

The Corporation of the Town of Richmond Hill

By-law XX-19

A By-law to Amend By-law 2325-68, as amended, of the former Township of Markham,
By-law 128-04, as amended, of The Corporation of the Town of Richmond Hill, and
By-law 55-15, as amended, of The Corporation of the Town of Richmond Hill

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

1. That By-law 2325-68 of the former Township of Markham, as amended, be further amended by removing those lands shown on Schedule "A" to this By-law ___-19 (the "Lands") and any provisions of By-law 2325-68, as amended, that previously applied to the Lands shall no longer apply to the Lands.
2. That By-law 128-04 of the The Corporation of the Town of Richmond Hill, as amended, be further amended by removing those lands shown on Schedule "A" to this By-law ___-19 (the "Lands") and any provisions of By-law 128-04, as amended, that previously applied to the Lands shall no longer apply to the Lands.
3. That By-law 55-15, as amended, of the Corporation, be and is hereby further amended as follows:
 - a) By expanding the boundary to include the Lands and zoning them "Residential Wide Shallow Two (RWS2) Zone", "Multiple Residential Four (RM4) Zone", "Park (P) Zone", "Environmental Protection Two (EPA2) Zone", and "Open Space (O) Zone" as shown on Schedule "A" to By-law ___-19.
 - b) By adding the following to Section 7 - **EXCEPTIONS:**

"7.29

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and "Multiple Residential Four (RM4) Zone" and more particularly shown as "RWS2" and "RM4" on Schedule "A" to By-law ___-19 and denoted by the bracketed number (7.29):

- i) The amendments to By-law 55-15 set out in Exception Section 7.3 shall also apply to the lands zoned "Residential Wide Shallow Two

(RWS2) Zone” and “Multiple Residential Four (RM4) Zone” as shown on Schedule “A” to By-law ___-19;

- ii) **Swimming Pools** are not permitted;
- iii) No permanent **Building** or **Structure**, except for **Accessory Structures** and **Decks**, shall be located within 7.0 metres of the TransCanada Pipelines Right of Way, provided that **Table 5.1.10 Accessory Structure Encroachment in Yards** shall not be affected by the preceding. **Accessory Structures** and **Decks** shall have a minimum **Setback** of 3.0 metres from the TransCanada Pipelines Right of Way; and,
- iv) The minimum **Setback** from the hypotenuse of a **Daylighting Triangle** taken by a **Public Authority** to the **Main Building** shall be 0.6 metres.

7.30

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned “Residential Wide Shallow Two (RWS2) Zone” and more particularly shown as “RWS2” on Schedule “A” to By-law ___-19 and denoted by the bracketed number (7.30):

- i) The Maximum **Building Height** shall be 4 **Storeys**.

7.31:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned “Multiple Residential Four (RM4) Zone” and more particularly shown as “RM4” on Schedule “A” to By-law ___-19 and denoted by the bracketed number (7.31):

- i) The provisions of Section 5.7 shall not apply to **Street Townhouse Dwellings, Quadruplex Dwellings, Block Townhouse Dwellings, Rear Lane Townhouse Dwellings** or to **Back to Back Dwellings** that are designed so that the front façade of the **Dwelling Unit** faces a **Street**.

7.32:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned “Residential Wide Shallow Two (RWS2) Zone” and more

particularly shown as "RWS2" on Schedule "A" to By-law ___-19 and denoted by the bracketed number 7.32:

- i) The **Front Lot Line** shall be deemed to be the **Streetline** not abutting a regional road nor highway nor the hypotenuse of a **Daylighting Triangle**.

7.33:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law ___-19 and denoted by the bracketed number (7.33):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 247.5 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, in his or her absolute discretion, is satisfied that the placement of a permanent **Building** or **Structure** below a Canadian Geodetic Datum elevation of 247.5 metres shall not result in undue adverse impacts on soil stability.

7.34:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law ___-19 and denoted by the bracketed number (7.34):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 247.1 metres;

- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.35:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned “Residential Wide Shallow Two (RWS2) Zone” and more particularly shown as “RWS2” on Schedule “A” to By-law __-19 and denoted by the bracketed number (7.35):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 246.7 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.36:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law __-19 and denoted by the bracketed number (7.36):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 246.1 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.37:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law __-19 and denoted by the bracketed number (7.37):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 245.0 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;

- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, in his or her absolute discretion, is satisfied that the placement of a permanent **Building** or **Structure** below a Canadian Geodetic Datum elevation of 245.0 metres shall not result in undue adverse impacts on soil stability.

7.38:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law __-19 and denoted by the bracketed number (7.38):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 242.8 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.39:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law ___-19 and denoted by the bracketed number (7.39):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 242.7 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.40:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law ___-19 and denoted by the bracketed number (7.40):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 244.5 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;

- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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.

7.41:

Notwithstanding any other provisions of By-law No. 55-15, as amended, to the contrary, the following special provisions shall apply to those lands zoned "Residential Wide Shallow Two (RWS2) Zone" and more particularly shown as "RWS2" on Schedule "A" to By-law __-19 and denoted by the bracketed number (7.41):

- i) No portion of a permanent **Building** or **Structure** shall be located below a Canadian Geodetic Datum elevation of 245.5 metres;
- ii) Subsection i) above shall not apply to any lands owned by a **Public Authority** or to the use of any lot, **Building**, or **Structure** by a **Public Authority** as specified in **Section 5.18 – Public Authority**;
- iii) Subsection i) above shall not apply to utilities used for the distribution of gas, steam, electricity, or other forms of energy, and telecommunication provided by entities other than a **Public Authority**;
- iv) Subsection i) above shall not apply to **Decks** or their foundations; and,
- v) Subsection i) above shall not apply if the **Commissioner**, 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."

- 4. All other provisions of By-law 55-15, as amended, not inconsistent with the foregoing, shall continue to apply to the Subject Lands.
- 5. 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.

6. Schedule "A" attached to By-law __-19 is declared to form a part of this by-law.

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THE CORPORATION OF THE TOWN OF RICHMOND HILL

EXPLANATORY NOTE TO BY-LAW NO. __-19

By-law No. __-19 affects lands described as Part of Lot 30, Concession 2, E.Y.S (Municipal Address: 921 19th Avenue) (the "Subject Lands").

The Subject Lands are currently zoned "Agricultural [A1] Zone" under By-law No. 2325-68, as amended, of the former Township of Markham and "Urban [UR] Zone" under By-law 128-04, as amended, of the Town of Richmond Hill.

The purpose of By-law __-19 is to remove the Subject Lands from the provisions of By-laws 2325-68 and 128-04 and to include the Subject Lands within the boundaries of By-law 55-15 as amended, the North Leslie Secondary Plan Area Zoning By-law. By-law No. __-19 will also rezone the Subject Lands to "Residential Wide Shallow Two [RWS2] Zone", "Multiple Residential Four [RM4] Zone", "Park [P] Zone", "Environmental Protection Two [EPA2] Zone", and "Open Space [O] Zone", and implement site specific development standards to recognize unique development situations, as well as to protect soil stability. The By-law will implement a draft Plan of Subdivision providing for medium density residential units, including street townhouses, as well as blocks for stormwater management and environmental preservation.