

Proposed Revisions in Context

Highlighted Text: Council-adopted revisions to include Townhouses in RA zone (2019)

Highlighted Text: Proposed revisions to include Townhouses in RA zone (December 2022)

Chapter 1 Administration

1.40 Zones and Zone Categories

1.40.15 Residential Apartment Zone Category

(3) Purpose of the Zones in the Residential Apartment Zone Category

The purpose of each zone in the Residential Apartment Zone category is as follows:

(A) Residential Apartment (RA)

The purpose of the RA zone is to provide areas for **apartment buildings**, and **townhouses** as infill.

Chapter 15 Residential Apartment

15.5 Regulations Applying to the Residential Apartment Zone Category

15.5.1 General

15.5.1.10 Interpretation

(1) Application of General Regulations Section

The regulations in Section 15.5 apply to all lands, uses, **buildings** and **structures** in the Residential Apartment Zone category.

(2) Interpretation of the Residential Apartment Zone Symbol

The zone symbol on the Zoning By-law Map for zones in the Residential Apartment Zone category consists of the letters RA or RAC, indicating the primary land use permitted in the respective zone.

(3) Interpretation of the Zone Label

In the Residential Apartment Zone category, the letters following the zone symbol in the zone label have the following meaning:

(A) the letter "f" and a numerical value indicates the required minimum **lot frontage** required for a **lot**, in metres;

(B) the letter "a" and a numerical value indicates the required minimum **lot area** required for a **lot**, in square metres;

(C) the letters "au" and a numerical value indicates the required minimum **lot area** required for each **dwelling unit** on a **lot**, in square metres;

(D) the letter "u" and a numerical value indicates the permitted maximum number of **dwelling units** permitted on a **lot**; and

(E) the letter "d" and a numerical value indicates the permitted maximum floor space index permitted for a **lot**.

15.5.20 Permitted Uses

15.5.20.1 General

(1) Lawfully Existing Public School, Private School

A **lawfully existing public school** or **private school** on a **lot** in the Residential Apartment Zone category is permitted on that **lot**, and:

- (A) any expansion or addition to the **lawfully existing public school** or **private school building** must comply with Section 150.48 and the requirements for the zone in which the **lot** is located; and
- (B) the **lawfully existing public school** or **private school** may be replaced with a new school **building** that complies with Section 150.48 and the requirements for the zone in which the **lot** is located.

15.5.30 Lot Requirements

15.5.30.1 General

(1) Lot Requirements

Additional **lot** requirements are in each zone in the Residential Apartment Zone category.

15.5.30.11 Lot Area Exemptions

(1) Permitted Lot Area for Lawfully Existing Lots

In the Residential Apartment Zone category, if the **lawful lot area** of a **lawfully existing lot** is less than the minimum **lot area** required by this By-law, that **lawful lot area** is the minimum **lot area** for that **lawfully existing lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 15.5.30.11(1) must comply with all other regulations in this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.30.20 Lot Frontage

(1) Minimum Front Lot Line for a Residential Building

In the Residential Apartment Zone category, a **residential building** may not be erected on a **lot** that does not have a **front lot line** of at least 3.5 metres, unless the **lot**:

- (A) abuts a **lane** with a minimum width of 6.0 metres; and
- (B) has a minimum of 3.5 metres of the **rear lot line** abutting the **lane**.

15.5.30.21 Lot Frontage Exemptions

(1) Permitted Lot Frontage for Lawfully Existing Lots

In the Residential Apartment Zone category, if the **lawful lot frontage** of a **lawfully existing lot** is less than the required minimum **lot frontage** by this By-law, that **lawful lot frontage** is the minimum **lot frontage** for that **lawfully existing lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** on a **lot** referred to in regulation 15.5.30.21(1) must comply with all other regulations in this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.30.40 Lot Coverage

(1) Lot Coverage Exclusion for Permitted Encroachments

In the Residential Apartment Zone category, any part of a **building** or **structure** permitted to encroach into a required minimum **building setback** in regulation 15.5.40.60 is not included in the calculation of **lot coverage**.

(2) Parts of Platforms that are Not Permitted Encroachments

In the Residential Apartment Zone category, any part of a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, that does not encroach into a required minimum **building setback** is not included in the calculation of **lot coverage**, if:

- (A) it is attached to or less than 0.3 metres from a **building**; and
- (B) the **lot area** covered by these **structures** is no more than 5% of the **lot area**.

15.5.30.41 Lot Coverage Exemptions

(1) Permitted Lot Coverage for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the area of a **lot lawfully** covered by **lawfully existing buildings** or **structures** is greater than the permitted maximum **lot coverage** by this By-law, the **lawful** percentage of the **lot** covered by those **lawfully existing buildings** or **structures** is the maximum **lot coverage** for those **lawfully existing buildings** or **structures** on that **lot**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to **lawfully existing buildings** or **structures** referred to in regulation 15.5.30.41(1) must comply with all other regulations in this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.40 Principal Building Requirements

15.5.40.1 General

(1) Application of this Article

The regulations in Article 15.5.40 apply to **buildings** or **structures** in the Residential Apartment Zone category, other than **ancillary buildings** or **structures** which are subject to Article 15.5.60.

(2) Building Requirements

Additional **building** requirements are in each zone in the Residential Apartment Zone category.

15.5.40.10 Height

(1) Determining the Height of a Building

In the Residential Apartment Zone category the height of a **building** is the distance between the **established grade** and the elevation of the highest point of the **building**.

(2) Height of Specific Structures on a Building

In the Residential Apartment Zone category, the following **structures** on the roof of a **building** may exceed the permitted maximum height for that **building** by:

(A) 1.5 metres for:

- (i) parapets for a **green roof**; and
- (ii) weather vanes; or

(B) 5.0 metres for:

- (i) antennae;
- (ii) flagpoles; and
- (iii) satellite dishes.

(3) Height of Elements for Functional Operation of a Building

In the Residential Apartment Zone category, the following equipment and **structures** on the roof of a **building** may exceed the permitted maximum height for that **building** by 5.0 metres, subject to complying with regulation 15.5.40.10(4):

- (A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
- (C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(4) Height - Horizontal Limits on Elements for Functional Operation of a Building

In the Residential Apartment Zone category, equipment, **structures** or parts of a **building** that exceed the maximum height for a **building**, as permitted by regulation 15.5.40.10(3), must comply with the following:

- (A) their total area may cover no more than 30% of the area of the roof, measured horizontally; and
- (B) if they are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 20% of the width of the **building's main walls** facing that **street**.

(5) Height of Rooftop Amenity Space Safety and Wind Protection

In the Residential Apartment Zone category, unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may exceed the permitted maximum height for that **building** by 3.0 metres, if the **structures** are no closer than 2.0 metres from the interior face of any **main wall**.

15.5.40.11 Height Exemptions

(1) Permitted Height for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the permitted maximum height, that **lawful** height is the maximum height for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 15.5.40.11(1) must comply with the permitted maximum height for a **building** or be authorized by a Section 45 Planning Act minor variance.

(3) Alterations to the Roof of Lawfully Existing Buildings

Any alteration to the roof of a **lawfully existing building** referred to in regulation 15.5.40.11(1) may be constructed to the maximum height in regulation 15.5.40.11(1).

15.5.40.40 Floor Area

(1) Gross Floor Area Calculations for an Apartment Building

In the Residential Apartment Zone category, the **gross floor area** of an **apartment building** is reduced by the area in the **building** used for:

- (A) parking, loading and bicycle parking below **established grade**;
- (B) required **loading spaces** and required **bicycle parking spaces** at or above **established grade**;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- (D) shower and change facilities required by this By-law for required **bicycle parking spaces**;
- (E) indoor **amenity space** required by this By-law;
- (F) elevator shafts;
- (G) garbage shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the **building**.

(2) Inclusion of Attic Space as Gross Floor Area in a Townhouse

In the Residential Apartment Zone category, the **gross floor area** of a **townhouse** includes the portion of the floor area in an attic that has a vertical clearance of more than 1.4 metres between the ceiling joists and the roof rafters, if at least 80% of the area has:

- (A) a vertical clearance of more than 2.0 metres; and
- (B) an area of at least 10.0 square metres.

(3) Exclusion of Certain Floor Area in an Attic of a Townhouse

If the floor area meets the conditions in regulation 15.5.40.40(2), and the area or a portion of the area is used for mechanical equipment for the functional operation of the **townhouse**, that area is not included in the **gross floor area** of the **townhouse** if it is not more than 5% of the permitted maximum **gross floor area** of the **townhouse** to a maximum of 20.0 square metres.

(4) Gross Floor Area Calculations for a Townhouse

In the Residential Apartment Zone category, the **gross floor area** of a **townhouse** may be reduced by:

- (A) the floor area of the **basement**; and
- (B) the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it, to a maximum of 10% of the permitted maximum **gross floor area** for the **townhouse**.

(5) Floor Space Index Calculation

In the Residential Apartment Zone category, the floor space index:

- (A) **for a non-residential building**, is the result of the **gross floor area** of a **building** divided by the area of the **lot**;
- (B) for an **apartment building**, is the result of the **gross floor area**, minus the areas of an **apartment building** listed in regulation 15.5.40.40(1), divided by the area of the **lot**; and
- (C) for a **townhouse**, is the result of the **gross floor area**, plus the area of an attic described in regulation 15.5.40.40(2) and subject to regulation 15.5.40.40(3) minus the areas listed in regulation 15.5.40.40(4), divided by the area of the **lot**.

15.5.40.41 Floor Area Exemptions

(1) Permitted Floor Space Index for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **lawful gross floor area** of **lawfully existing buildings** on a **lot** results in a floor space index greater than the permitted maximum floor space index, the **lawful** floor space index resulting from those **lawfully existing buildings** on that **lot** is the maximum floor space index for those **lawfully existing buildings** on that **lot**.

15.5.40.50 Decks, Platforms and Amenities

(1) Interpretation of Platform Walls

In the Residential Apartment Zone category, the exterior sides of a platform, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of a **building**, are not **main walls** if at least 50% of the exterior sides above the floor are open to the outside.

(2) Platforms in Relation to Building Setbacks

In the Residential Apartment Zone category, a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of a **building**, must comply with the required minimum **building setbacks** for the zone.

(3) Platforms at or Below the First Storey of a Townhouse

In the Residential Apartment Zone category, the level of the floor of a platform, such as a deck or balcony, permitted in accordance with (2) above and located at or below the first **storey** of a **townhouse**, may be no higher than 1.2 metres above the ground at any point below the platform, except where the platform is attached to or within 0.3 metres of:

- (A) a **front wall**, the floor of the platform may be no higher than 1.2 metres above **established grade**;
- (B) a side **main wall**, the floor of the platform may be no higher than the level of the floor from which it gains access; and
- (C) a rear **main wall**, any part of the platform floor located 2.5 metres or less from the rear **main wall** may be no higher than the level of the floor from which it gains access.

15.5.40.60 Permitted Encroachments

(1) Platforms

Despite regulation 15.5.40.50(2), in the Residential Apartment Zone category, a platform with no **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **building**, is subject to the following:

- (A) a platform with a floor no higher than the first **storey** of the **building** may encroach into a required minimum **building setback** the lesser of 9.5 metres **for an apartment building and 2.5 metres for a townhouse**, or 50% of the required minimum **building setback** for the yard in which it is located, and if it is located in the **front yard** or **rear yard**, it may be no closer to a **side lot line** than the required **side yard setback**; and
- (B) a platform with a floor that is higher than the first **storey** of the **building** may encroach into the required minimum **building setback** the lesser of 2.5 metres **for an apartment building and 1.5 metres for a townhouse**, or 50% of the required minimum **building setback** for the yard in which it is located, and if it is located in the **front yard** or **rear yard**, it may be no closer to a **side lot line** than the required **side yard setback**.

(2) Canopies and Awnings

In the Residential Apartment Zone category, a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with the requirements of regulation 15.5.40.60(1), is subject to the following:

- (A) if it is above a platform which complies with the requirements of regulation 15.5.40.60(1), the roof, canopy, awning or similar **structure** may encroach into the required minimum **building setback** to the same extent as the platform it is covering; and
- (B) if it is not above a platform, it may encroach into a required minimum **building setback** the lesser of 9.5 metres **for an apartment building and 2.5 metres for a townhouse**, or 50% of the required minimum **building setback** for the yard in which it is located, if it is:
 - (i) covering a **driveway**, walkway or outdoor **amenity space** adjacent to an entrance to the **building**; and
 - (ii) in the **front yard** or **rear yard**, it may be no closer to a **side lot line** than the required **side yard setback**.

(3) Exterior Stairs, Access Ramp and Elevating Device

In the Residential Apartment Zone category:

- (A) exterior stairs providing access to a **building** or **structure** may encroach into a required minimum **building setback**, if the stairs are:

- (i) no longer than 1.5 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure**;
 - (ii) no wider than 2.0 metres; and
 - (iii) no closer to a **lot line** than 0.6 metres;
- (B) an uncovered ramp providing access to a **building** or **structure** may encroach into a required minimum **building setback**, if the ramp is:
- (i) no longer than 15 horizontal units for each 1.0 vertical unit above the ground at the point where the ramp meets the **building** or **structure**;
 - (ii) no wider than 1.5 metres for each sloped ramp segment; and
 - (iii) no closer to a **lot line** than 0.6 metres; and
- (C) an elevating device providing access to a **building** or **structure** may encroach into a required minimum **building setback**, if the elevating device:
- (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is no closer to a **lot line** than 0.6 metres.

15.5.40.71 Setbacks Exemptions

(1) Permitted Setbacks for Lawfully Existing Buildings and Structures

In the Residential Apartment Zone category, if the **lawful building setback** of a **lawfully existing building** or **structure** is less than the required minimum **building setback** from:

- (A) a **front lot line**, that **lawful building setback** is the minimum **front yard setback** for that **lawfully existing building** or **structure**;
- (B) a **rear lot line**, that **lawful building setback** is the minimum **rear yard setback** for that **lawfully existing building** or **structure**; and
- (C) a **side lot line**, that **lawful building setback** is the minimum **side yard setback** for that **lawfully existing building** or **structure**.

(2) Additions to Lawfully Existing Buildings

Any addition or extension to a **lawfully existing building** or **structure** referred to in regulation 15.5.40.71(1) must comply with the required minimum **building setbacks** or be authorized by a Section 45 Planning Act minor variance.

(3) REPLACE THIS HEADING

Regulations 15.10.40.70 (1)(2)(3) and (4) do not apply to a **transportation use** along Eglinton Avenue West and Eglinton Avenue East, provided that setbacks are between 0 and 15 metres. [103-2016] [By-law: 1031-2014]

15.5.40.81 Separation Exemptions

(1) Permitted Separation Between Main Walls for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **lawful** separation distance between the **main walls** of **lawfully existing buildings** on the same **lot**, or between **main walls** of the same **lawfully existing building**, is less than the required minimum separation distance between **main walls** required by this By-law, that **lawful** separation distance is the

minimum separation distance for those **lawful main walls** on those **lawfully existing buildings**.

(2) Additions to Lawfully Existing Buildings - Separation Between Main Walls

Any addition or extension to a **lawfully existing building** referred to in regulation 15.5.40.81(1) must comply with the minimum separation distance between **main walls** required by this By-law or be authorized by a Section 45 Planning Act minor variance.

(3) Permitted Separation from Other Zones for Lawfully Existing Buildings

In the Residential Apartment Zone category, if the **lawful** separation distance between a **lawfully existing apartment building** and a **lot** in an RD or RS zone is less than the required minimum separation distance required by this By-law, that **lawful** separation distance is the minimum separation distance between that **lawfully existing apartment building** and that **lot**.

(4) Additions to Lawfully Existing Buildings - Separation from Other Zones

Any addition or extension to a **lawfully existing apartment building** referred to in regulation 15.5.40.81(3) must comply with the required minimum separation distance from a **lot** in an RD or RS zone required by this By-law or be authorized by a Section 45 Planning Act minor variance.

15.5.50 Yards

15.5.50.10 Landscaping

(1) Landscaping Requirement for an Apartment Building

A **lot** in the Residential Apartment Zone category must have:

- (A) a minimum of 50% of the area of the **lot** for **landscaping**; and
- (B) a minimum of 50% of the **landscaping** area required in (A), above, must be **soft landscaping**.

(2) Landscaping Requirement for a Townhouse

In addition to the **landscaping** required by regulation 15.5.50.10(1), for a **townhouse** on a **lot** in the Residential Apartment Zone category:

- (A) the **front yard** adjacent to the **townhouse** must be **landscaping**;
- (B) a minimum of 60% of the **side yard** adjacent to the **townhouse** and abutting a **street** must be **landscaping**; and
- (C) a minimum of 75% of the **landscaping** required in each of (A) and (B), above, must be **soft landscaping**.

(3) Landscaping Requirement for an Apartment Building Abutting a Lot in the Residential Zone Category

A **lot** in the Residential Apartment Zone category must have a minimum 1.5 metre wide strip of land for **soft landscaping** along any part of a **lot line** abutting a **lot** in the Residential Zone category.

(4) Landscaping Exclusion for Permitted Encroachments

In the Residential Apartment Zone category, the calculation of **landscaping** or **soft landscaping** required by regulation 15.5.50.10(1) **and (2)** excludes the area of a required minimum **building setback** covered by any part of a **building** or **structure** which is permitted to encroach into a required minimum **building setback** by Clause 15.5.40.60.

(5) Swimming Pools or Similar Ancillary Structures Containing Water Deemed to be Soft Landscaping for Specified Regulations

In the Residential Apartment Zone category, for the calculation of **soft landscaping** required by regulation 15.5.50.10(1), the area of **soft landscaping** may include the water surface area of an outdoor swimming pool or other **ancillary structure** used to hold water, such as fountains or artificial ponds.

15.5.60 Ancillary Buildings and Structures

15.5.60.1 General

(1) Application of this Article

The regulations in Article 15.5.60 apply to **ancillary buildings** or **structures** in the Residential Apartment Zone category, if they are **ancillary** to **dwelling units** or **residential buildings**.

(2) Living Accommodation in Ancillary Buildings

An **ancillary building** in the Residential Apartment Zone category may not be used for living accommodation.

(3) Food or Sanitary Facilities in Ancillary Buildings

An **ancillary building** in the Residential Apartment Zone category may have:

- (A) food preparation facilities and sanitary facilities if the **ancillary building** or **structure** is for indoor **amenity space** required by this By-law; or
- (B) either food preparation facilities or sanitary facilities, but not both, if the **ancillary building** or **structure** is for any other purpose.

(4) Ancillary Building or Structure Construction Timing

In the Residential Apartment Zone category, no above-ground part of an **ancillary building** or **structure** may be erected prior to the erection of the **main walls** and completion of the roof of a **residential building** on the same **lot**.

15.5.60.20 Setbacks

(1) Front Yard Setback for Ancillary Buildings or Structures

The required minimum **front yard setback** for an **ancillary building** or **structure** in the Residential Apartment Zone category is the required minimum **front yard setback** for the **residential building** on the **lot**.

(2) Rear Yard Setback for Ancillary Buildings or Structures

The required minimum **rear yard setback** for an **ancillary building** or **structure** in the Residential Apartment Zone category:

- (A) is 0.3 metres, if its:
 - (i) height is 2.5 metres or less; and

- (ii) **gross floor area** is 10 square metres or less; or
- (B) is half of its height, if its:
 - (i) height is greater than 2.5 metres; or
 - (ii) **gross floor area** is greater than 10 square metres; except
- (C) on a **through lot**, despite (A) and (B) above, is the required minimum **front yard setback** for the **residential building** on the adjacent **lot**, if the **residential building** on the adjacent **lot** fronts on the **street** that abuts the **rear lot line** of the **through lot**.

(3) Side Yard Setback for Ancillary Buildings or Structures

In the Residential Apartment Zone category, the required minimum **side yard setback** for an **ancillary building** or **structure** located:

- (A) in a **side yard**, is the required minimum **side yard setback** for the **residential building** on the **lot**;
- (B) in a **rear yard** and less than 4.0 metres from the **residential building** on the **lot**, is the required minimum **side yard setback** for the **residential building**; and
- (C) in a **rear yard** and 4.0 metres or more from the **residential building** on the **lot**:
 - (i) is 0.3 metres, if its:
 - (a) height is 2.5 metres or less and
 - (b) **gross floor area** is 10 square metres or less, or
 - (ii) is half of its height, if its:
 - (a) height is greater than 2.5 metres or
 - (b) **gross floor area** is greater than 10 square metres; except
 - (iii) on a **corner lot**, despite (i) and (ii) above, is the required minimum **front yard setback** for the **residential building** on the adjacent **lot**, if the **residential building** on the adjacent **lot** fronts on the **street** that abuts the **side lot line** of the **corner lot**.

(4) Rear Yard Setback for Swimming Pools or Similar Ancillary Structures Containing Water

Despite regulation 15.5.60.20(2), in the Residential Apartment Zone category, the required minimum **rear yard setback** for an outdoor swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, with a total water surface area greater than 3.0 square metres, is:

- (A) 4.5 metres; and
- (B) 7.5 metres, if it is on a **through lot**.

(5) Side Yard Setback for Swimming Pools or Similar Ancillary Structures Containing Water

Despite regulation 15.5.60.20(3), in the Residential Apartment Zone category, the required minimum **side yard setback** for an outdoor swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, with a total water surface area greater than 3.0 square metres, is:

- (A) 4.5 metres; and
- (B) if it is on a **corner lot**, 7.5 metres from the **side lot line** abutting a **street**.

(6) Parts of an Ancillary Building or Structure to which a Required Building Setback Applies

In the Residential Apartment Zone category, required minimum **ancillary building setback** regulations apply to all parts of an **ancillary building** or **structure** above and below-ground, excluding footings.

15.5.60.30 Separation

(1) Minimum Separation Between Residential Buildings and Ancillary Buildings or Structures of a Certain Size

In the Residential Apartment Zone category, an **ancillary building** or **structure** with a height greater than 2.5 metres, or a **gross floor area** greater than 10 square metres, must be at least 4.0 metres from a **residential building** on the same **lot**.

(2) Separation of Swimming Pools or Similar Ancillary Structures Containing Water from RD Zones

In the Residential Apartment Zone category, an outdoor swimming pool or other **ancillary structure** used to hold water, such as a fountain or artificial pond, with a total water surface area greater than 3.0 square metres, must be at least 12.0 metres from a **lot** in the RD zone.

15.5.60.40 Height

(1) Determining the Height of Ancillary Buildings or Structures

In the Residential Apartment Zone category, the height of an **ancillary building** or **structure** is the distance between **average grade** and the elevation of the highest point of the **ancillary building** or **structure**.

(2) Maximum Height of Ancillary Buildings or Structures

The permitted maximum height of an **ancillary building** or **structure** in the Residential Apartment Zone category is:

- (A) 2.5 metres, if the **ancillary building** or **structure** is less than 4.0 metres from the **residential building** on the **lot**; or
- (B) 4.0 metres in all other cases.

15.5.60.50 Floor Area

(1) Inclusion in Floor Space Index

The **gross floor area** of all **ancillary buildings** on a **lot** in the Residential Apartment Zone category is included for the purpose of calculating the total **gross floor area** and floor space index for the **lot**.

(2) Maximum Floor Area of Ancillary Buildings or Structures Close to Residential Buildings

In the Residential Apartment Zone category, the permitted maximum **gross floor area** of an **ancillary building** located less than 4.0 metres from the **residential building** on the **lot** is 10.0 square metres.

15.5.60.70 Lot Coverage

(1) Lot Coverage Requirement for Ancillary Buildings and Structures

An **ancillary building or structure** on a **lot** in the Residential Apartment Zone category, other than the water surface area of an outdoor swimming pool or other **ancillary structure** used to hold water, such as fountains or artificial ponds:

- (A) is included in the overall calculation of **lot coverage**; and
- (B) the area of the **lot** covered by all **ancillary buildings and structures** may not exceed 10% of the **lot area**.

(2) Lot Coverage Requirement for Swimming Pools or Similar Ancillary Structures Containing Water

In the Residential Apartment Zone category, the water surface area of an outdoor swimming pool or other **ancillary structure** used to hold water, such as fountains or artificial ponds:

- (A) is not included in the calculation of **lot coverage**; and
- (B) the water surface area may not exceed 15% of the **lot area**.

15.5.75 Energy Regulations

15.5.75.1 General

(1) Renewable Energy or Cogeneration Energy Device

In the Residential Apartment Zone category, a device producing **renewable energy** or **cogeneration energy** on a **lot** may not be in a **front yard** or a **side yard** that abuts a **street**.

(2) Cogeneration Energy Device

In the Residential Apartment Zone category, a **cogeneration energy** device must be inside a permitted **building**.

(3) Geo-energy Device

In addition to the requirements of regulation 15.5.75.1(1), in the Residential Apartment Zone category any above-ground part of a **geo-energy** device must comply with the requirements for:

- (A) a **building or structure** on the **lot**; or
- (B) if it is on a **lot** with a **residential building**, an **ancillary building or structure** on the **lot**.

(4) Solar Energy Device

In the Residential Apartment Zone category, a photovoltaic **solar energy** device or a thermal **solar energy** device that is:

- (A) on a **building**:
 - (i) must comply with the required minimum **building setbacks** for a **building** on the **lot**; and
 - (ii) no part of the device may be higher than 2.0 metres above the permitted maximum height for the **building**; and
- (B) ground mounted, must comply with the requirements for:
 - (i) a **building or structure** on the **lot**; and
 - (ii) an **ancillary building or structure**, if it is on a **lot** with a **residential building**.

(5) Wind Energy Device

In the Residential Apartment Zone category, a **wind energy** device must comply with the following:

- (A) there may be no more than one **wind energy** device on a **lot**;
- (B) all parts of a **wind energy** device on a **lot** must comply with the required minimum **building setbacks** for a **building** on the **lot**; and
- (C) no part of a **wind energy** device may be higher than:
 - (i) 3.0 metres above the permitted maximum height for the **building** if:
 - (a) the permitted maximum height for the **building** is less than 24.0 metres;
or
 - (b) the **lot** abuts a **lot** in the Residential Zone category; and
 - (ii) in all other cases, 5.0 metres above the permitted maximum height for the **building**.

15.5.80 Parking

15.5.80.1 General

(1) Use of Required Parking Space

A **parking space** required by this By-law for a use in the Residential Apartment Zone category must be available for the use for which it is required.

(2) Charging for Visitor Parking

In the Residential Apartment Zone category, no fee may be charged for a visitor **parking space** for an **apartment building**.

15.5.80.10 Location

(1) Location of Required Parking Spaces

In the Residential Apartment Zone category, a **parking space** must be on the same **lot** as the use for which the **parking space** is required.

(2) Parking Space Location for Apartment Buildings

A minimum of 50% of the required **parking spaces** for an **apartment building** in the Residential Apartment Zone category, other than required visitor **parking spaces**, must be in a **building** or underground **structure**.

(3) Parking Space Location for Townhouses

All ~~required~~ **parking spaces** for a **townhouse** in the Residential Apartment Zone category, other than required visitor **parking spaces**, must be in:

- (A) an underground **structure**; or
- (B) in the **townhouse**, accessed from a common **driveway** at the rear of the **townhouse**.

(4) Commercial Vehicle Parking Restriction

A **parking space** on a **lot** in the Residential Apartment Zone category may be used for a commercial **vehicle**, if:

- (A) an owner or tenant of a **dwelling unit** on the **lot** is the owner or operator of the **vehicle**; and

(B) it is located within a wholly enclosed **building**.

(5) Commercial Vehicle Parking Not Permitted in Yards

A **parking space** located outside of a **building** in the Residential Apartment Zone category may not be used for:

- (A) commercially licensed **vehicles**;
- (B) construction **vehicles**;
- (C) dump trucks;
- (D) agricultural **vehicles**;
- (E) repair or towing **vehicles**;
- (F) tracked **vehicles**;
- (G) **vehicles** with a traction engine;
- (H) **vehicles** designed to run only on rails; and
- (I) **vehicles** equipped with more than six wheels, excluding spare wheels.

15.5.80.20 Setbacks

(1) Parking Space to be Set Back from a Lot Line

In the Residential Apartment Zone category, a **parking space** that is not located in a **building** or **structure** must be at least 0.5 metres from a **lot line**.

15.5.80.30 Separation

(1) Parking Space Separation from **Apartment a Residential Building**

In the Residential Apartment Zone category, a surface **parking space** must be at least 3.0 metres from any **main wall** of **an apartment a residential building**.

15.5.100 Access to Lot

15.5.100.1 General

(1) Driveway Width

In the Residential Apartment Zone category, a **driveway** exclusive of layby areas, **vehicle** ramps to below-ground parking areas, turnaround areas and required auxiliary turn lanes within 10.0 metres of a **lot line** abutting a **street** must have:

- (A) A minimum width of 3.0 metres for each lane; and
- (B) A maximum width of 6.0 metres. [By-law: LPAT PL130592 May 8, 2019]

(2) Driveway Access to Apartment Buildings

If an **apartment building** in the Residential Apartment Zone category has 25 **dwelling units** or more, an unobstructed **vehicle** access must be provided between the **street** and the principal pedestrian entrance to the **building** so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement.

(3) Driveway Access to Townhouses

In the Residential Apartment Zone category, an individual private **driveway** leading from a street directly to an individual **dwelling unit** in a **townhouse** is not permitted above ground.

(4) Separation Between a Townhouse Driveway and an Apartment Building

A common **driveway** leading to **parking spaces** at the rear of a **townhouse** in the Residential Apartment Zone category is permitted if it is no closer to an **apartment building** than 6.0 metres.

15.5.150 Waste

General

(1) Waste and Recyclable Materials Storage

In the Residential Apartment Zone category, all waste and **recyclable material** must be stored in a wholly enclosed **building**, if a **building** is constructed pursuant to a building permit issued more than three years after May 9, 2013.

15.10 Residential Apartment Zone (RA)

15.10.1 General

15.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 15.10 apply to all lands, uses, **buildings** and **structures** in the RA zone.

15.10.20 Permitted Uses

15.10.20.10 Permitted Use

(1) Use - RA Zone

The following uses are permitted in the RA zone:

Ambulance Depot

Dwelling Unit in a permitted **residential building** type in Clause 15.10.20.40.

Fire Hall

Municipal Shelter

Park

Police Station [By-law: 545-2019]

15.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions - RA Zone

The following uses are permitted in the RA zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 15.10.20.100:

Cogeneration Energy (1)

Community Centre (2)
Crisis Care Shelter (3)

Day Nursery (4)
Group Home (5)
Home Occupation (6)
Library (2)
Nursing Home (7)
Place of Worship (8)
Private Home Daycare (9)
Public Utility (10, 11)
Renewable Energy (1)
Residential Care Home (5)
Respite Care Facility (12)
Retail Store (13)
Retirement Home (7)
Rooming House (14)
Secondary Suite (15)
Seniors Community House (16)
Short-term Rental (18) [By-law 1453-2017 Under Appeal]
Transportation Use (17) [By-law: 545-2019]

15.10.20.40 Permitted Building Types

(1) Permitted Residential Building Types - RA Zone

In the RA zone, a **dwelling unit** is permitted in the following **residential building** types:

- (A) **Apartment Building;**
- (B) **Townhouse, if:**
 - (i) it is on the same **lot** as an **Apartment Building;** and
 - (ii) the main pedestrian entrance through the **front wall** or a side **main wall** of an **individual dwelling unit** in the **townhouse** is no farther than 7.5 metres from a **lot line** abutting a **street**.

15.10.20.100 Conditions

(1) Cogeneration Energy Production or Renewable Energy Production

In the RA zone, **cogeneration energy** production or **renewable energy** production must be in combination with another permitted use on the **lot**, and comply with all Municipal, Provincial and Federal by-laws, statutes and regulations.

(2) Community Centre or Library

In the RA zone, a **community centre** or a library must be on a **lot** that abuts a major **street** on the Policy Areas Overlay Map.

(3) Crisis Care Shelter

In the RA zone, a **crisis care shelter** must comply with the specific use regulations in Section 150.20. [By-law: 545-2019]

(4) Day Nursery

A **day nursery** in the RA zone must comply with the specific use regulations in Section 150.45.

(5) Group Home or Residential Care Home

In the RA zone, a **group home** or a **residential care home** must comply with the specific use regulations in Section 150.15.

(6) Home Occupation

A **home occupation** in the RA zone must comply with the specific use regulations in Section 150.5.

(7) Nursing Home or Retirement Home

In the RA zone, a **nursing home**, **retirement home** or a combination of these two uses, must be on a **lot** that has a **front lot line** or **side lot line** abutting:

- (A) a major **street** on the Policy Areas Overlay Map; or
- (B) a **street** which intersects a major **street** on the Policy Areas Overlay Map, and the **lot** is located, in whole or in part, within 80 metres of that intersection.

(8) Place of Worship

In the RA zone:

(A) a **place of worship** may be on a **lot** with an **apartment building**, if the **lot** has 100 or more **dwelling units** in one or more **apartment buildings**, and the **place of worship**:

- (i) is inside an **apartment building**;
- (ii) is not above the first **storey** of the **apartment building**;
- (iii) does not exceed 30.0 square metres in **interior floor area** for the first 100 **dwelling units** in the **apartment building**, which may be increased by 10.0 square metres for each additional 50 **dwelling units** in excess of 100, to a maximum of 110.0 square metres; and
- (iv) access to the **place of worship** must be from within the **apartment building**, unless it is on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;

(B) if a **place of worship** is not on a **lot** with an **apartment building**, it must:

- (i) comply with the specific use regulations in Section 150.50;
- (ii) be on a **lot** with:
 - (a) a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map; and
 - (b) a **lot area** of at least 2,000 square metres; and
- (iii) be in a **building** with no more than 3,000 square metres of **gross floor area**; and

(C) a **lawfully existing place of worship** is exempt from the requirements of regulation 15.10.20.100(8)(B) (ii) and (iii).

(9) Private Home Daycare

A children's play area for a **private home daycare** in the RA zone:

- (A) must be fenced; and
- (B) may be no closer to a **lot line** abutting a **street** than 6.0 metres.

(10) Public Utility

In the RA zone, a **public utility** may not be:

- (A) a sewage treatment plant;

- (B) a water filtration plant; or
- (C) an above-ground water reservoir.

(11) Public Utility

In the RA zone, a **public utility** must be enclosed by walls and comply with the permitted maximum **lot coverage**, required minimum **building setbacks** and permitted maximum **building** height for the RA zone if it is:

- (A) a hydro electrical transformer station; or [By-law: OMB PL130592 February 7, 2017]
- (B) a natural gas regulator station.

(12) Respite Care Facility

In the RA zone, a **respite care facility** must be combined with a **nursing home** or **retirement home**.

(13) Retail Stores in Apartment Buildings

In the RA zone, a **retail store** may be on a **lot** with 100 or more **dwelling units** in one or more **apartment buildings**, subject to the following:

- (A) there may be only one **retail store** in an **apartment building**;
- (B) it must be located inside the **apartment building**;
- (C) it may not be above the first **storey** of the **apartment building**;
- (D) access to the **retail store** must be from within the **apartment building**, unless it is on a **lot** with a **front lot line** or a **side lot line** abutting a major **street** on the Policy Areas Overlay Map;
- (E) there may be no outside display of goods; and
- (F) the **interior floor area** of the **retail store** may not exceed 30.0 square metres for the first 100 **dwelling units** in the **apartment building**, which may be increased by 10.0 square metres for each additional 50 **dwelling units** in excess of 100, to a maximum of 110.0 square metres.

(14) Rooming House

A rooming house in the RA zone must comply with the specific use regulations in Section 150.25.

(15) Secondary Suite

A **secondary suite** in the RA zone must comply with the specific use regulations in Section 150.10.

(16) Seniors Community House

A **seniors community house** in the RA zone must comply with the specific use regulations in Section 150.30.

(17) Transportation Use

A **building** or **structure** on a **lot** in the RA zone and used as a **transportation use** must comply with all requirements for a **building** on that **lot**.

(18) Short-term Rental

A **short-term rental** in the RA zone must comply with the specific use regulations in Section 150.13. [By-law: 1453-2017 Under Appeal]

15.10.30 Lot Requirements

15.10.30.10 Lot Area

(1) Minimum Lot Area

In the RA zone:

- (A) if a zone label includes the letter "a", on the Zoning By-law Map, the numerical value following the letter "a" is the required minimum **lot area**, in square metres; and
- (B) if the zone label on the Zoning By-law Map does not include an "a" value on the Zoning By-law Map, the required minimum **lot area**, in square metres, is the required minimum **lot frontage** multiplied by 30 metres.

(2) Minimum Lot Area for Each Dwelling Unit in ~~an Apartment~~ a Residential Building

If a zone label applying to a **lot** in the RA zone includes the letters "au", on the Zoning By-law Map, the numerical value following the letters "au" is the required minimum **lot area**, in square metres, for each **dwelling unit** in ~~a residential building~~ ~~an apartment building~~.

15.10.30.20 Lot Frontage

(1) Minimum Lot Frontage

In the RA zone:

- (A) if a zone label includes the letter "f", on the Zoning By-law Map, the numerical value following the letter "f" is the required minimum **lot frontage**, in metres; ~~and~~
- (B) if the zone label on the Zoning By-law Map does not include an "f" value on the Zoning By-law Map, the required minimum **lot frontage** is 24.0 metres; ~~and~~
- (C) ~~in addition to the requirement in (A) or (B), above, the required minimum **lot frontage** is increased by a minimum of 5.0 metres for each **townhouse dwelling unit** fronting directly on a **street**.~~

15.10.30.40 Lot Coverage

(1) Maximum Lot Coverage

In the RA zone:

- (A) if a **lot** is in an area with a numerical value on the Lot Coverage Overlay Map, that numerical value is the permitted maximum **lot coverage**, as a percentage of the **lot area**; and
- (B) if a **lot** is not in an area with a numerical value on the Lot Coverage Overlay Map, no **lot coverage** applies.

15.10.40 Principal Building Requirements

15.10.40.1 General

(1) Application of this Article

The regulations in Article 15.10.40 apply to **buildings** or **structures** in the RA zone, other than **ancillary buildings** or **structures** which are subject to Article 15.5.60.

(2) Number of Dwelling Units on a Lot

If a zone label applying to a **lot** in the RA zone includes the letter "u", on the Zoning By-law Map, the numerical value following the letter "u" is the permitted maximum number of **dwelling units** on the **lot**.

(3) Minimum Width of a Dwelling Unit in a Townhouse

In the RA zone, the required minimum width of a **dwelling unit** in a **townhouse** is 5.0 metres.

~~(4) Maximum Number of Dwelling Units in a Townhouse~~

~~In the RA zone, an individual **townhouse** may have no more than 8 **dwelling units** in the **building**.~~

15.10.40.10 Height

(1) Maximum Height

The permitted maximum height for a **building** or **structure** on a **lot** in the RA zone is:

- (A) the numerical value, in metres, following the letters "HT" on the Height Overlay Map; or
- (B) 24.0 metres, if the **lot** is in an area with no numerical value following the letters "HT" on the Height Overlay Map.

(2) Maximum Number of Storeys

The permitted maximum number of **storeys** in a **building** on a **lot** in the RA zone is:

- (A) the numerical value following the letters "ST" on the Height Overlay Map; and
- (B) if the **lot** is in an area with no numerical value following the letters "ST" on the Height Overlay Map, the permitted maximum number of **storeys** is not limited by this regulation.

(3) Maximum Height for a Townhouse

Despite regulations 15.10.40.10(1) and 15.10.40.10(2), the permitted maximum height for a **townhouse** in the RA zone is 10.0 metres.

(4) Height of Main Pedestrian Entrance for a Dwelling Unit in a Townhouse

In the RA zone, for an individual **dwelling unit** in a **townhouse**, the elevation of the lowest point of a main pedestrian entrance through the **front wall** or a side **main wall** may be no higher than 1.2 metres above **established grade**.

15.10.40.40 Floor Area

(1) Floor Space Index

In the RA zone, the permitted maximum floor space index is:

- (A) the numerical value following the letter "d" in the zone label on the Zoning By-law Map; and
- (B) if the zone label on the Zoning By-law Map does not include a "d" value on the Zoning By-law Map, the floor space index is not limited by this regulation.

15.10.40.50 Decks, Platforms and Amenities

(1) Amenity Space for Residential an Apartment Buildings

In the RA zone, **an apartment building a lot** with 20 or more **dwelling units** in the **residential buildings** on the lot, in total, must **have provide amenity space provided** at a minimum rate of 4.0 square metres for each **dwelling unit on the lot**, of which:

- (A) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space** located at or above **established grade**; [By-law: 1353-2015]
- (B) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
- (C) no more than 25% of the outdoor component may be a **green roof**.

15.10.40.70 Setbacks

(1) Minimum Front Yard Setback

The required minimum **front yard setback** in the RA zone is 6.0 metres.

(2) Minimum Rear Yard Setback

The required minimum **rear yard setback** in the RA zone is 7.5 metres.

(3) Minimum Side Yard Setback

The required minimum **side yard setback** in the RA zone is 7.5 metres.

(4) Rear Yard Setbacks and Side Yard Setbacks in Relation to the Height of an Apartment Building

Despite regulation 15.10.40.70(2) and (3), for any portion of an **apartment building** in the RA zone with a height greater than 11.0 metres, the required minimum **rear yard setback** and required minimum **side yard setbacks** for each portion of the **building** above 11.0 metres in height must be increased by 1.0 metre for each additional 2.0 metres, or part thereof, above 11.0 metres in height.

15.10.40.80 Separation

(1) Distance Between Main Walls of the Same Residential Building

In the RA zone, if a **residential building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the required minimum above-ground separation distance between those **main walls** is:

- (A) for any portion of the **building** with a height equal to or less than 11.0 metres:
 - (i) 5.5 metres if there are no openings to **dwelling units** in one or more of those **main walls**; and
 - (ii) 11.0 metres if each **main wall** has an opening to a **dwelling unit**; and
- (B) for any portion of the **building** with a height greater than 11.0 metres, a distance equal to the average height of those **main walls**.

(2) Distance Between Residential Buildings on the Same Lot

In the RA zone, if two or more **residential buildings** are located on the same **lot**, the required minimum above-ground separation distance between the **main walls** of the respective **buildings** is:

- (A) for any portion of the **buildings** with a height equal to or less than 11.0 metres:
 - (i) 5.5 metres if there are no openings to **dwelling units** in the **main wall** of one or more of the **buildings**; and
 - (ii) 11.0 metres if each **main wall** has an opening to a **dwelling unit**; and
- (B) for any portion of the **buildings** with a height greater than 11.0 metres, a distance equal to the average height of those **buildings**.

(3) Apartment Building Separation from RD and RS Zones

An **apartment building** in the RA zone must be at least 15.0 metres from a **lot** in an RD or RS zone.