

## 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":
- (1) 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 square metres.
  - (2) 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.
  - (3) 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**.
  - (4) 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.
  - (5) 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**.
  - (6) 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.
  - (7) 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.
  - (8) 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**.

- (9) 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":
- (1) For the lands zoned RMU-COR1, block residential dwelling, street townhouse, townhouse dwelling, stacked townhouse dwelling, quadruplex dwelling, maisonette dwelling, back-to-back dwelling and rear lane townhouse dwelling shall not be permitted.
  - (2) For the lands **zoned** NT1, the uses permitted under the NT2 **Zone** are also permitted.
  - (3) 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 m<sup>2</sup>
  - 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 21, 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 m<sup>2</sup>
    - 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 m<sup>2</sup> 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 m<sup>2</sup>
  - 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 square metres, 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 m<sup>2</sup> of **gross floor area**
    - iv. office: 3.2 spaces per 100 m<sup>2</sup> of **gross floor area**
    - v. pharmacy: 3.2 spaces per 100 m<sup>2</sup> of **gross floor area**
    - vi. medical laboratory: 2.5 spaces per 100 m<sup>2</sup> 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** and 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:

<b>Development Standard</b>	
Minimum commercial gross floor area	339 m <sup>2</sup>
Maximum gross floor area	44,200 m <sup>2</sup>
Maximum FSI	1.65
Maximum <b>lot coverage</b>	35%
Minimum required <b>front yard</b>	7 m
Minimum required <b>interior side yard</b>	20 m
Minimum required <b>flankage yard</b>	4 m
Minimum required <b>rear yard</b>	30 m
Minimum required <b>setback to daylighting triangle</b>	2 m
Maximum building height:	
a. street townhouse dwelling	3 storeys / 11.5 m
b. multiple dwelling	4 storeys / 14 m
<b>c. apartment dwelling</b>	6 storeys / 21 m
<b>d. apartment dwelling</b> (fronting onto Major Mackenzie Drive)	8 storeys or 31 m, whichever is greater.
Minimum required <b>amenity space</b>	2.0 m <sup>2</sup> per <b>dwelling unit</b>
Maximum number of <b>dwelling units</b>	518
Minimum percentage of <b>dwelling units</b> 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 square metres 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 <b>Parking Space</b> Standard
<b>Dwelling unit</b>	
1-bedroom	0.9 <b>parking spaces/dwelling unit</b>
2-bedroom	1.0 <b>parking spaces/dwelling unit</b>
3-bedroom	1.1 <b>parking spaces/dwelling unit</b>
Visitor parking	0.15 <b>parking spaces/dwelling unit</b>

- 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 square metres 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
<b>Residential use</b>	0.6 bicycle parking spaces/ <b>dwelling unit</b>	5% of the minimum required bicycle parking spaces for <b>residential use</b>

- 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(H) as denoted on Schedule "A":
- (1) 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.
  - (2) 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":

- (1) NT1, NT2 and NS1 **Zones** permitted uses in Table 5.1A shall also be permitted.
- (2) **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":
- (1) The following use shall be permitted: **apartment dwelling**.
  - (2) 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":
- (1) 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":
- (1) 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":

- (1) 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":

- (1) **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":

- (1) 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":

- (1) Permitted uses shall only include:
  - (a) one **detached dwelling**;
  - (b) **place of worship** or cemetery;
  - (c) medical clinic; and,
  - (d) **child care centre**.
- (2) 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 16<sup>th</sup> 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:

<b>Development Standard</b>	
Maximum gross floor area	71,080 m <sup>2</sup>
Maximum FSI	8.56
Maximum tower floor plate	805 m <sup>2</sup>
Maximum <b>lot coverage</b>	76%
Minimum required <b>front yard</b>	1.5 m
Minimum required <b>side yard</b> (east)	1.5 m
Minimum required <b>side yard</b> (west)	2.0 m
Minimum required <b>rear yard</b>	2.5 m
Minimum required <b>setback to daylighting triangle</b>	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 <b>amenity space</b>	2.0 m <sup>2</sup> per <b>dwelling unit</b>
Maximum number of <b>dwelling units</b>	1,057
Minimum percentage of <b>dwelling units</b> 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 square metres 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 16<sup>th</sup> 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 16<sup>th</sup> 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
<b>Residential use</b>	0.72 spaces/ <b>dwelling unit</b>	0.045 spaces/ <b>dwelling unit</b>
Commercial use	0.195 spaces/100 m <sup>2</sup> of GFA	0.225 spaces/100 m <sup>2</sup> 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 16<sup>th</sup> 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.

- (2) 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.

13.34 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 181 and 187 Elgin Mills Road West and **zoned** NMU as denoted on Schedule "A":

- (1) Notwithstanding Table 3.4A, a bay window is permitted to encroach into a minimum required setback at the front and rear of the **building** to a distance of 1 metre over a maximum width of 4.1 metres.
- (2) Notwithstanding Section 3.15(e), a guard up to the height of 1.1 metres above the floor level is permitted.
- (3) Notwithstanding Section 3.15(f), stairs used to access a **deck, porch or entry element**:
  - a) shall be setback at least 1.5m from a **lane**; and,
  - b) may encroach up to 3 metres into the minimum required setback at the rear of the **building**.
- (4) Notwithstanding Table 5.2A, the maximum **building height** of a **block residential dwelling** shall be 12 metres.
- (5) Table 5.2B Special Provision (12) shall not apply.
- (6) Notwithstanding Table 5.2B Special Provision 18(b), where a **building** fronts onto a lane, the following setbacks shall be provided to the **lane**:
  - a) 2.6 metres for a **building** that abuts the backs onto the west **side lot line**;
  - b) 2.25 metres for a **building** that abuts the backs onto the east **side lot line**;  
and,
  - c) 2.85 metres for a **building** that abuts the backs onto the **rear lot line**.
- (7) Notwithstanding Table 5.2B Special Provision 18(f), where a **building** permitted under a **block residential dwelling** fronts onto a **street** or a **lane**, a minimum of 5 metres shall be provided at the rear of the **building**.
- (8) Notwithstanding Table 10.3C, the minimum required number of visitor automobile **parking space** for **block residential dwelling** shall be 0.18 spaces per dwelling unit.
- (9) Table 10.4C Note (2) shall not apply.

[118-25]

13.35 Notwithstanding any inconsistent or conflicting provisions of this By-law, the following shall apply to the lands located at 99 Lucas Street and **zoned** NS1 as denoted on Schedule "A":

- (1) Notwithstanding Table 5.2A and Table 5.2B Special Provision 12, a minimum **front yard setback** of 6 metres shall be provided.

[131-25]

13.36 Notwithstanding any inconsistent or conflicting provisions of By-law 93-25, as amended, the following shall apply to the lands identified as Lot 24 and Part of Lot 25, Plan 355 (municipally known as 599 Sunset Beach Road) and **zoned** N2 as denoted on Schedule "A":

- (1) Notwithstanding Table 5.2A and Table 5.2B Special Provision 12, a minimum **front yard** setback of 20 metres shall be provided.

[141-25]

13.37 Notwithstanding any inconsistent or conflicting provisions of By-law 93-25, as amended, the following shall apply to the lands located at 112 Elgin Mills Road West and **zoned** NMU as denoted on Schedule "A":

- (1) For the purpose of this By-law, the lands shown on Schedule "A" shall be deemed to be one lot.
- (2) For the purpose of Table 5.2B Special Provision 18 of this By-law, setback shall be deemed as the distance between the **street** and/or **lane** to the **main buildings**.
- (3) Notwithstanding Table 3.4A, bay windows up to 3.7 metres in width are permitted to encroach 1 metre into the minimum required **yards**.
- (4) Notwithstanding Table 3.4A, exterior steps including any associated landings shall be permitted to encroach up to the property line into the required **flankage yard**.
- (5) Notwithstanding Section 3.14(2), the minimum interior width of a double car **attached garage** shall be 5.4 metres.
- (6) Notwithstanding Table 5.2A:
  - a) the minimum required **flankage yard setback** shall be 2.5 metres;
  - b) the minimum required **rear yard setback** shall be 1.5 metres; and,
  - c) the maximum **building height** of a **block residential dwelling** shall be 12.5 metres.
- (7) Table 5.2B Special Provision 18(a) shall not apply.
- (8) Notwithstanding Table 5.2B Special Provision 18(b) and any other provision contrary to this By-law, where a **building** permitted under a **block residential dwelling** fronts onto Dickson Street, a minimum distance of 2.5 metres shall be provided from the front **main wall** of the **building** to the fronted **street**.
- (9) Notwithstanding Table 5.2B Special Provision 18(d), a minimum distance of 1.5 metres shall be provided from the intersection of the exterior side wall and the exterior front or rear wall of a **main building** to the curved portion of a **lane**.
- (10) Notwithstanding Table 5.2B Special Provision 18(f), where a **building** permitted under a **block residential dwelling** fronts onto a **street** or a **lane**:
  - a) a minimum distance of 5 metres shall be provided from the rear **main wall** of the **building** to the interior lot line where the rear **main wall** faces the interior lot line;
  - b) where the **building** fronts onto Elgin Mills Road West also backs onto a **lane**; a minimum of 2.5 metres shall be provided from the rear **main wall** of the **building** to the **lane**; and,

- c) where the **building** fronts onto Dickson Street also backs onto a **lane**; a minimum of 1 metre shall be provided from the rear **main wall** of the **building** to the **lane**.

(11) Notwithstanding Table 10.3C, the maximum required number of visitor automobile **parking space** for **block residential dwelling** shall be 0.25 spaces per **dwelling unit**.

(12) Sections 10.9 and 10.12 shall not apply.

[17-26]

13.38 Notwithstanding any inconsistent or conflicting provisions of By-law 93-25, as amended, the following shall apply to lands identified as Concession 2, Part of Lot 31 (municipally known as 11580 Leslie Street) and **zoned** NT2 as denoted on Schedule "A":

- (1) For the purposes of this By-law, the lands shown on Schedule "A" shall be deemed to be one lot.
- (2) For the purpose of Table 5.2B Special Provision 18 of this By-law, setback shall be deemed as the distance between the street and/or lane to the main building.
- (3) Notwithstanding Table 5.2A, the minimum required **rear yard setback** shall be 3 metres.
- (4) Table 5.2B Special Provision 18(a) shall not apply.
- (5) Notwithstanding Table 5.2B Special Provision 18(f), where a **building** permitted under a **block residential dwelling** fronts onto a **street** or a **lane** and backs onto a **lane**, a minimum of 3 metres shall be provided from the **main wall** of the **building** to the **lane**.
- (6) Notwithstanding Table 5.2B Special Provision 18(d), a minimum distance of 2.5 metres shall be provided from the intersection of the exterior side wall and the exterior front or rear wall of a **main building** to the curved portion of a **lane**.
- (7) Table 10.4C Special Provision 2 shall not apply.
- (8) Sections 10.12 and 10.6.2 shall not apply

[12-26]

13.39 Notwithstanding any inconsistent or conflicting provisions of By-law 93-25, as amended, the following shall apply to the lands located at 1430 Major Mackenzie Drive East and **zoned** NMU as denoted on Schedule "A":

- (1) No more than 205 square metres of **outdoor storage** of goods, material, machinery or equipment shall be permitted.

[15-26]

13.40 Notwithstanding any inconsistent or conflicting provisions of By-law 93-25, as amended, the following shall apply to the lands identified as Lot 24 and Part of Lot 25, Plan 355 (municipally known as 599 Sunset Beach Road) and **zoned** "Neighbourhood Two (N2)" as denoted on Schedule "A":

- (1) Notwithstanding Table 5.2A and Table 5.2B Special Provision 12, a minimum **front yard** setback of 20 metres shall be provided.

[141-25]