting of a **dwelling unit** and may include a **commercial** use which is subsidiary to the **residential 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

- (1) Means a parcel or tract of land:
 - a) which is a whole **lot** or a block 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;
 - d) a parcel of tied land; or,
 - e) a landlock parcel of land which has no frontage onto a **street**.
- (2) Notwithstanding anything to the contrary, for lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, lot means 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 November 15, 2001.
- (3) 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 **neighbourhood zone**, **lot coverage** for a principal **building** and **lot coverage** for **detached accessory structures** shall be separately calculated, and the habitable **gross floor area** 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 **side lot lines** are not parallel, the **lot frontage** shall be measured by a line 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 Building

Means buildings or structures with a height of 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 Development (ORMCP)

Means **development** consisting of:

- (a) the creation of four or more lots;
- (b) the construction of a **building** or **buildings** with a ground **floor area** of 500 m² or more; or,
- (c) the establishment of a major use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.

Major Office

Means an **office building** that has a **gross floor area** of 10,000 m² 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 facility (or facilities), such as retail big box stores, retail warehouses and shopping centres which has a **gross floor area** of 10,000 m² or greater.

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 Building

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

Mineral Aggregate (ORMCP)

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act.

Mineral Aggregate Resources (ORMCP)

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral Aggregate Operation (ORMCP)

Means:

- (a) an operation, other than a **wayside pit**, conducted under a licence or permit under the *Aggregate Resources Act*; and,
- (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of **mineral aggregate** or the production of related by-products.

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 **automotive 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.

Neighbourhood Zone

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

Net Developable Area (ORMCP)

Means the area of a lot or site, less any area that is within a **key natural heritage feature** or a hydrologic feature.

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 **Council**.

Non-Complying Building or Structure

Means a **building** or **structure** that legally existed as of the day that this By-law is passed by **Council** and no longer complies with one or more standards of this By-law. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

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 **Council** that has less than the minimum required **lot frontage** or **lot area** required by this By-law. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

Non-Conforming Use

Means a legally existing use as of the day that this By-law is passed by **Council**, which is not a permitted use in the **zone** in which the said use is situated. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

Non-Residential

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

Oak Ridges Moraine Conservation Plan Area (ORMCP)

Means the lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones** and as defined in Ontario Regulation 01/02.

Obnoxious Use

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

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.

Partial Service (ORMCP)

Means connections linking a **building** to:

- (a) a communal sewage or water service or a full municipal sewage or water service; and,
- (b) an individual on-site sewage or water system.

For greater clarity, **partial services** do not include a situation where both communal or full municipal sewer and water service is available.

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 building** or **high-rise building** identified in metred 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 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 Asphalt Plant (ORMCP)

Means a facility:

- (a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process; and,
- (b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

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**.

Private School

Means a school meeting the standards set out for schools by the Ministry of Education which secures a 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, public school and **post-secondary school**.

Public Garage

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 **automotive service station**.

Quadruplex Dwelling (Q)

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

Rear Lane Townhouse Dwelling (RLT)

Means a **townhouse dwelling** or **street townhouse dwelling** that is not a **stacked townhouse dwelling** and where vehicular access to a is provided via a driveway located at the rear of the residential dwelling 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 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.

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 (SD)

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 item 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. A **short-term accommodation** shall only be permitted where the **short-term accommodations** rental operator resides within the principal residence on the same property as a **dwelling unit** used as a **short-term accommodation**.

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 Alteration (ORMCP)

Means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

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 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 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. A **street** shall include a **lane** for purposes of a **common element condominium**. **Street** classifications are shown on Overlay "H".

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**.

Subwatershed (ORMCP)

Means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

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**.

Sustainable (ORMCP)

Means the natural resource is able to support a particular use or activity or without being adversely affected.

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 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 3 **dwelling units**.

Unserviced Park (ORMCP)

Means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, **accessory commercial** facilities, paved parking lots or permanent water or sewer facilities.

Utility Corridor

Means lands, **buildings** or **structures** used for the provision of hydroelectric within the Provincial **Utility Corridor**, TransCanada Pipeline (TCPL), the Canadian National Railway (CNR) and mass transit infrastructure operated or authorized by a **public authority**.

Veterinary

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

Warehouse

Means a **building** or **structure** where wares or goods are stored.

Wayside Pit

Means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right of way.

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 and Overlays

12.1 Zoning – Schedule “A” and Schedule “A1”

12.2 Density – Schedule “B”

12.3 Height – Schedule “C”

12.4 Parking Strategy Areas – Schedule “D”

12.5 TRCA Regulation Area and Hazardous Lands – Overlay “E”

12.6 Natural Features – Overlay “F”

12.7 High Aquifer Vulnerability and Wellhead Protection Areas – Overlay “G”

12.8 Street Classification Overlay (Arterial & Collector Streets) – Overlay “H”

Section 13.0 Exceptions

The following Sections 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 13.0 of this By-law.

- 13.1 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 10909 Yonge Street and **zoned** KDA-YB(H) as denoted on Schedule "A":
- (4) For the purposes of applying Schedule "B", Table 4.1B Special Provision (5), the minimum required **non-residential gross floor area** required shall be 13,953 m².
 - (5) For the purposes of Table 4.2A, 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.
 - (6) 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**.
 - (7) 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.
 - (8) 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**.
 - (9) 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 metres.
 - (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.
 - (10) 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.
 - (11) 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**.
 - (12) On the southerly 1.15 ha of land located at 10909 Yonge Street:

- a) For the purposes of Table 4.2B Special Provision (5), for the northern **building** no more than 50% of the **podium** shall be permitted with 0 m step backs and 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 4.2B Special Provision (13), the maximum **FSI** shall be 3.66.

13.2 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 16 Naughton Drive and **zoned** KDA-YB(H) as denoted on Schedule "A":

- (1) For the purposes of Table 4.2B Special Provision (4), a **building main wall** with windows or openings shall be **setback** a minimum of 3 m to the westerly **lot line**. All other requirements of Special Provision 4 shall continue to apply.
- (2) 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.
- (3) Notwithstanding Section 3.2, a **mechanical penthouse** located on the rooftop of a **building** within the portion of the lands identified on Schedule "C" as being subject to the minimum height of 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.

13.3 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 10481 Yonge Street as denoted on Schedule "A":

- (4) For the lands zoned RMU-COR1, block residential dwelling, street townhouse, townhouse dwelling, stacked townhouse dwelling, quadruplex dwelling, maisonette dwelling, back-to-back dwelling, rear lane townhouse dwelling shall not be permitted.
- (5) For the lands **zoned** NT1, the uses permitted under the NT2 **Zone** are also permitted.
- (6) Notwithstanding the permitted uses under Section 13.3 (2), for lands **zoned** NT1, no development is permitted until such time as the provisions of Section 3.2.2.5 of the Official Plan have been satisfied.

13.4 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 1070 Major Mackenzie Drive East and **zoned** LDA2 as denoted on Schedule "A":

- (1) Notwithstanding anything to the contrary, the development standards contained within Table 4.2A for the RMU-COR1 **Zone** apply to a **high-rise building** on the subject lands.
- (2) Permitted uses shall include:
 - a) **apartment dwelling**;
 - b) **accessory commercial**; and,

- c) in addition to the permitted uses identified above, all uses permitted under the LDA2 **Zone** would also be permitted within any building lawfully existing on the day of passing of this By-law.

(3) Development standards:

- a) Minimum **lot area**: 0.61 ha
- b) Minimum **front yard** (west): 4.5 m
- c) Minimum **side yard** (south): 1.5 m
- d) Minimum **rear yard** (east): 7.5 m
- e) Maximum **building height**: 9 storeys / 34.5 m
- f) Maximum **gross floor area**: 19,800 m²
- g) Maximum **FSI**: 3.06
- h) Maximum **lot coverage**: 47%
- i) Maximum coverage of **mechanical penthouse**: 75% of roof surface
- j) Minimum **parking spaces**: 0.3 spaces per **dwelling unit**
- k) Minimum bicycle parking spaces: 10 spaces
- l) Notwithstanding any other provision in this by-law, the **setback** to a **daylighting triangle** to any above or below grade structures is 0.6 metres.
- m) Notwithstanding any other provisions to the contrary, the minimum building setbacks, the following encroachments beyond the specified **setbacks** shall be permitted:
 - i. Bay windows and sills, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, columns, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features, mechanical equipment, mechanical screens and flag poles, **balconies** and columns, to a maximum height and projection of 2.5 metres.
- n) For the purpose of this By-law, Bayview Avenue shall be deemed to be the **front lot line**.
- o) For the purposes of calculating the maximum **FSI**, the maximum **gross floor area**, and the maximum **lot coverage**, the lot area shall be deemed to be 6,499 square metres regardless of any conveyances for road widening purposes, dedications or severances.
- p) Notwithstanding the maximum building height, the following encroachments above the specified heights shall be permitted:
 - i. **mechanical penthouses**, to a maximum height of 5.5 metres;
 - ii. guardrails, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features, mechanical equipment, mechanical screens and flag poles, to a maximum height projection of 2.5 metres;
 - iii. privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features, to a maximum height of 3.0 metres; and,
 - iv. exit staircases to a maximum height of 3.2 metres.

- (4) Above grade parking shall not be permitted along the Bayview Avenue or Major Mackenzie Drive East frontages.
 - (5) Sections 3.3 and 10.12 of this By-law shall not apply to these lands.
 - (6) Notwithstanding Section 3.6 of this By-law, a minimum of 10% of the lot area shall be landscaping.
 - (7) No minimum loading requirements for existing buildings on the lands as of the date of the passing of this By-law.
- 13.5 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part Lot 6, Concession 2 E.Y.S. and **zoned** ORMNC and ORMNL denoted on Schedule "A":
- (1) Lands subject to Minister's Order dated May 31, 2013: A decision is not made for the lands subject to this exception (Part of Lot 6, Concession 2 E.Y.S. (the Bethesda West Cemetery – Briargreen Sanctuary Park)) as denoted on Schedule "A".
 - (2) The minimum **lot frontage** shall be 85 metres for those lands fronting onto Bethesda Sideroad measured from the intersection of Bethesda Road and Leslie Street.
 - (3) Cemeteries shall be a permitted use, provided that mausolea, columbaria and crematoria uses and **structures** shall be prohibited;
 - (4) One caretaker's residence and cemetery office shall be permitted within each cemetery; and,
 - (5) For lands subject to one or more easements in favour of Ontario Hydro Services Company or its predecessor, cemeteries shall not be permitted.
- 13.6 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Oscroft **Plan of Subdivision** – Part of Lots 33 and 34, Concession 2, E.Y.S. and **zoned** ORMNC and ORMCO as denoted on Schedule "A":
- (1) **Detached dwelling** and uses **accessory** thereto shall be a permitted use.
 - (2) The following development standards shall apply to any permitted use:
 - a) Minimum **lot frontage**: 25 m
 - b) Minimum **lot area**: 6000 m²
 - c) Minimum required **front yard**: 7.5 m
 - d) Minimum required **side yard**: 3 m
 - e) Minimum required **flankage yard**: 3 m
 - f) Minimum required **rear yard**: 20 m
 - (3) Notwithstanding the minimum required **rear yard setback** above, for any **building** or **structure** the required **rear yard** may be reduced to 10 metres; and,
 - (4) Notwithstanding any other provision of this By-law to the contrary, the minimum **setback** to any **building** or **structure** from the Canadian National Railway right-of-way shall be 30 metres.
- 13.7 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lot 1, Concession 3.E.Y.S. (more particularly known

as Parts 2 and 3, 65R-1173 and municipally known as 1750 Stouffville Road) and **zoned** ORMCO as denoted on Schedule "A":

- (1) Permitted uses may include:
 - a) Primary use shall be for a **place of worship** and may include **accessory** uses such as an office, **child care centre**, meeting rooms, existing **detached dwelling**, existing storage barn and church manse.

- (2) The following development standards shall apply to any permitted use:
 - a) Minimum **front yard setback**: 12 m
 - b) Minimum west **side yard setback**: 6 m
 - c) Minimum north **side yard setback**: 8 m
 - d) Minimum east **side yard setback**: 12 m
 - e) Minimum **setback** to Hydro Corridor: 6 m
 - f) Minimum dimensions of **parking space**: 2.75 m x 5.8 m
 - g) Minimum driveway width for fire route: 6 m
 - h) Minimum number of **parking spaces**: 6.4 spaces per 100 m² of **ross floor area** or 1 space per 2.4 seats of maximum seating capacity, whichever is greater
 - i) Maximum height: 15 metres
 - j) Minimum landscaped strip abutting **street**: 6 metres
 - k) Minimum **setback** to a buffer **zone**: 6 metres
 - l) **Development envelope** on area **zoned** ORMCO: 100%

13.8 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lot 20, Concession 3, E.Y.S. (municipally known as 9893 Leslie Street) and **zoned** I1 as denoted on Schedule "A":

- (1) A **long-term care home** shall be permitted.

- (2) The following **commercial** and **community uses** shall be permitted:
 - a) life lease units;
 - b) medical office;
 - c) clinic;
 - d) community centre;
 - e) office;
 - f) pharmacy;
 - g) medical laboratory;
 - h) child care centre;
 - i) rehabilitation centre;
 - j) research and innovation;
 - k) restaurant;

- l) **adult day care;**
 - m) hospice; and,
 - n) **social services.**
- (3) The following development standards shall apply to the lands:
- a) The subject lands shall be deemed to be a **lot**.
 - b) Minimum **lot frontage**: 39.27 m
 - c) Minimum **lot area**: 2,900 m²
 - d) Maximum **lot coverage**: 60%
 - e) Minimum **front yard**: 4.0 m
 - f) Minimum **side yard** (north): 5.8 metres
 - g) Minimum **side yard** (south): 5.8 metres
 - h) Minimum **rear yard**: 2.0 metres
 - i) Maximum **building height**: 40.0 metres
 - j) Maximum **FSI**: 5.5
 - k) For the purpose of calculating the maximum **FSI**, the maximum **gross floor area**, and the maximum **lot coverage**, the **lot area** shall be deemed to be 2,931.50 m², exclusive of any severances, partitions of lands, divisions for road allowance, conveyance(s) for parkland, road widening or **daylighting triangle** purposes.
 - l) Notwithstanding the maximum **building height**, architectural/decorative elements and **mechanical penthouses** shall be permitted to encroach to a maximum height of 6.2 metres and shall not be included in the **building height** calculation.
- (4) The following provisions shall apply:
- a) A maximum of 124 long-term care units are permitted on the lands.
 - b) A maximum of 36 life lease units are permitted on the lands.
- (5) The following parking and **loading spaces** shall be calculated in accordance with the following standards:
- a) A minimum number of 1 **loading space** shall be provided on the lands;
 - b) Minimum number of **parking spaces**:
 - i. **long-term care home** facility: 0.37 spaces per unit
 - ii. life lease units: 0.4 spaces per unit
 - iii. medical office and clinic: 3.2 spaces per 100 m² of **gross floor area**
 - iv. office: 3.2 spaces per 100 m² of **gross floor area**
 - v. pharmacy: 3.2 spaces per 100 m² of **gross floor area**
 - vi. medical laboratory: 2.5 spaces per 100 m² of **gross floor area**
 - vii. community centre, **adult day care**, hospice, **child care centre**, **social services**, rehabilitation centre, restaurant, research and innovation: 0 spaces
 - c) Minimum number of bicycle parking spaces:

- i. life lease units: 0.36 spaces per unit
- ii. **long-term care** units: 0.1 spaces per unit.

13.9 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lot 60, Concession 1, E.Y.S. and **zoned** ORMNC as denoted on Schedule "A":

- (1) A **detached dwelling** is permitted on **lots** shown on registered **Plan of Subdivision** 65M-4387.
- (2) The following use standards shall apply to a **detached dwelling**:
 - a) Minimum required **lot frontage**: 57 metres
 - b) Minimum required **front yard**: 7.62 metres
 - c) Minimum required **side yard**: 3 metres
 - d) Minimum required **flankage yard**: 3 metres
 - e) Minimum required **rear yard**: 7.62 metres
 - f) Maximum **building height**: 11 metres
 - g) Any detached **accessory structure** or **detached garage** shall be erected in the rear yard and shall be at least 0.6 metres from the nearest lot line. No person shall erect any detached **accessory structure** or **detached garage** on a corner lot at a lesser distance from the street line on which adjoining residential lots front than the depth of the **front yard** required for a dwelling on the adjoining lots.
 - h) All **buildings** and **structures** shall be setback from the centre line of the swale a minimum distance of 37.5 metres.
 - i) Individual **lot areas** shall be inclusive of any natural heritage features identified in accordance to Section 13.9 (g).

13.10 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located on Eleanor Circle **zoned** RHC(H) as denoted on Schedule "A":

- a) Permitted uses:
 - i. **detached dwelling** in accordance with the "N3" **zone** in Table 5.1A;
 - ii. **home occupation** in accordance with Section 3.8;
 - iii. **additional residential units** in accordance with Section 3.18; and,
 - iv. **buildings** and **structures accessory** to a **detached dwelling** in accordance with the general provisions of Section 3.0.
- b) The lands **zoned** RHC(H) located on Eleanor Circle as denoted on Schedule "A" shall be subject to the submission of a consolidated development application(s) to the satisfaction of the **City** and applying to the entirety of the lands prior to lifting of the Holding Provision.

13.11 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lots 69 and 70, Concession 1, E.Y.S., Lots 7 to 15 and 1' Reserve, and Part of Lots 1 to 6 and 16, all of Collingwood Road, Plan 339 in the City of Richmond Hill, Regional Municipality of York (municipally known as 13515 and 13715 Yonge Street and 53 St. Laurent Drive) and **zoned** NT1 and NT2 as denoted on Schedule "A":

- (1) The maximum automobile parking rates requirement in Table 10.3A for **street townhouse dwelling** and **block residential dwelling** shall not apply to these lands;
- (2) The maximum visitor automobile parking rates requirement in Table 10.3C for **block residential dwelling** shall not apply to these lands; and,
- (3) Sections 10.9 and 10.12 shall not apply to these lands.

13.12 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lot 46 Concession 1, W.Y.S (municipally known as 190, 210 and 230 Major Mackenzie Drive West and 129, 133, 137, 141, 143 and 147 Arnold Crescent) and **zoned** NA as denoted on Schedule "A":

(1) Definitions

a) Building Height

Means with reference to a **building** or **structure**, the vertical distance measured from the established grade of such **building** or **structure** to:

- i. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- ii. the declivity of a mansard roof;
- iii. the mean level between eaves and ridge of a gabled hip or gambrel roof or other type of pitched roof; and,
- iv. in case of a **structure** with no roof, the highest point of the said **structure**.

Flagpoles, **mechanical penthouses** and rooftop constructions which are less than 6.0 metres in height and do not occupy more than 45% of the area of the roof upon which they are located shall not be included in the calculation of maximum building height.

b) Commercial Use

Means the use of land, **buildings**, or **structures** for the purpose of buying or selling commodities and supplying of services, including personal service and retail uses provided to the public, or where entertainment is offered for gain or profit. However, commercial uses shall exclude **automotive service station**, gas bar, gas bar convenience retail store, motor vehicle/lubrication establishment, automobile washing establishment, auto body repair shop, repair shop for internal combustion engines, motorized vehicles or similar uses, or **public garage**.

c) Established Grade

Means 226.20 metres A.S.L.

d) Floor Space Index (FSI)

Means the maximum gross floor area of all **buildings** on the **lot** expressed as a ratio or multiple of the **lot area**.

e) Gross Floor Area (GFA)

Means the aggregate of the floor areas of a **building** above **established grade**, measured between the exterior faces of the exterior walls of the **building** at each floor level but excluding:

- i. loading areas (enclosed and/or open);

- ii. a room or enclosed area, including its enclosing walls, within the **building** or **structure**, that is used exclusively for the accommodation of mechanical equipment, including the **mechanical penthouse**, heating, cooling, ventilation, electrical equipment, shafts, fire prevention equipment, plumbing or elevator equipment and service and elevator shafts;
 - iii. bicycle storage and parking areas within the **building**;
 - iv. any below grade areas;
 - v. any space with a floor to ceiling height of less than 1.8 metres;
 - vi. unenclosed **balconies** and terraces; and,
 - vii. any openings in floor slabs such as, but not limited to, a two storey atrium, stairway or second floor of **loading space**.
- f) Home Occupation
- Means an economic enterprise operated within a **dwelling unit**, incidental and secondary to the residential use.
- g) Multiple Dwelling
- Means a **building** designed, intended and used for occupancy by three or more families living independently of each other but shall exclude an **apartment dwelling**, row-house dwelling, **townhouse dwelling**, **maisonette dwelling**, **triplex dwelling**, double-duplex.
- h) Personal Services
- Means a **building** or part of a **building** in which services involving care of persons or their apparel are performed. Without limiting the generality of the foregoing, personal services include a barber shop, a hair dressing shop, a manicure shop, a shoe repair, a dry-cleaning depot and similar service establishments.
- i) Retail
- Means a use conducted in a **building** or **structure** or part thereof in which good, merchandise, substances or items are displayed, rented or sold directly to the general public.
- j) Storey
- Means that portion of a **building** between the surface of a floor and the floor, ceiling or roof immediately above, provided that any portion of a **building** partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above grade, and provided that the floor to ceiling height of a storey shall not exceed 4.5 metres. Any storey with a floor to ceiling height beyond 4.5 metres shall be deemed an additional storey, with the exception of loading areas which shall have a minimum 6.5 metre interior vertical clearance. **Mechanical penthouses** and rooftop constructions that are exempt from the building height calculation shall not be considered a storey.
- k) Street Townhouse Dwelling
- Means a townhouse dwelling composed of **dwelling units** each of which has frontage on a **street**.
- l) Townhouse Dwelling

Means a **building** divided vertically into 3 or more **dwelling units**, each sharing a wall above the established grade and each of which has independent entrances at grade.

(2) Permitted uses

- a) No **building** or **structure** or part thereof shall be erected or used except for one or more of the following uses:
 - i. **apartment dwelling**;
 - ii. street townhouse dwelling;
 - iii. multiple dwelling;
 - iv. home occupation; and,
 - v. commercial uses.
- b) A **home occupation** shall be subject to the following provisions:
 - i. shall be conducted entirely within an enclosed **building**;
 - ii. shall not detract from the residential character of the **dwelling unit** or the lot on which the home occupation is located;
 - iii. shall not involve the outdoor storage or an outdoor display and sales area for materials or finished products associated with the home occupation use;
 - iv. shall not occupy more than 25% of the gross floor area of the **dwelling unit**;
 - v. shall not result in the discharge or emission of odorous, noxious or toxic matter or vapors, heat, glare, noise or radiation, or recurrently generated ground vibrations;
 - vi. shall not consist of an occupation that involves the salvage, repair, maintenance or sales of motor vehicles or motor vehicles; engines or parts; and,
 - vii. shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
- c) Commercial uses are only permitted if integrated into a **building** that has frontage on Major Mackenzie Drive.
- d) Outdoor storage of goods, materials, garbage and recycling, machinery or equipment is prohibited.
- e) Only townhouse dwelling units shall be permitted to front onto Arnold Crescent.

(3) Development standards

- a) The following development standards shall apply:

Development Standard	
Minimum commercial gross floor area	339 m ²
Maximum gross floor area	44,200 m ²
Maximum FSI	1.65
Maximum lot coverage	35%
Minimum required front yard	7 m
Minimum required interior side yard	20 m
Minimum required flankage yard	4 m
Minimum required rear yard	30 m
Minimum required setback to daylighting triangle	2 m
Maximum building height:	
a. street townhouse dwelling	3 storeys / 11.5 m
b. multiple dwelling	4 storeys / 14 m
c. apartment dwelling	6 storeys / 21 m
d. apartment dwelling (fronting onto Major Mackenzie Drive)	8 storeys or 31 m, whichever is greater.
Minimum required amenity space	2.0 m ² per dwelling unit
Maximum number of dwelling units	518
Minimum percentage of dwelling units to be 3-bedroom	5%

- b) The lands subject to this exception as denoted on Schedule "A" shall be deemed to be a **lot**.
 - c) For the purposes of calculating the maximum FSI and the maximum **lot coverage**, the **lot area** shall be deemed to be 26,850 m² regardless of any conveyances for road widening purposes, dedications or severances.
 - d) The southerly **lot line** that abuts Major Mackenzie Drive shall be the **front lot line**.
 - e) Notwithstanding the minimum **interior side yard setback**, multiple dwellings shall be a minimum of 12 metres.
 - f) Notwithstanding the minimum **flankage yard setback**, street townhouse dwellings shall be a minimum of 3 metres to the **flankage lot line**.
 - g) Notwithstanding the minimum **rear yard setback**, street townhouse dwellings and an **accessory structure** used to access an underground **parking garage** shall be a minimum of 14 metres to the **rear lot line**.
 - h) Notwithstanding any other provisions to the contrary, the maximum **building height** for an **accessory structure** used to access an underground parking garage shall be 3.2 metres.
 - i) Notwithstanding the maximum **building height**, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features on the amenity terraces of the **apartment dwelling buildings**, are permitted to a maximum height of 3 metres.
- (4) Encroachment provisions
- a) Notwithstanding any other provisions to the contrary, the following encroachments are permitted:

- i. Bay windows and sills, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, columns, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features, mechanical equipment, mechanical screens and flag poles, **balconies** and columns, to a maximum height and projection of 2.5 metres.
- ii. Porches and stairs to a maximum encroachment of 3.0 metres into any required **yard**.
- iii. Notwithstanding the foregoing, no portion of the **building**, either above or below grade, may encroach within the Regional right-of-way without the written permission of the Regional Municipality of York.

(5) Parking standards

- a) The number of required **parking spaces** shall be calculated in accordance with the standards set out below:

Use	Minimum Parking Space Standard
Dwelling unit	
1-bedroom	0.9 parking spaces/dwelling unit
2-bedroom	1.0 parking spaces/dwelling unit
3-bedroom	1.1 parking spaces/dwelling unit
Visitor parking	0.15 parking spaces/dwelling unit

- b) Above grade parking shall not be permitted between the **building** and Major Mackenzie Drive West or Arnold Crescent.
- c) The minimum dimension for a drive aisle or driveway shall be 6 metres.
- d) Visitor parking can be used for commercial uses. No additional commercial **parking spaces** shall be required for commercial space that is 339 m² or less.

(6) Bicycle parking standards

- a) The number of required bicycle parking spaces shall be calculated in accordance with the standards set out below:

Use	Minimum Rate – Bicycle Space	Minimum Rate – Visitor Bicycle Space
Residential use	0.6 bicycle parking spaces/ dwelling unit	5% of the minimum required bicycle parking spaces for residential use

- b) Where bicycles are to be parked on a horizontal surface, a bicycle parking space shall have a width of not less than 0.6 metres, a length of not less than 1.8 metres and a height of not less than 1.9 metres.
- c) Where bicycles are to be parked in a vertical position, a bicycle parking space shall have a width of not less than 0.6 metres, a length of not less than 1.2 metres and a height of not less than 1.9 metres.
- d) 5% of the total required bicycle parking spaces on-site shall be located at grade.

(7) Loading space standards

- a) The number of required loading spaces shall be provided in accordance with the standards set out below:
 - i. For Phase 1: 1 **loading space** with minimum dimensions of 4.0 metre width, 13.0 metre length and 6.5 metre vertical clearance.

ii. For Phase 2: 2 **loading spaces** with minimum dimensions of 4.0 metre width, 13.0 metre length and 6.5 metre vertical clearance.

b) No loading or service areas shall be permitted along Major Mackenzie Drive West or Arnold Crescent.

(8) Electric vehicle and electric bicycle standards

a) Section 10.12 of this By-law shall not apply to these lands.

13.13 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as PLAN 65M4335 BLK 176 (municipally known as 0 Riding Mountain Drive) and **zoned** N1(H) as denoted on Schedule "A":

Where a zone symbol on the attached schedule(s) is followed by the bracketed symbol "H", e.g. (H), the bracketed symbol indicates that the lands to which it applies have been placed in a holding zone in accordance with the provisions of Section 36 of the *Planning Act*, R.S.O. 1990 and the Jefferson Secondary Plan. The holding zone will be removed from the respective lands at such time as:

a) The securing of a road allowance and permanent access to Nineteenth Avenue by the Town of Richmond Hill, at the inter-section of Linda Margaret Crescent, prior to the registration of draft plan of Subdivision 19T (R)-99021; and,

b) The Toronto and Region Conservation Authority has determined that one or more of the lots are not required for the purposes of stormwater management for draft plan of subdivision 19T(R)-99014.

13.14 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to lands identified as PLAN 3806 PT LOTS 22 TO 24 63 AND 64 RP 65R38545 PARTS 1 4 7 10 11 16 18 AND 20 (municipally known as 0 Fern Avenue) and **zoned** N2 as denoted on Schedule "A":

(9) No person shall use such lands or erect any buildings or structures until such time as the Holding (H) symbol is removed by amendment to this By-law pursuant to Sections 34 and 36 of the *Planning Act*, R.S.O. 1990.

(10) A By-law to remove the Holding (H) symbol from these lands, or part thereof, is subject to authorization has been obtained satisfactory to the **City** from the abutting landowner to the east to remove or injure existing trees located along the mutual property line.

13.15 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lots 10 and 11, Plan 1960 (municipally known as 9131 and 9135 Bathurst Street) and **zoned** N1 as denoted on Schedule "A":

(1) **Social services** in the form of a community centre shall be permitted.

13.16 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands **zoned** NT1 within North Leslie Community as denoted on Schedule "A":

(1) Area A (shown as Exception 13.16A):

a) **Swimming pool** shall not be permitted.

(2) Area B (shown as Exception 13.16B):

a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 247.5 metres;

b) Provision (2)(a) shall not apply to **decks** or their foundations;

- c) Provision (2)(a) shall not apply if the **Commissioner** or their designate, in their absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 247.5 metres shall not result in undue adverse impacts on soil stability; and,
 - d) **Swimming pool** shall not be permitted.
- (3) Area C (shown as Exception 13.16C):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 247.1 metres;
 - b) Provision (3)(a) shall not apply to **decks** or their foundations;
 - c) Provision (3)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 247.1 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming Pools** shall not be permitted.
- (4) Area D (shown as Exception 13.16D):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 246.7 metres;
 - b) Provision (4)(a) shall not apply to **decks** or their foundations;
 - c) Provision (4)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 246.7 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (5) Area E (shown as Exception 13.16E):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 246.1 metres;
 - b) Provision (5)(a) shall not apply to **decks** or their foundations;
 - c) Provision (5)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 246.1 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (6) Area F (shown as Exception 13.16F):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 245 metres;
 - b) Provision (6)(a) shall not apply to **decks** or their foundations;
 - c) Provision (6)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 245 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (7) Area G (shown as Exception 13.16G):

- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 242.8 metres;
 - b) Provision (7)(a) shall not apply to **decks** or their foundations;
 - c) Provision (7)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 242.8 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (8) Area H (shown as Exception 13.16H):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 242.7 metres;
 - b) Provision (8)(a) shall not apply to **decks** or their foundations;
 - c) Provision (8)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 242.7 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (9) Area I (shown as Exception 13.16I):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 244.5 metres;
 - b) Provision (9)(a) shall not apply to **decks** or their foundations;
 - c) Provision (9)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 244.5 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- (10) Area J (shown as Exception 13.16J):
- a) No portion of a permanent **building** or **structure** shall be located below a Canadian Geodetic Datum elevation of 245.5 metres;
 - b) Provision (10)(a) shall not apply to **decks** or their foundations;
 - c) Provision (10)(a) shall not apply if the **Commissioner** or his or her designate, in his or her absolute discretion, is satisfied that the placement of a permanent **building** or **structure** below a Canadian Geodetic Datum elevation of 245.5 metres shall not result in undue adverse impacts on soil stability: and,
 - d) **Swimming pools** shall not be permitted.
- 13.17 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Plan 65M-4625 BLK 233 (municipally known as 10 William F. Bell Parkway) and **zoned** NA as denoted on Schedule "A":
- (11) NT1, NT2 and NS1 **Zones** permitted uses in Table 5.1A shall also be permitted.
 - (12) **Commercial** uses are only permitted within a **building** containing residential.

- 13.18 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands **zoned** NT1 within the West Gormley and North Leslie Communities as denoted on Schedule "A":
- (1) NS2 **Zone** permitted uses in Table 5.1A shall also be permitted.
- 13.19 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands **zoned** NT1 within the North Leslie Community as denoted on Schedule "A":
- (1) NT2 **Zone** permitted uses in Table 5.1A shall also be permitted.
- 13.20 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 49 North Lake Road and **zoned** LC-OR as denoted on Schedule "A":
- (1) A **place of worship** shall also be permitted.
- 13.21 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as PLAN 65M4571 BLK 284 and **zoned** NLC as denoted on Schedule "A":
- (1) The working space component of a **live-work unit** may only be used for a personal service shop, office and medical office (excluding clinic);
 - (2) A place of worship and arts and cultural facility shall not be permitted; and,
 - (3) **Back-to-back townhouse dwellings** are permitted where they do not front an arterial or collector **street**.
- 13.22 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 13572 and 13586 Bayview Avenue and **zoned** NMU as denoted on Schedule "A":
- (1) The maximum permitted density shall be 285 **dwelling units** per hectare based on a **lot area** of 4,738.0 square metres.
- 13.23 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 122, 124 and 126 Cartier Crescent and **zoned** NMU as denoted on Schedule "A":
- (2) the following use shall be permitted: **apartment dwelling**; and,
 - (3) the maximum density shall be 375 **dwelling units** per hectare based on a lot area of 3713.0 square metres.
- 13.24 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 9593 Bathurst Street and **zoned** NMU as denoted on Schedule "A":
- (4) The maximum density shall be 106 **dwelling units** per hectare based on a **lot area** of 0.123 hectares.
- 13.25 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Part of Lot 29, Concession 2 and **zoned** I2 as denoted on Schedule "A":
- (5) The following uses shall also be permitted:

- a) in NA **Zone**: **apartment dwelling**;
- b) in NT1 **Zone**: **back-to-back dwelling, quadruplex dwelling and street townhouse dwelling**;
- c) in NT2 **Zone**: **block residential dwelling**; and,
- d) in NS2 **Zone**: **detached dwelling**.

13.26 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands **zoned** NT1 within the North Leslie Community as denoted on Schedule "A":

- (6) In addition to permitted uses in NT1 **Zone**, **apartment dwelling** shall be permitted with the exception of **commercial** uses which shall not be permitted.

13.27 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Block 67 on Plan 65M-4696 and Block 411 on Plan 65M-4685 and **zoned** I3 as denoted on Schedule "A":

- (7) **Detached dwelling, street townhouse dwelling and semi-detached dwelling** are also permitted in accordance with the NT1 and NS2 **Zones** permitted uses and standards in Table 5.1A and Table 5.2A.

13.28 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as WHITCHURCH CON 2 PT LOT 1 RP 65R34689 PARTS 1 & 2 (municipally known as 1380 Stouffville Road) and **zoned** I3 as denoted on Schedule "A":

- (8) Only a **place of worship** and associated recreational uses are permitted.

13.29 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 10533 Leslie Street and **zoned** I1 as denoted on Schedule "A":

- (9) Permitted uses shall only include:
 - (a) one **detached dwelling**;
 - (b) **place of worship** or cemetery;
 - (c) medical clinic; and,
 - (d) **child care centre**.

- (10) The following development standards shall apply:

- (a) A 6 m strip of land immediately abutting the street line shall be used only for landscaped open space except that a driveway perpendicular to the street line shall be permitted to cross such landscaped open space.

13.30 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 9301, 9325 and 9335 Yonge Street **zoned** KDA-YC as denoted on Schedule "A":

- (1) Definitions

- a) Apartment Dwelling

Means a building containing 5 or more **dwelling units** all of which have a common external access to the **building** by means of a common corridor system.

b) Attached

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

c) Bicycle Maintenance Facility

Means an area having minimum dimensions of 1.8 metres by 2.6 metres for bicycle repairs and maintenance which may include work space, a repair stand and an air pump for inflating bicycle tires.

d) Building Height

Means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:

- i. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- ii. the decline of a mansard roof;
- iii. the mean level between eaves and ridge of a gabled hip or gambrel roof or other type of pitched roof; and,
- iv. in case of a structure with no roof, the highest point of the said **structure**.

Flagpoles, **mechanical penthouses** and rooftop constructions shall not be included in the calculation of maximum building height.

e) Car-Share

Means a program offering short-term rental service of **motor vehicles** that are owned by a profit or non-profit car-sharing organization.

f) Car-Share Parking Space

Means a **parking space** that is demarcated and reserved exclusively for car-share use.

g) Commercial Use

Means the use of land, buildings, or structures for the purpose of buying or selling commodities and supplying of services, including personal service and retail uses provided to the public, or where entertainment is offered for gain or profit. However, commercial uses shall exclude **automotive service station**, gas bar, gas bar convenience retail store, motor vehicle/lubrication establishment, automobile washing establishment, auto body repair shop, repair shop for internal combustion engines, motorized vehicles or similar uses, or **public garage**.

h) Daylighting Triangle

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

i) Established Grade

Means with reference to a **building** or **structure**, heights are calculated from a Geodetic elevation of 208.9 m A.S.L.

j) Floor Space Index (FSI)

Means the maximum gross floor area of all **buildings** on the **lot** expressed as a ratio or multiple of the **lot area**.

k) Grade

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

l) Gross Floor Area (GFA)

Means the aggregate of the floor areas of a building above **established grade**, measured between the exterior faces of the exterior walls of the building at each floor level but excluding:

- i. loading areas (enclosed and/or open);
- ii. a room or enclosed area, including its enclosing walls, within the building or structure, that is used exclusively for the accommodation of mechanical equipment, including the **mechanical penthouse**, heating, cooling, ventilation, electrical equipment, shafts, fire prevention equipment, plumbing or elevator equipment and service and elevator shafts;
- iii. bicycle storage and parking areas within the **building**;
- iv. any below grade areas;
- v. any space with a floor to ceiling height of less than 1.8 metres;
- vi. unenclosed **balconies** and terraces; and,
- vii. any openings in floor slabs such as, but not limited to, a two storey atrium, stairway or second floor of **loading space**.

m) High-Rise

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

n) Home Occupation

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

o) Landscaping

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

p) Long-Term Bicycle Parking

Means an area inside of a **building** for the purpose of securing bicycles.

q) Lot Coverage

Means the percentage of the **lot**, covered by all **buildings**. Lot coverage in each **Zone** shall be deemed to apply only to that portion of such **lot** which is located within said **Zone**. The calculation of lot coverage shall not include that portion of such **lot** which is occupied by a **building** or portion thereof completely below grade or provides linkage between **buildings** above the ground floor.

r) Outdoor Display and Sales Area

Means an area of land used in conjunction with a business located within a **building** or **structure** on the same **lot**, for the display or sales of seasonal produce, new merchandise or the supply of services.

s) Personal Services

Means a building or part of a building in which services involving care of persons or their apparel are performed. Without limiting the generality of the foregoing, personal services include a barber shop, a hair dressing shop, a manicure shop, a shoe repair, a dry-cleaning depot and similar service establishments.

t) Podium

Means the portion of a **high-rise building** below the **tower** portion of a **building**.

u) Public Bicycle Parking

Means an area outside of a **building** equipped with one or more bicycle racks or posts for the purpose of securing bicycles by members of the public.

v) Retail

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

w) Short-Term Bicycle Parking

Means an area outside of a **building** equipped with one or more bicycle racks or posts for the purpose of securing bicycles.

x) Storey

Means a portion of a **building** between the surface of a floor and the floor, ceiling or roof immediately above, provided that any portion of a **building** partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above grade. Any storey with a floor to ceiling height beyond 4.5 metres shall be deemed an additional storey. Notwithstanding this definition, the first storey can have a maximum height of 7.7 metres inclusive of an upper ground floor level limited only to parking and electrical and mechanical rooms. **Mechanical penthouses** and rooftop constructions that are exempt from the building height calculation shall not be considered a storey.

y) Tower

Means all storeys above the fifth storey in a high rise **building**.

z) Tower Floor Plate

Means the total gross floor area of an individual floor within the **building**, located above the fifth storey, measured from the exterior of the main walls.

aa) Work-Share Space

Means an indoor space within a **building** on a **lot** that is communal and available for use by the occupants of the **building** exclusively for work and office use, which includes a minimum of one washroom facility and may include private call or meeting rooms and internet access.

(2) Permitted uses

- a) No **building** or **structure** or part thereof shall be erected or used except for one or more of the following uses:
 - i. apartment dwelling;
 - ii. commercial uses;
 - iii. home occupation; and,
 - iv. work-share space.
 - b) No **dwelling units** shall be permitted to face 16th Avenue on the ground floor of a **building** or **structure**.
 - c) A home occupation shall be subject to the following provisions:
 - i. shall be conducted entirely within an enclosed building;
 - ii. shall not detract from the residential character of the **dwelling unit** or the lot on which the home occupation is located;
 - iii. shall not involve the outdoor storage or an outdoor display and sales area for materials or finished products associated with the home occupation use;
 - iv. shall not occupy more than 25% of the gross floor area of the **dwelling unit**;
 - v. shall not result in the discharge or emission of odorous, noxious or toxic matter or vapors, heat, glare, noise or radiation, or recurrently generated ground vibrations;
 - vi. shall not consist of an occupation that involves the salvage, repair, maintenance or sales of motor vehicles or motor vehicles; engines or parts; and,
 - vii. shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
 - d) Commercial uses are only permitted in a high-rise **building** and shall only be permitted on the ground floor and shall permit an outdoor display and sales area.
 - e) Outdoor storage of goods, materials, garbage and recycling, machinery or equipment is prohibited.
- (3) Development standards
- a) The following development standards shall apply:

Development Standard	
Maximum gross floor area	71,080 m ²
Maximum FSI	8.56
Maximum tower floor plate	805 m ²
Maximum lot coverage	76%
Minimum required front yard	1.5 m
Minimum required side yard (east)	1.5 m
Minimum required side yard (west)	2.0 m
Minimum required rear yard	2.5 m
Minimum required setback to daylighting triangle	0.0 m
Maximum building height	45 storeys or 145.0 m, whichever is the lesser.
Maximum podium height	5 storeys or 21.2 m, whichever is the lesser.
Minimum required amenity space	2.0 m ² per dwelling unit
Maximum number of dwelling units	1,057
Minimum percentage of dwelling units to be 3-bedroom	5.5%

- b) The lands subject to this exception as denoted on Schedule "A" shall be deemed to be a **lot**.
 - c) A tower shall be required to provide a minimum separation distance of 25.0 metres from another tower.
 - d) A minimum of 180 m² of work-share space shall be provided.
 - e) For the purposes of calculating the maximum floor space index and the maximum **lot coverage**, the lot area shall be deemed to be 8303.82 square metres regardless of any conveyances for road widening purposes, dedications or severances.
 - f) The southerly **lot line** that abuts 16th Avenue shall be the **front lot line**.
 - g) Notwithstanding the maximum building height, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features on the amenity terrace of the apartment dwelling, are permitted to a maximum height of 3.0 metres.
 - h) The amenity terrace of the apartment dwelling shall require a noise attenuation wall with a minimum height of 2.2 metres.
 - i) Notwithstanding any other provision in this by-law, the setback to below grade parking structures is 0.0 metres.
- (4) Projection and encroachment provisions
- a) Notwithstanding any other provisions to the contrary, the following projections and encroachments are permitted:
 - i. Bay windows and sills, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, ornamental and architectural features, landscape structures and features and **balconies**, to a maximum height and projection of 3.0 metres.

- ii. Parapets to a maximum height of 1.4 metres.
- iii. Exit staircases to a maximum height of 3.2 metres.

(5) Landscaping provisions

- a) The following landscaping provisions shall apply:
 - i. A minimum of 10% of the **lot area** must be landscaping, which may be located at grade or on top of a **building** or **structure** and shall not be considered part of an **amenity space**, parking areas, driveways or ramps.
 - ii. A landscaped open space strip not less than 1.5 metres in width abutting the **front lot line** (16th Avenue) shall be provided except that driveways perpendicular to the **street line** shall be permitted to cross such landscaped open space.

(6) Parking standards

- a) Each **parking space** shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres.
- b) Above grade parking shall not be permitted between the **building** and 16th Avenue.
- c) The minimum dimension for a drive aisle or driveway shall be 6.0 metres.
- d) Existing parking as of the date of passing of this By-law shall be permitted in **front yard, rear yard, side yard** and **flankage yard** of a **lot**.
- e) Section 10.12 of this By-law shall not apply to these lands.
- f) The maximum automobile **parking space** provisions in Table 10.3A shall not apply to these lands.

(7) Bicycle parking standards

- a) The number of required bicycle parking spaces shall be calculated in accordance with the standards set out below:

Use	Minimum Long-Term Bicycle Parking Space Requirement	Minimum Short-Term Bicycle Parking Space Requirement
Residential use	0.72 spaces/ dwelling unit	0.045 spaces/ dwelling unit
Commercial use	0.195 spaces/100 m ² of GFA	0.225 spaces/100 m ² of GFA

- b) A minimum of 2 bicycle maintenance facilities shall be provided.
- c) A minimum of 6 public bicycle parking spaces shall be provided at grade. Public bicycle parking spaces shall be located within 5.0 metres of a public right-of-way.
- d) Short-term bicycle parking spaces shall be located at grade or the ground floor level of a building and a minimum of 50% of the spaces shall be in a covered area.
- e) Where bicycles are to be parked on a horizontal surface, a long-term bicycle parking space shall have a width of not less than 0.6 metres, a length of not less than 1.8 metres and a height of not less than 1.9 metres.
- f) Where bicycles are to be parked in a vertical position, a long-term bicycle parking space shall have a width of not less than 0.6 metres, a length of not less than 1.2 metres and a height of not less than 1.9 metres.

(8) Loading space standards

- a) The number of required loading spaces shall be provided in accordance with the standards set out below:
 - i. For residential use: 2 **loading spaces** with minimum dimensions of 4.0 metre width, 13.0 metre length and 6.5 metre vertical clearance.
 - ii. For commercial use: 1 **loading space** with minimum dimensions of 4.0 metre width, 13.0 metre length and 4.6 metre vertical clearance.
- b) No loading or service areas shall be permitted along 16tg Avenue.
- c) Aisles and driveways leading to a **loading space** shall not be used for the temporary parking or storage of 1 or more **motor vehicles**.
- d) No minimum loading requirements for existing **buildings** on the lands as of the date of the passing of this By-law.

13.31 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands identified as Blocks 332 , 333, 334, and 335 on Plan 65M-4723 and **zoned** NT1 as denoted on Schedule "A":

- (1) Frontage on a public **street** shall not be applicable and the easterly **lot line** that abuts lands identified as Block 391 on Plan 65M-4723 shall be the **front lot line**.

13.32 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 11289 Bayview Avenue and **zoned** NS2 and NT1 as denoted on Schedule "A":

- (1) No permanent **building** or **structure**, except for **accessory structures** and **decks**, shall be located within 7.0 metres from the TransCanada Pipelines right-of-way. **Accessory structures** and **decks** shall have a minimum **setback** of 3.0 metres from the TransCanada Pipelines right-of-way.

- (1) Below grade **swimming pools** shall not be permitted.

13.33 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 11289 Bayview Avenue and **zoned** I2 as denoted on Schedule "A":

- (1) Permitted uses shall only include:
 - a) **child care centre**;
 - b) **place of worship**;
 - c) private park;
 - d) **private school**;
 - e) **social services**; and,
 - f) recreational uses.
- (2) The minimum required **front yard setback** shall be 3 metres.
- (3) No permanent **building** or **structure**, except for **accessory structures** and **decks**, shall be located within 7.0 metres from the TransCanada Pipelines right-of-way. **Accessory structures** and **decks** shall have a minimum **setback** of 3.0 metres from the TransCanada Pipelines right-of-way.

Section 14.0 Amendments to this By-law

Amending By-law	Location	Description

Passed this 24th day of September, 2025.

David West
Mayor

Stephen M.A. Huycke
City Clerk