

The Corporation of the Town of Richmond Hill

By-law 28-19

A By-law to Amend By-law 2523, as amended, of
of the former Township of Vaughan

THE LOCAL PLANNING APPEAL TRIBUNAL (“LPAT”) APPROVES AS FOLLOWS:

1. That By-law No. 2523 of The Corporation of the former Township of Vaughan (“By-law No. 2523”), as amended, be and is hereby further amended as follows:
 - a. by rezoning the lands as shown on Schedule “A” of this By-law 28-19 (the “Lands”) from “Residential Third Density (R3A) Zone” to “Key Development Area Two (KDA2) Zone” under By-law 2523; and,
 - b. by adding the following to Section 25 – EXCEPTIONS:

“RH181

Notwithstanding any inconsistent or conflicting provisions of By-Law 2523, the following special provisions shall apply to the Lands zoned “Key Development Area One (KDA2) Zone” and more particularly shown as “KDA2” on Schedule “A” to By-law 28-19:

1) DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

a) CLINIC

Means a medical office which contains three or more medical practitioners.

b) COMMERCIAL

Means the use of land, buildings or structures for the purpose of buying or selling commodities and supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit. Commercial use shall include the following defined terms:

- a) Clinic
- b) Financial Institution
- c) Hotel/Motel
- d) Major Office
- e) Major Retail
- f) Office
- g) Office, Medical
- h) Retail
- i) Veterinary Clinic

Commercial uses shall exclude automobile service station, gas bar convenience retail store, gas bar, Motor Vehicle/Lubrication Establishment, Motor Vehicle Washing Establishment, auto body repair shop, repair shops for internal combustion engines, motorized vehicles or similar uses, or public garage.

c) DAY NURSERY

Means a day nursery facility licensed under the *Day Nurseries Act*.

d) DWELLING, APARTMENT

Means a building containing five (5) or more dwelling units all of which have a common external access to the building by means of a common corridor system. An apartment dwelling may take the form of a high rise or mid rise building.

e) DWELLING, STACKED TOWNHOUSE

Means a **building** containing at least three (3) **dwelling units**, each **dwelling unit** being separated from the other vertically and horizontally and having an independent external access.

f) FINANCIAL INSTITUTION

Means a bank, credit union, trust company, savings office or retail banking operation which is open to the public, but not including an investment office.

g) FLOOR AREA, GROSS

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 loading areas, any portion of a parking structure below established grade and any space with a floor to ceiling height of less than 1.8 metres.

h) GRADE, ESTABLISHED

Means with reference to a building or structure, the average elevation of the finished structure of the ground where it meets the exterior of the front of such building and, when used with reference to a structure, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street or road means the elevation of the street or road established by the Corporation or other designated authority.

i) HEIGHT, BUILDING

Means the height of the building measured from the established grade of such building.

Flagpoles and roof constructions which are less than 5.5 metres in height and do not occupy more than 30% of the area of the roof upon which they are located shall not be included in the calculation of maximum height.

j) HIGH RISE

Means buildings or structures with a height of 9 storeys or higher.

k) HOTEL

Means a building or part of building or 2 or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the furnishing of sleeping accommodations which do not include separate kitchen or housekeeping facilities but may include a restaurant, dining room, lounge, meeting rooms, retail stores, and other ancillary uses.

l) LIVE-WORK UNIT

Means a single unit (e.g. studio, loft, or apartment) consisting of both a commercial, retail and/or office component and a residential component that is occupied by the same resident. A live-work unit may be used as both a living accommodation, which has a kitchen and

sanitary facilities, and a business operated by one or more people who live in the unit.

m) LONG TERM CARE FACILITY

Means a nursing home as defined under the *Nursing Homes Act*, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*.

n) MAIN WALL

Means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully enclosed space or roof.

o) MID-RISE

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

p) OFFICE

Means a building or part of a building used for conducting the affairs of business, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

q) OFFICE, MAJOR

Means an office building that has a gross floor area of 10,000 square metres or greater used primarily for the practice of a profession or the carrying on of a business such as the management or direction of an agency, organization, public administration, or administration of an industry including research and development.

r) OFFICE, MEDICAL

Means a building or part of a building used for the medical, dental, surgical and/or therapeutical treatment of human beings, but does not include a public or private hospital, or a professional office of a medical practitioner located in his or her residence.

s) MECHANICAL PENTHOUSE

Means the rooftop area above the livable area of a building that is used exclusively for the accommodation of stairwells and/or mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment and includes walls, structures intended to screen the mechanical penthouse and equipment.

t) MOTEL

Means a separate building or two or more connected detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home.

u) PODIUM

Means the portion of a high rise building that has a minimum of 3 storeys and a maximum of 6 storeys below the tower portion of a high rise building that abuts a front yard, flankage yard or a yard abutting a lane or public park.

- v) **RETAIL**
Means a use conducted in a building or structure or part thereof in which goods, merchandise, substances or items are displayed, rented or sold directly to the general public.
- w) **RETAIL, MAJOR**
Means a large format retail facility (or facilities), such as retail big box stores, retail warehouses and shopping centres which has a gross floor area of 10,000 square metres or greater.
- x) **SCHOOL, PRIVATE**
Means a school meeting the standards set out for schools by the Ministry of Education which secures the major part of its funding from sources other than government agencies.
- y) **SCHOOL, SECONDARY**
Means a school established by the Ministry of Education providing education for persons between the level of grade 9 and grade 12
- z) **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 established grade, and provided that any portion of a storey above the ground floor exceeding 4.5 metres in height shall be deemed an additional storey.
- aa) **TOWER**
Means all storeys above the podium in a high rise building.
- bb) **TOWER FLOOR PLATE**
Means the gross floor area of each storey in a tower.
- cc) **VETERINARY CLINIC**
Means the premises of a veterinary surgeon, where animals, birds, or other livestock are treated but are not boarded overnight.

2) **PERMITTED USES**

No building or structure or part thereof shall be erected or used except for one or more of the following uses:

Residential Uses (1):

- a. Apartment Dwelling
- b. Stacked Townhouses

Non-Residential Uses (2)(3):

- c. Commercial;
- d. Day Nursery;
- e. Public Authority;
- f. Long Term Care Facility;
- g. Private Utility;
- h. Secondary School;
- i. Private School;
- j. hospitals and healthcare centres and ancillary commercial uses.

NOTES:

- (1) A live-work unit shall be permitted subject to the following provisions:

- a) must be the primary dwelling unit of the occupant;
 - b) the permitted commercial use is limited to the uses permitted in the KDA2 zone;
 - c) a live-work unit with a retail use shall only be permitted on the first storey and shall have direct access to a street; and,
 - d) outdoor storage and outdoor display shall be prohibited.
- (2) One or more of the permitted uses is permitted in a building that is a high rise or mid rise building.
- (3) The outdoor storage of goods, materials, garbage and recycling, machinery or equipment is prohibited.

3) DEVELOPMENT STANDARDS

The development standards below shall apply to a high rise or mid rise building:

MINIMUM LOT FRONTAGE (CORNER LOT):	40 metres
MINIMUM LOT AREA:	N/A
MAXIMUM GROSS FLOOR AREA:	55,285 square metres
MAXIMUM NUMBER OF DWELLING UNITS:	700
MINIMUM FRONT YARD SETBACK (1)(2):	3 metres
MINIMUM SIDE YARD. FLANKAGE AND REAR YARD SETBACK(2)(3)(4)(5):	As per Schedule B to By-law 28-19
	3 metres
	12 metres
MAXIMUM BUILDING HEIGHT :	Tower 1 – 24 storeys Tower 2 - 24 storeys Tower 3 - 15 storeys
MAXIMUM PODIUM BUILDING HEIGHT	4 storeys
MINIMUM TOWER SEPARATION:	25 metres
MAXIMUM TOWER FLOOR PLATE:	750 square metres

NOTES:

- (1) For the purposes of this by-law, the Carrville Road shall be deemed the front lot line.
- (2) The minimum required yard setbacks shall not apply to any portion of a building or structure below grade.
- (3) A tower shall not be permitted closer than 12.5 metres from a side or rear yard that does not abut a street, lane or a public park.
- (4) Where the rear lot line abuts a street or a lane, a building main wall shall be setback a minimum 3 metres from a street and 1.5 metres from the lane.
- (5) Where a high rise, mid rise or lowrise building has windows openings, the building main wall must be setback a minimum of 7.5 metres from a side lot line and rear lot line that does not abut a street or a lane.

4) LANDSCAPING

- a) the minimum LANDSCAPED OPEN SPACE adjacent to Carrville Road shall be 3.0 metres (9.84 feet).

5) PARKING STANDARDS

- a) No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless parking spaces are provided on the same lot in accordance with the provisions of this Section. The number of parking spaces required shall be calculated in accordance with the standards set out below:

Use	Minimum Parking Space Standard	Maximum Parking Space Standard
RESIDENTIAL (parking space per Dwelling Unit or portion thereof)		
a) Apartment Dwelling		
i) Bachelor	0.80	1.00
ii) 1 Bedroom	0.90	1.10
iii) 2 bedroom	1.00	1.25
iv) 3+ bedroom	1.20	1.50
v) Visitor	0.15	0.20
NON RESIDENTIAL (parking space per 100 square metres of Gross Floor Area or portion thereof, unless otherwise specified)		
i) Major Office, Office	2.0	2.50
ii) Commercial (equal to or less than 10,000 square metres of Gross Floor Area)	4.0	5.0
iii) Commercial (greater than 10,000 square metres Gross Floor Area)	3.0	3.75
iv) Medical Offices/Clinics	5.4	6.75
(v) Day Nursery	Greater of 1 parking space per 7 children or 0.7 parking spaces per employee	Greater of 1 parking space per 6 children or 0.9 parking spaces per employee
(vi) Financial Institution	4.6	5.7
(vii) Hotel/Motel	0.75 parking spaces per room plus an additional 7.5 parking spaces per 100 square metres Gross Floor Area for areas dedicated for banquet rooms and similar uses, but excluding lobbies, hallways and similar area	0.9 parking spaces per room plus an additional 9 parking spaces per 100 square metres of Gross Floor Area for areas dedicated for banquet rooms and similar uses, but excluding lobbies, hallways and similar area
(viii) School, Secondary (Public or Private)	3.2 parking spaces per classroom	4 parking spaces per classroom
(ix) Veterinary Clinics	3.50 parking spaces per 100 square metres for the first practitioner and 1.4 parking spaces per	4.40 parking spaces per 100 square metres for the first

Use	Minimum Parking Space Standard	Maximum Parking Space Standard
	100 square metres for each additional practitioner	practitioner and 1.8 parking spaces per 100 square metres for each additional practitioner
(x) Restaurants	3.0 parking spaces	3.75 parking spaces
Restaurants-Fast Food	3.9 parking spaces	4.9 parking spaces
(xi) Place of Assembly, including Assembly Hall and Place of Worship	4.8	6.0

NOTES:

- 1) Where a live-work unit is permitted, no additional parking space is required provided that the primary dwelling unit provides for a minimum of two parking spaces.
- 2) Where there is one or more use on a lot, the minimum required parking spaces and the portion thereof shall be applied to each of the uses identified in the above table.

5.1 Parking Area Requirements

- a) Each parking space perpendicular to a driveway shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres.
- b) Each parking space parallel to a driveway shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres.
- c) A parking space that is not perpendicular or parallel to a driveway shall have an area comprised of a rectangle with a minimum width of 2.75 metres and a minimum length of 5.8 metres.
- d) The width of an aisle shall comply with the following provisions:
 - i) Aisles perpendicular to the parking space: a minimum of 6 metres.
 - ii) Parking spaces at sixty (60) degrees to the aisle a minimum of 5.5 metres; and,
 - iii) Parking spaces at forty-five (45) degrees to the aisle a minimum of 3.7 metres.
- e) Tandem parking spaces shall not be permitted in a parking structure or parking area.
- f) For a high rise, mid rise or low rise building, the following shall apply:
 - i) All parking areas shall be located in the rear yard or side yards of a lot.
 - ii) Parking areas shall not be permitted to locate in any yard abutting an arterial road.

5.2 Bicycle space standards and requirements

No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless bicycle spaces are provided on the same lot

where there is a parking structure, in accordance with the provisions of this Section.

a) The following Table shall apply:

	Minimum Rate – Bicycle Spaces	Minimum Rate – Visitor Bicycle Spaces
Residential Use	0.6 bicycle space per dwelling unit or portion thereof	5% of the minimum required bicycle spaces for residential use
Non-residential Use	0.13 bicycle space per 100 square metres of gross floor area or portion thereof	0.15 bicycle space per 100 square metres of gross floor area or portion thereof

- b) Visitor bicycle parking spaces shall be located at grade.
- c) Shower and change facilities shall be provided for each gender at the rate of 1 per 30 bicycle spaces for the non-residential uses identified in the table in Section 6.2a).
- d) The minimum dimension of a bicycle space shall be:
 - i. Minimum length of 1.8 metres; and,
 - ii. Minimum width of 0.6 metres.

6) LOADING

No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless loading spaces are provided on the same lot in accordance with the provisions of this Section. The number of loading spaces required shall be calculated in accordance with the standards set out below in the Table:

Use	Minimum Required Loading Space
Building contains dwelling units	
0 to 30 dwelling units	0
31 to 399 dwelling units	1
400 dwelling units or more (1)	2
Buildings having a non-residential gross floor area less than 465 square meters	0
Buildings having a non-residential gross floor area of equal to 465 square metres and less than 2323 square metres.	1
Buildings having a non-residential gross floor area equal to 2323 square metres and up to 9290 square metres	2
For every additional 9290 square metres of non-residential gross floor area thereof greater than 9290 square metres	1 additional

6.1 Regulations for loading spaces

- a) A loading space shall be paved, free of any encroachments and have a width of not less than 3.5 metres and a length of not less than 13 metres with a minimum of 6.1 metres overhead clearance.

- b) A loading space shall not be located in any yard adjoining a street unless screened from view from the street by a fence, screen wall, or landscaped berm with a height of not less than 1.5 metres.
- 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.

7) SECTION 37 AGREEMENT

Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted subject to ongoing compliance with the conditions set out in this exception and in return for the provision by the owner of the Site of the facilities, services and matters set out in this subsection, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the Town of Richmond Hill with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the Town of Richmond Hill, in order to permit the increase in height authorized under this exception regulation the provision of the following:

- i) the dedication and construction of the future north-south road (inclusive of turn lanes) to the Town's standards and specifications as generally shown on Schedule B to this By-law;
 - ii) the dedication and construction of the westerly portion of the future east-west road as well as the dedication of the east portion of the east-west road as generally shown on Schedule B to this By-law; and,
 - iii) a cash contribution of TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000) to be utilized towards the future construction of the easterly portion of the east-west road when the remaining lands are acquired to fully construct the road to Yonge Street.
- 8. All other provisions of By-law No. 2523, as amended, not inconsistent with the foregoing, shall continue to apply to the Subject Lands.
 - 9. The imperial measurements found in this by-law in brackets are provided for information purposes only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this by-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.
 - 10. Schedules "A" and "B" attached to By-law No. 28 -19 are declared to form a part of this by-law.

THE CORPORATION OF THE TOWN OF RICHMOND HILL

EXPLANATORY NOTE TO BY-LAW NO. 28 - 19

By-law 28-19 affects lands known as Lots 135 to 139, and Part of Lots 134, 285 and 286, Registered Plan 1960, Town of Richmond Hill, Regional Municipality of York, located on the south side of Carrville Road, west of Yonge Street, municipally known as

By-law 2523, currently zones the subject lands “Third Density Residential Density (R3A) Zone”.

By-law 28-19 will have the effect of rezoning the subject lands to a “Key Development Area Two (KDA2) Zone” with site specific development standards to facilitate a high density, mixed use, residential/commercial development comprised of three (3) high density, mixed-Use residential buildings and stacked townhouses on the Subject Lands as shown on Schedules “A” and “B”.