

The Corporation of the City of Richmond Hill

By-law 109-21

A By-law to Amend By-law 66-71, as amended, of

The Corporation of the City of Richmond Hill

Now Therefore the Ontario Land Tribunal hereby approves as follows:

1. That By-law 66-71, as amended of The Corporation of the City of Richmond Hill (“By-law 66-71”) be and is hereby further amended as follows:
 - a) by rezoning those lands shown on Schedule “A” to this By-law 109-21 (the “Lands”) to “Residential Multiple Six Density (RM6) Zone” under By-law 66-71; and,
 - b) by adding the following to Section 11 – Special Provisions

“11.158

Notwithstanding any inconsistent or conflicting provisions of By-Law 66-71, as amended, the following special provisions shall apply to the lands zoned “Residential Multiple Size Density (RM6) Zone” and more particularly shown as “RM6” on Schedule “A” to By-law 109-21 and denoted by a bracketed number (11.158):

i) DEFINITIONS

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

- (a) **FLOOR SPACE INDEX (FSI)** means the maximum **GROSS FLOOR AREA** of all **BUILDINGS** on a **LOT** expressed as a ratio or multiple of the **LOT AREA**.
- (b) **APARTMENT DWELLING** means a **BUILDING** or **STRUCTURE** containing five or more dwelling units all of which have a common external access to the **BUILDING** by means of a common corridor system and/or direct exterior access for residential units.
- (c) **AMENITY SPACE** means outdoor space on a **LOT** that is communal and available for use by the occupants of a **BUILDING** on the **LOT** for recreational or social activities.
- (d) **MECHANICAL PENTHOUSE** means the rooftop floor 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 and **STRUCTURES** intended to screen the mechanical penthouse and equipment.
- (e) **FLOOR AREA** means the total horizontal area of all floors in a **BUILDING**.
- (f) **PARKING STRUCTURE** means a **BUILDING** or part thereof used for the storage or parking of motor vehicles, which can be above or below **GRADE**.
- (g) **GROSS FLOOR AREA** means the aggregate of the **FLOOR AREAS** of a **BUILDING** measured between the exterior faces

of the exterior walls of the **BUILDING** at each floor level but excluding basement, **MECHANICAL PENTHOUSES**, loading areas, a **PARKING STRUCTURE**, elevator shaft, stairwell, mechanical or electrical rooms and any space with a floor to ceiling height of less than 1.8 metres.

- (h) **RESTAURANT** means a **BUILDING** or **STRUCTURE** or part thereof whose principal business is the preparation and serving of food and refreshments to the public for consumption within the **BUILDING** or **STRUCTURE**, but does not include a **DRIVE-IN RESTAURANT**, **TAKEOUT RESTAURANT** or **FAST FOOD RESTAURANT**.
- (i) **RESTAURANT, FAST FOOD** means a **BUILDING** or **STRUCTURE** or part thereof whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within or outside the **BUILDING**.
- (j) **RESTAURANT, TAKEOUT** means a **BUILDING** or **STRUCTURE**, or part thereof, designed and used for the sale of food or refreshments to the public and from which food or refreshment is made available to the customer from within the **BUILDING**; in addition, no provision is made for consumption of the food or refreshment by the customer while in his car, within the **BUILDING** or elsewhere on the site.

ii) **PERMITTED USES**

The following uses shall be permitted:

- (a) **DWELLING, APARTMENT (1)**
- (b) **STORE, RETAIL (2)**
- (c) **OFFICES**
- (d) **RESTAURANT (2)**
- (e) **RESTAURANT, FAST FOOD (2)**
- (f) **RESTAURANT, TAKEOUT (2)**

NOTES:

(1) No **DWELLING UNIT** shall be permitted to front on or face Yonge Street on the ground floor of a **BUILDING**.

(2) The uses described in (a) to (f) inclusive shall only be permitted along Yonge Street.

iii) **DEVELOPMENT STANDARDS**

The following development standards shall apply:

- (a) The lands shown on Schedule "A" shall be deemed to be a **LOT**.
- (b) Yonge Street shall be deemed to be the **FRONT LOT LINE**.
- (c) Minimum **LOT FRONTAGE**: 20 metres

- (d) Minimum **LOT AREA**: 2,700 sq. metres
- (e) Minimum **FRONT YARD**: 1.0 metres
- (f) Minimum **SIDE YARD** (North): 1.3 metres
- (g) Any portion of the **BUILDING** that is located within 7.5 metres of the north **LOT LINE** shall have a maximum **HEIGHT** of 6 **STOREYS**.
- (h) Minimum **SIDE YARD** (South): 1.5 metres
- (i) A setback of 0 metres may be permitted to the south **LOT LINE** for the 2nd to 10th **STOREYS** of the **BUILDING**.
- (j) Minimum **REAR YARD**: 4.0 metres
- (k) Minimum below grade **SETBACK** (north): 1.3 metres
- (l) The maximum **FLOOR SPACE INDEX** shall be 4.6.

For the purpose of calculating **FLOOR SPACE INDEX**, the **LOT AREA** shall be deemed to be 2,876.97 square metres (30,967.45 square feet), exclusive of any conveyance(s) for road allowance, road widening or daylighting triangle purposes.

- (m) Maximum **GROSS FLOOR AREA**: 13,135.50 square metres
- (n) Maximum **HEIGHT**: 10 **STOREYS** or 34 metres
- (o) A **MECHANICAL PENTHOUSE** shall not exceed 5.0 metres in height and shall not occupy more than 40% of the area of the roof upon which it is located.
- (p) **DWELLING UNITS** along Church Street South shall have a maximum **HEIGHT** of 3 **STOREYS**.
- (q) No **BUILDING** or **STRUCTURE** or part thereof shall be located above a 45 degree angular plane measured perpendicular from the westerly **LOT LINES** of the residential properties on the east side of Church Street South, starting at a height equal to the finished **GRADE** of the **LOT LINE**.
- (r) Notwithstanding Section 4.51 of By-law 66-71, any portion of the first **STOREY** up to a maximum of 5.0 metres in height shall not be considered an additional **STOREY**.
- (s) Minimum commercial **FLOOR SPACE**: 250 square metres
- (t) Minimum driveway width: 6.0 metres
- (u) A strip of land not less than 0.7 metres in depth immediately abutting the north **LOT LINE** shall be used for no other purpose than landscaping. Notwithstanding the foregoing, mechanical equipment and ventilation shafts shall be permitted to encroach into the required landscaping.

(v) **AMENITY SPACE** must be provided for each **DWELLING UNIT** at a minimum rate of 2.0 square metres per **DWELLING UNIT**.

(w) The provisions of Subsection 6.9.2.1 shall not apply.

iv) PARKING AND LOADING STANDARDS

Parking and loading spaces shall be provided in accordance with the following:

(a) Minimum number of Loading Spaces (1): 1

(b) The minimum number of **PARKING SPACES** shall be calculated in accordance with the following standards:

Residential Uses:

- i. 1-bedroom: 0.9 spaces per **DWELLING UNIT**
- ii. 2-bedroom: 1.0 spaces per **DWELLING UNIT**
- iii. 3-bedroom: 1.2 spaces per **DWELLING UNIT**
- iv. Visitor: 0.15 spaces per **DWELLING UNIT**

Non-Residential Uses:

- v. Commercial: 4.0 spaces per 100 square metres

(c) Minimum number of bicycle parking spaces (2): 0.6 spaces per **DWELLING UNIT**

NOTES:

(1) Each loading space shall have a width of not less than 4.0 metres, a length of not less than 13.0 metres, and an overhead clearance of not less than 6.5 metres.

(2) A minimum of 5% of the required bicycle parking spaces shall be provided at-grade.

v) COMMUNITY BENEFITS

(a) Pursuant to Section 37.1 of the *Planning Act*, in conjunction with Section 37 of the *Planning Act* as it read on September 17, 2020 (or any subsequent statute, regulation or by-law providing for the provision of height or density bonusing within the Corporation of the City of Richmond Hill (the "City") being in force and effect in the City), the density and height of the development permitted by this exception is permitted subject to the ongoing compliance with the conditions set out in this exception and in return for the provision, by the Owner of the Site (the "Owner"), of the facilities, services or matters set out in this subsection, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* as it read on September 17, 2020 (or any subsequent statute, regulation or by-law providing for the provision of height or density bonusing within the City being in force and effect in the City), and which agreement or agreements shall provide for a monetary contribution by the

Owner to the City in the amount of ONE MILLION THREE HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$1,315,800.00) toward the Harding Park Revitalization Project, or towards such alternative community benefit as approved by the City up to an equal amount, in or near the general neighbourhood of the Lands, as the City determines in its sole and absolute discretion, all in a form satisfactory to the City.

- (b) The agreement or agreements referred to in Paragraph (a) above shall be registered on title to the Lands prior to the City entering into and executing a Site Plan Agreement with the Owner, pursuant to Section 41 of the *Planning Act*.”
2. All other provisions of By-law 109-21 as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule “A” attached hereto.
 3. 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.
 4. Schedule “A” attached to By-law 109-21 is declared to form a part of this by-law.

The Corporation of The City Of Richmond Hill

Explanatory Note to By-Law 109-21

By-law 109-21 affects the lands described as Part of Lots 22, 23, and 26 and Lots 24 and 25, Plan 2383, municipally known as 9861 Yonge Street and 236 and 240 Church Street South.

By-law 66-71, as amended, zones the subject lands “Residential Multiple Third Density (RM3) Zone” and “Residential Second Density (R2) Zone”, which does not permit the proposed development.

By-law 109-21 will have the effect of rezoning the subject lands to “Residential Multiple Six Density (RM6) Zone” under By-law 66-71, as amended, to permit a 10-storey mixed-use residential/commercial building on the subject lands.

DRAFT

