

Section 3.0 Provisions Applicable to All Zones

3.1 General Provisions for All Zones

3.1.1 Holding Provisions

Where a **zone** label as shown on Schedules A and A1 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 Schedules A and A1 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 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** does 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 yard**, **side yard**, **flankage yard** and/or **rear yard setbacks**;
- 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 that 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

- (1) The following provisions shall apply to prohibit the use of land or the erection of **buildings** or **structures** unless such municipal services as set out below are available to service the land, **buildings** or **structures**:
 - a) For the purposes of this section, all municipal services provided for in this 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; and,
 - 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; and,
 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.
 - 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.
- 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 of Infrastructure and Engineering Services, in his or her absolute discretion, to be available to service a **building** containing 3 or more **dwelling units** and having 4 or more storeys, 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 of Infrastructure and Engineering Services, 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

- (1) A **Public Authority** is permitted to use and develop any **lot, building, structure** or infrastructure in all **zones**.
- (2) Utilities including **buildings, structures** and **accessory** facilities used for the distribution of gas, steam, electricity or other forms of energy, and telecommunication provided by entities other than a **Public Authority** shall be permitted in all **zones**.
- (3) 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.
- (4) 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**.
- (5) Sections 3.1.11 (1) to (4) do not apply on lands within lands **zoned** ORMKNF, ORMOS and ORMOS1.
- (6) Notwithstanding Section 3.1.11 (5), transportation, infrastructure and utilities are permitted on lands **zoned** ORMOS and ORMOS1.
- (7) 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

- (1) Parapets, **mechanical penthouses**, roof constructions such as flagpoles, chimneys and/or solar panels, and other decorative roof **structures**, including the 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.
- (2) 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 square metres 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

- (1) 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	0.7 metres
Chimneys or pilasters	any yard	0.5 metres
Bay windows 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	0.9 metres
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

- (2) 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.
- (3) 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.

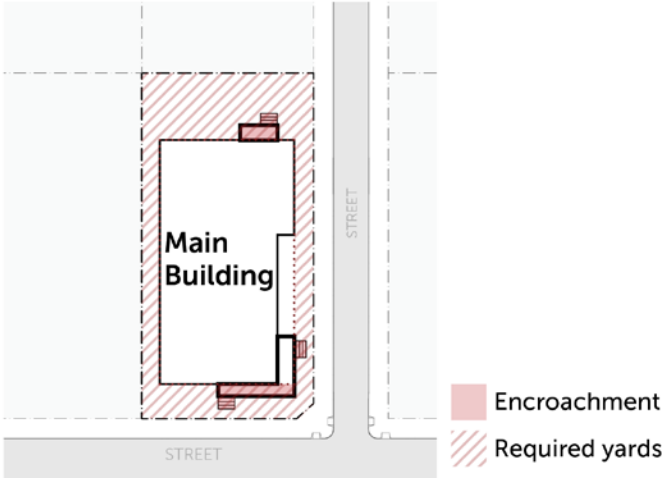


Figure 1: Section 3.4 – Encroachment

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.

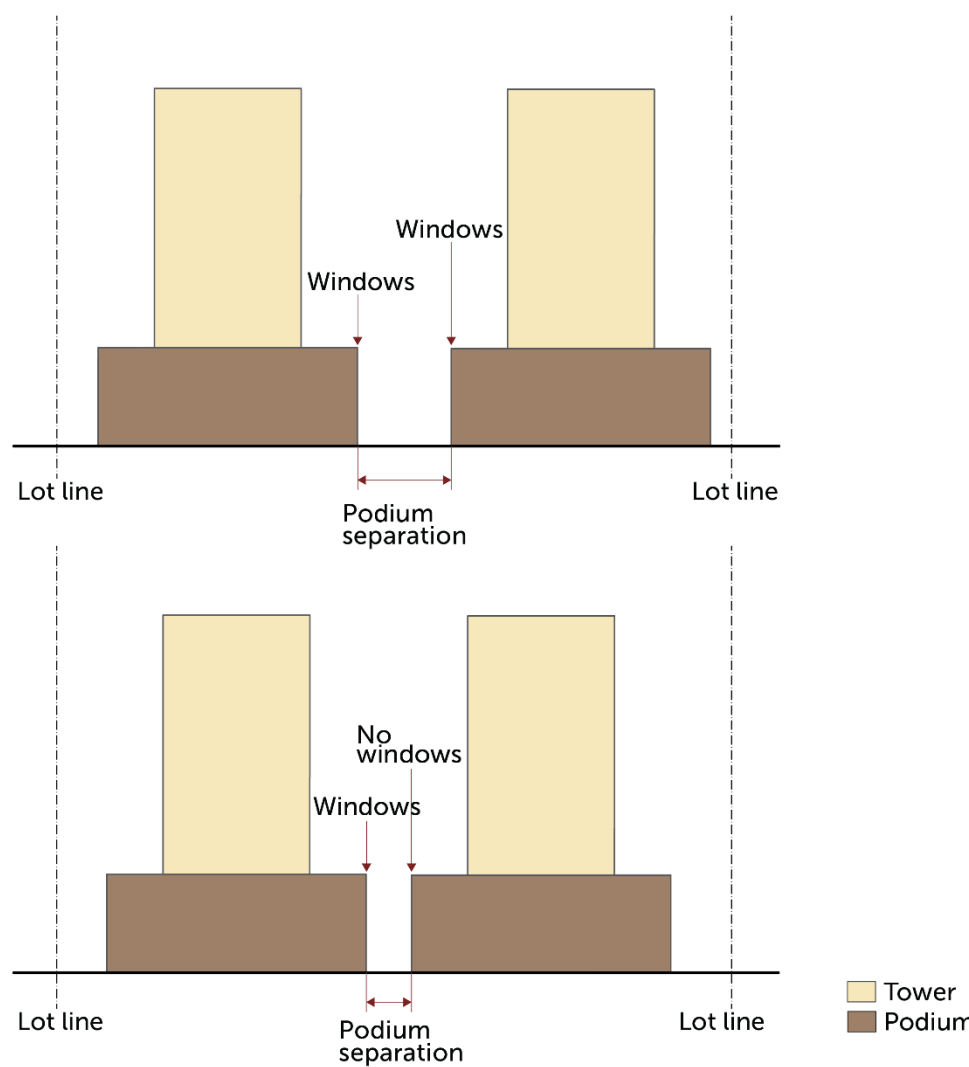


Figure 2: Section 3.5 – Podium Separation

3.6 Soft Landscaping

- (1) 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**.
- (2) The following provisions shall apply to a **detached 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**:
 - 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.

3.8 Provisions for Accessory Home Occupations

3.8.1 Use Provisions

- (1) 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.
- (2) 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 of 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, Structures 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 an ORMNC, ORMNL, ORMOS1, ORMOS or ORMKNF **Zone**. Where such uses are located in an ORMNC, ORMNL, ORMOS1, ORMOS or ORMKNF **Zone**, 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**.

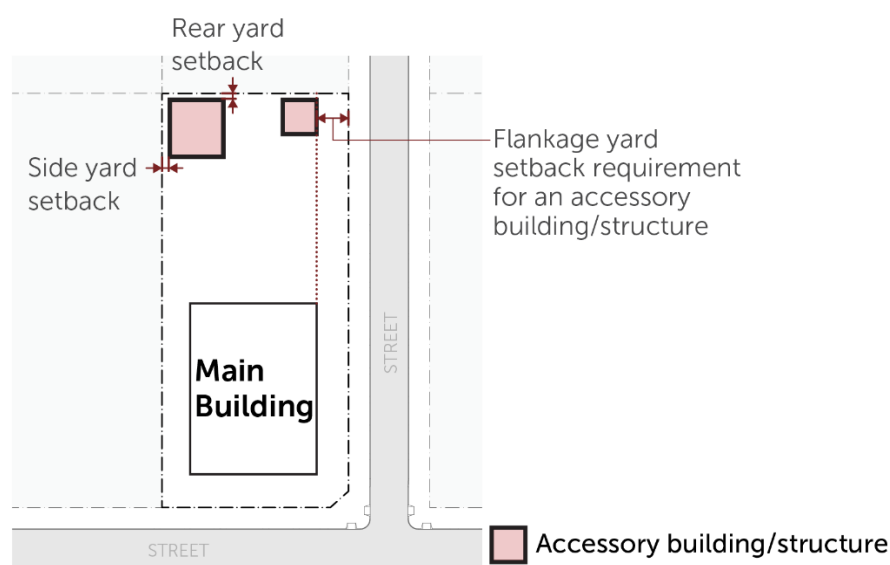


Figure 3: Section 3.12 – Accessory Buildings & Structures

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**.

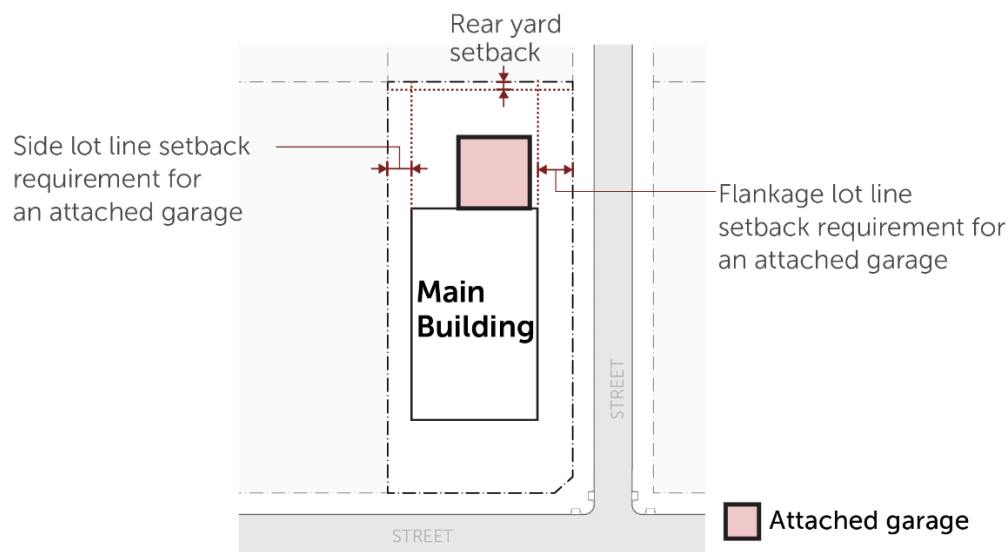


Figure 4: Section 3.13 – Provision for Garages Located in the Rear Yard

3.14 Provisions for Detached Garages

- (1) 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.
- (2) Notwithstanding Section 10.6.2, 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.

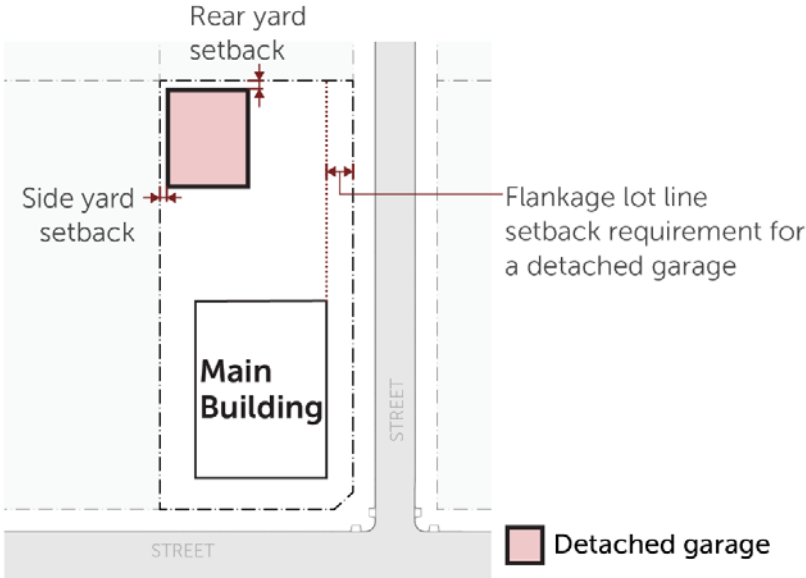


Figure 5: Section 3.14 – Provisions for Detached Garages

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 metres; 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 metres; 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**.

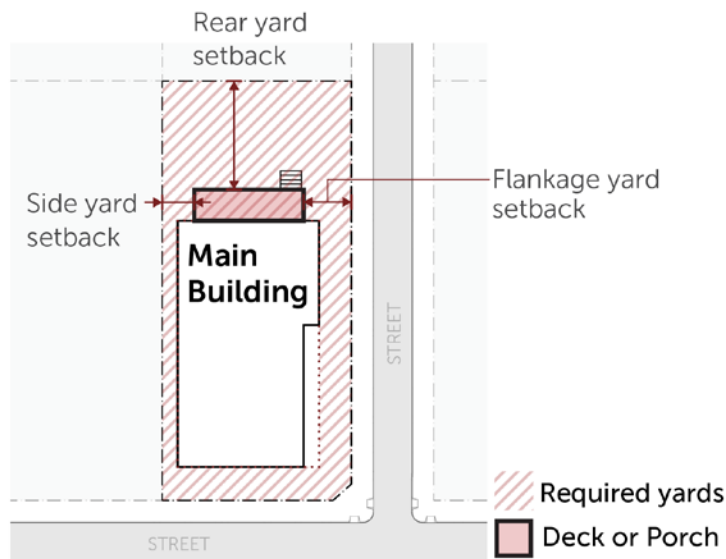


Figure 6: Section 3.15 – Example of Provisions for Decks and Porches

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 square metres in total **outdoor patio** area.
- (3) The **outdoor patio** area may be permitted to displace existing **parking spaces** only if the total remaining **parking spaces** satisfy the minimum parking requirements for the **main building**.
- (4) **Outdoor patios** shall be prohibited in any **yard** which abuts any **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 Reserves

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**:

- (1) **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.
- (2) 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.
- (3) 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**; and,
 - e) With respect to the lands **zoned** ORMNC and ORMNL, no **additional residential unit** shall be permitted.

- (4) 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 3.4A, no encroachment greater than 0.5 metres shall obstruct the access path; and,
 - iv. a driveway may form part of the access path.
- (5) 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**.
- (6) 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 square metres;
 - 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 square metres, inclusive of any area covered by an integral **detached garage**;
- m) no rooftop outdoor amenity areas shall be permitted on an **accessory residential building**;
- n) no **balcony** or platform 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**.

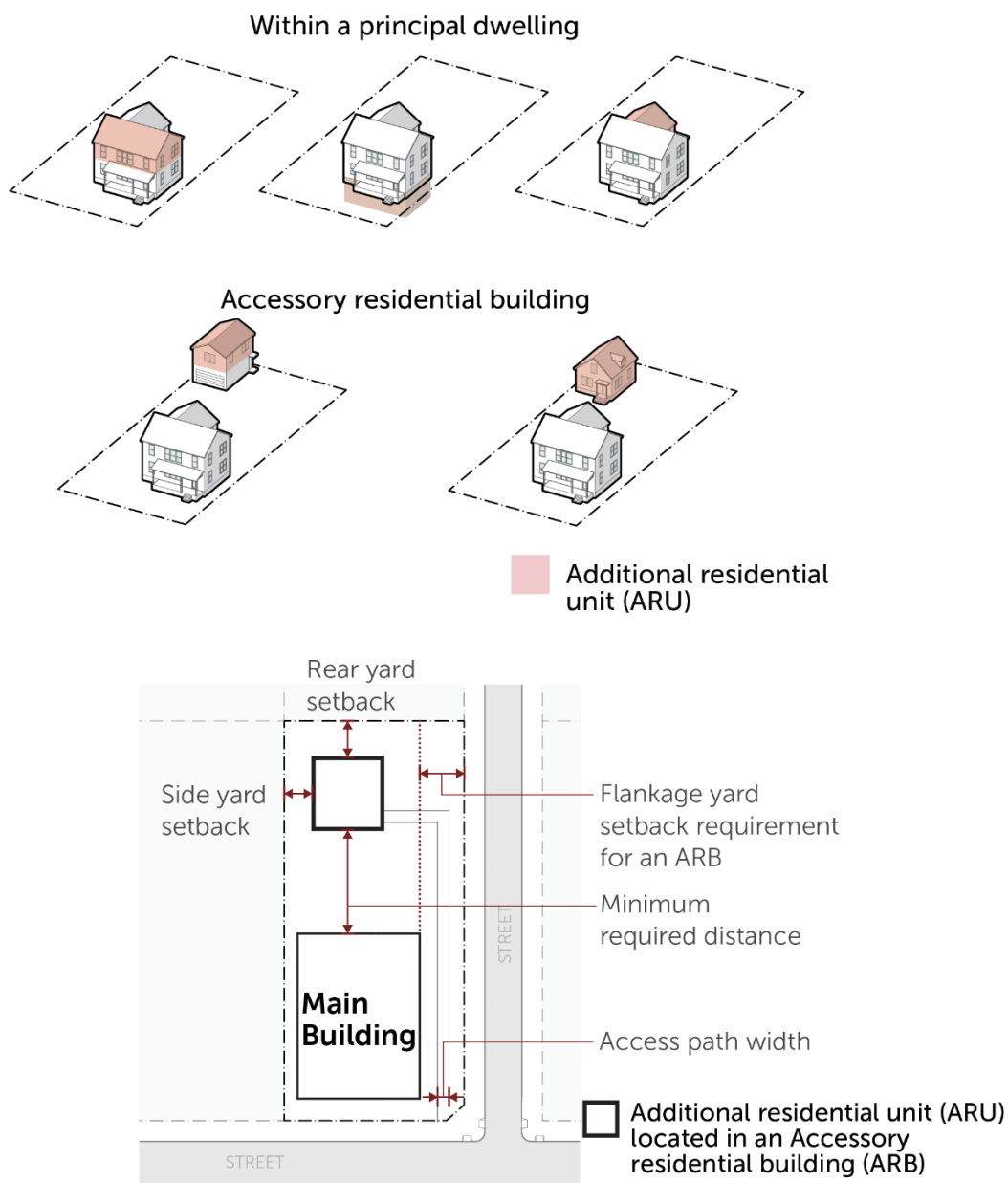


Figure 7: Section 3.18 – Additional Residential Units

- (7) 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).

- (8) 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**.
- (9) An **additional residential unit** shall not be solely accessed from within a **garage**.
- (10) An **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.
- (11) Provisions related to **rear yard amenity space**, or any similar provisions, of the Zoning By-laws shall not apply to a **lot** containing an **accessory residential building**.
- (12) A **home occupation** shall not be permitted within **additional residential units**.
- (13) Notwithstanding any minimum parking provisions for the primary **dwelling unit** within this By-law, for a **lot** containing 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**.
- (14) 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 in the Greenway System **zones**; and,
- e) **swimming pools** shall be **setback** a minimum of 7 metres from the TransCanada Pipeline (TCPL) right-of-way.
- f) 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.