

The Corporation of the City of Richmond Hill

By-Law 85-22

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

Whereas the Council of The Corporation of the City of Richmond Hill (the "Corporation") at its Meeting of December 8, 2021, directed that this by-law be brought forward to Council for its consideration;

The Council of The Corporation of the City of Richmond Hill enacts as follows:

1. That By-law 2325-68, as amended, of the former Township of Markham ("By-law 2325-68"), be and hereby is further amended by:
 - a) removing those lands shown on Schedule "A" to this By-law 85-22 (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 55-15, as amended, of The Corporation of the City of Richmond Hill ("By-law 55-15") be and hereby is further amended as follows:
 - a) by expanding the area of By-law 55-15 to include the Lands;
 - b) by rezoning the Lands to "Neighbourhood Commercial (C1) Zone" and "Environmental Protection Two (EPA2) Zone" under By-law 55-15 as shown on Schedule "A" of this By-law 85-22; and,
 - c) by adding the following to Section 7 – Exceptions

"7.62

Notwithstanding any inconsistent or conflicting provisions of By-law 55-15 of the Corporation, as amended, the following special provisions shall apply to the lands zoned "Neighbourhood Commercial (C1) Zone" and more particularly shown as "C1" on Schedule "A" to By-law 85-22 and denoted by a bracketed number (7.62):

- i) The amendments to By-law 55-15 set out in Exception 7.3 (enacted through By-law 82-16) shall also apply.
- ii) For the purposes of Section 7.62, the following shall apply in addition to the definitions set out in Section 6:
 - (a) **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 **BASEMENTS, MECHANICAL PENTHOUSES**, loading areas, **PARKING GARAGES, GARAGES**, elevator shafts, stairwells, mechanical or electrical rooms or shafts, spaces open to below, and any space with a floor to ceiling **HEIGHT** of less than 1.8 metres.
 - (b) **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.

- iii) The minimum **FLOOR AREA RATIO** shall be 1.0 and the maximum **FLOOR AREA RATIO** shall be 2.0. For the purposes of calculating maximum **FLOOR AREA RATIO**, the **LOT AREA** shall be deemed to be 24,105.2 square metres regardless of any conveyances for road widening purposes, dedications or severances.
- iv) The provisions of Sections 5.7 and 5.8 shall not apply to **BLOCK TOWNHOUSE DWELLINGS, STREET TOWNHOUSE DWELLINGS, REAR LANE TOWNHOUSE DWELLINGS** and **APARTMENT DWELLINGS**.
- v) The number of **PARKING SPACES** required shall be calculated in accordance with the following standards:
 - (a) **BLOCK TOWNHOUSE DWELLINGS, STREET TOWNHOUSE DWELLINGS** and **REAR LANE TOWNHOUSE DWELLINGS**: 1.5 **PARKING SPACES** per **DWELLING UNIT**, of which 0.25 **PARKING SPACES** per **DWELLING UNIT** shall be for visitor parking.
 - (b) **APARTMENT DWELLING**:
 - (i) 1 Bedroom Unit less than or equal to 37.16 square metres in **GROSS FLOOR AREA**: 1.0 **PARKING SPACES** per **DWELLING UNIT**
 - (ii) 1 Bedroom Unit greater than 37.16 square metres in **GROSS FLOOR AREA**: 1.1 **PARKING SPACES** per **DWELLING UNIT**
 - (iii) 2 Bedroom Unit: 1.35 **PARKING SPACES** per **DWELLING UNIT**
 - (iv) 3 Bedroom Unit: 1.55 **PARKING SPACES** per **DWELLING UNIT**
 - (v) Visitor: 0.25 **PARKING SPACES** per dwelling unit
 - (c) **COMMERCIAL USES**: 4.3 **PARKING SPACES** per 100 square metres of **GROSS LEASABLE FLOOR AREA**.
- vi) Notwithstanding Section 5.15 a), a **PARKING SPACE** for the physically disabled shall have a width of no less than 3.7 metres and a length of no less than 5.8 metres.
- vii) No setbacks shall be required to any portion of a parking garage, transformer structure and waste storage structure.

7.63

Notwithstanding any inconsistent or conflicting provisions of By-law 55-15 of the Corporation, as amended, the following special provisions shall apply to the lands zoned "Neighbourhood Commercial (C1) Zone" and more particularly shown as "C1" on Schedule "A" to By-law 85-22 and denoted by a bracketed number (7.63):

- i) The lands shall be deemed to be a **LOT**.
- ii) The **LOT LINE** abutting Bayview Avenue shall be deemed to be the **FRONT LOT LINE** and the **LOT LINE** abutting Elgin Mills Road East shall be deemed to be the **FLANKAGE LOT LINE**.
- iii) Minimum Required **REAR YARD**: 4.5 metres (14.76 feet)
- iv) Minimum Required **SIDE YARD**: 4.0 metres (13.12 feet)
- v) Minimum Required **FLANKAGE YARD**: 1.5 metres (4.92 feet)

- vi) Minimum **SETBACK** of access stairs for a parking garage to
a **LOT LINE**: 1.0 metres (3.28 feet)
- vii) Maximum **HEIGHT**: 14 storeys
- viii) Notwithstanding the definitions of **STOREY** and **BUILDING HEIGHT**, a **MECHANICAL PENTHOUSE** and a parapet which are less than 7.5 metres (24.61 feet) in height and do not occupy more than 75% of the area of the roof upon which they are located shall not be considered a **STOREY** and shall not be included in the calculation of maximum **HEIGHT**.
- ix) Notwithstanding the definition of **STOREY**, the first **STOREY** (ground floor) of an **APARTMENT DWELLING** shall be permitted to have a maximum **HEIGHT** of 7.75 metres (25.43 feet).
- x) Notwithstanding Special Provision 1 in Table B1, **DWELLING UNITS** may be permitted on the ground floor of an **APARTMENT DWELLING**.
- xi) Notwithstanding Section 5.15 a), a maximum of ten percent (10%) of all required residential **PARKING SPACES** shall be permitted to have a width of no less than 2.44 metres and a length of no less than 4.88 metres, provided that the **PARKING SPACES** are permanently designated by signs as being for use by compact cars only.
- xii) Notwithstanding Section 5.1.9, Covered or uncovered **PORCHES** and/or **DECKS** with or without foundations and stairs used to access such **PORCHES** and/or **DECKS**, may encroach into a minimum required **FLANKAGE YARD** or **SIDE YARD** a distance of 2.0 metres (6.56 feet).

7.64

Notwithstanding any inconsistent or conflicting provisions of By-law 55-15 of the Corporation, as amended, the following special provisions shall apply to the lands zoned "Neighbourhood Commercial (C1) Zone" and more particularly shown as "C1" on Schedule "A" to By-law 85-22 and denoted by a bracketed number (7.64):

- i) For the purposes of Section 7.64, the following shall apply in addition to the definitions set out in Section 6:
 - (a) a **STREET** shall include a **LANE**
 - (b) the lands shall be deemed to be a **LOT**
- ii) A maximum of three (3) of the required visitor **PARKING SPACES** may be provided within the lands subject to Exception 7.63.
- iii) Notwithstanding Section 5.1.9, covered or uncovered **PORCHES** and/or **DECKS** with or without foundations, may encroach into a minimum required **FRONT YARD**, **REAR YARD**, **FLANKAGE YARD** or **SIDE YARD** a distance of 2.0 metres (6.56 feet).
- iv) Notwithstanding Table 5.1.10, window wells and/or window bays over a maximum width of 4.5 metres (14.76 feet) may project into a minimum required **REAR YARD**, **FLANKAGE YARD** or **SIDE YARD** a distance of 1.0 metre (3.28 feet).
- v) Notwithstanding Table A2, the following provisions shall apply to the future division of the Lands for **REAR LANE TOWNHOUSE DWELLINGS** and a **PARCEL OF TIED LAND** on the lands denoted as Parcel A on Schedule "B" to this By-law 85-22:
 - (a) The **LOT LINE** adjacent to and facing Bayview Avenue shall be the **FRONT LOT LINE**
 - (b) Minimum **LOT FRONTAGE**: 6.0 metres (19.69 feet)

- (c) Minimum Required **FRONT YARD**: 4.0 metres (13.12 feet)
- (d) Minimum Required **SIDE YARD**: 0.6 metres (1.97 feet)
- (e) Minimum Required **FLANKAGE YARD**: 0.5 metres
(1.64 feet)
- (f) Minimum Required **REAR YARD** ⁽¹⁾: 4.5 metres (14.76 feet)

Notes:

- (1) where a **REAR LOT LINE** abuts a curved corner to a **LANE**, the minimum required **REAR YARD** shall be 2.0 metres (6.56 feet)

vi) Notwithstanding Table A2, the following provisions shall apply to the future division of the Lands for **STREET TOWNHOUSE DWELLINGS** and a **PARCEL OF TIED LAND** on the lands denoted as Parcel B on Schedule "B" to this By-law 85-22:

- (a) Minimum **LOT AREA**: 135.0 square metres
(1,453.13 square feet)
- (b) Minimum Required **SIDE YARD**: 0.6 metres (1.97 feet)
- (c) Minimum Required **REAR YARD**: 5.0 metres (16.40 feet)

vii) Notwithstanding Table A2, the following provisions shall apply to the future division of the Lands for **STREET TOWNHOUSE DWELLINGS** and a **PARCEL OF TIED LAND** on the lands denoted as Parcels C and D on Schedule "B" to this By-law 85-22:

- (a) Minimum **LOT AREA**: 140.0 square metres
(1,506.95 square feet)
- (b) Minimum Required **SIDE YARD**: 0.6 metres (1.97 feet)

viii) Notwithstanding Table A2, the following provisions shall apply to the future division of the Lands for **STREET TOWNHOUSE DWELLINGS** and a **PARCEL OF TIED LAND** on the lands denoted as Parcel E on Schedule "B" to this By-law 85-22:

- (a) Minimum **LOT AREA**: 130 square metres
(1,399.31 square feet)
- (b) Minimum Required **FRONT YARD** ⁽¹⁾: 3.0 metres (9.84 feet)
- (c) Minimum Required **SIDE YARD**: 0.6 metres (1.96 feet)
- (d) Minimum Required **FLANKAGE YARD**: 1.5 metres
(4.92 feet)
- (e) Minimum Required **REAR YARD**: 4.0 metres (13.12 feet)

Notes:

- (1) where a **FRONT LOT LINE** abuts a curved corner to a **LANE**, the minimum required **FRONT YARD** shall be 1.5 metres (4.92 feet)

ix) Notwithstanding Table A2, the following provisions shall apply to the future division of the Lands for **REAR LANE TOWNHOUSE DWELLINGS** and a **PARCEL OF TIED LAND** on the lands denoted as Parcel F on Schedule "B" to this By-law 85-22:

- (a) The **LOT LINE** that abuts Elgin Mills Road East shall be the **FRONT LOT LINE**
- (b) Minimum **LOT FRONTAGE**: 6.0 metres (19.69 feet)
- (c) Minimum Required **FRONT YARD**: 1.5 metres (4.92 feet)
- (d) Minimum Required **SIDE YARD** ⁽¹⁾: 0.5 metres (1.64 feet)
- (e) Minimum Required **FLANKAGE YARD**: 0.6 metres
(1.97 feet)
- (f) Minimum Required **REAR YARD** ⁽²⁾: 4.3 metres (14.11 feet)

Notes:

- (1) where a **SIDE LOT LINE** abuts a visitor parking space or a water meter chamber, the minimum required **SIDE YARD** shall be nil.
 - (2) where a **REAR LOT LINE** abuts a curved corner to **LANE**, the minimum required **REAR YARD** shall be 2.5 metres (8.2 feet).”
3. 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, the height of the development set out herein is permitted subject to the provision, by the Owner of the Lands (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, in a form satisfactory to The Corporation of the City of Richmond Hill (the “City”). The Owner of the Lands, at the Owner’s expense and in accordance with, and subject to the agreement or agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City, in order to permit the increase in height authorized under this exception regulation:
- a) The Owner shall make a cash contribution to the City in the amount of TWO HUNDRED AND THIRTY-TWO THOUSAND DOLLARS (\$232,000.00) towards the installation of a signalized intersection on Bayview Avenue, north of Elgin Mills Road East, or towards such alternative community benefit as approved by the City up to an equal amount, as the City determines in its sole and absolute discretion, all in a form satisfactory to the City.
- The agreement or agreements referred to above shall be registered on title to the Lands by the Owner either prior to, or as part of, the City entering into and executing a Site Plan Agreement with the Owner, pursuant to Section 41 of the *Planning Act*.
4. All other provisions of By-law 55-15, as amended, not inconsistent with the foregoing, shall continue to apply to the Lands shown on Schedule “A” attached hereto.
 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. Schedules “A” and “B” attached to By-law 85-22 are declared to form part of this By-law.

Passed this 22nd day of June, 2022.

David West
Mayor

Stephen M.A. Huycke
City Clerk

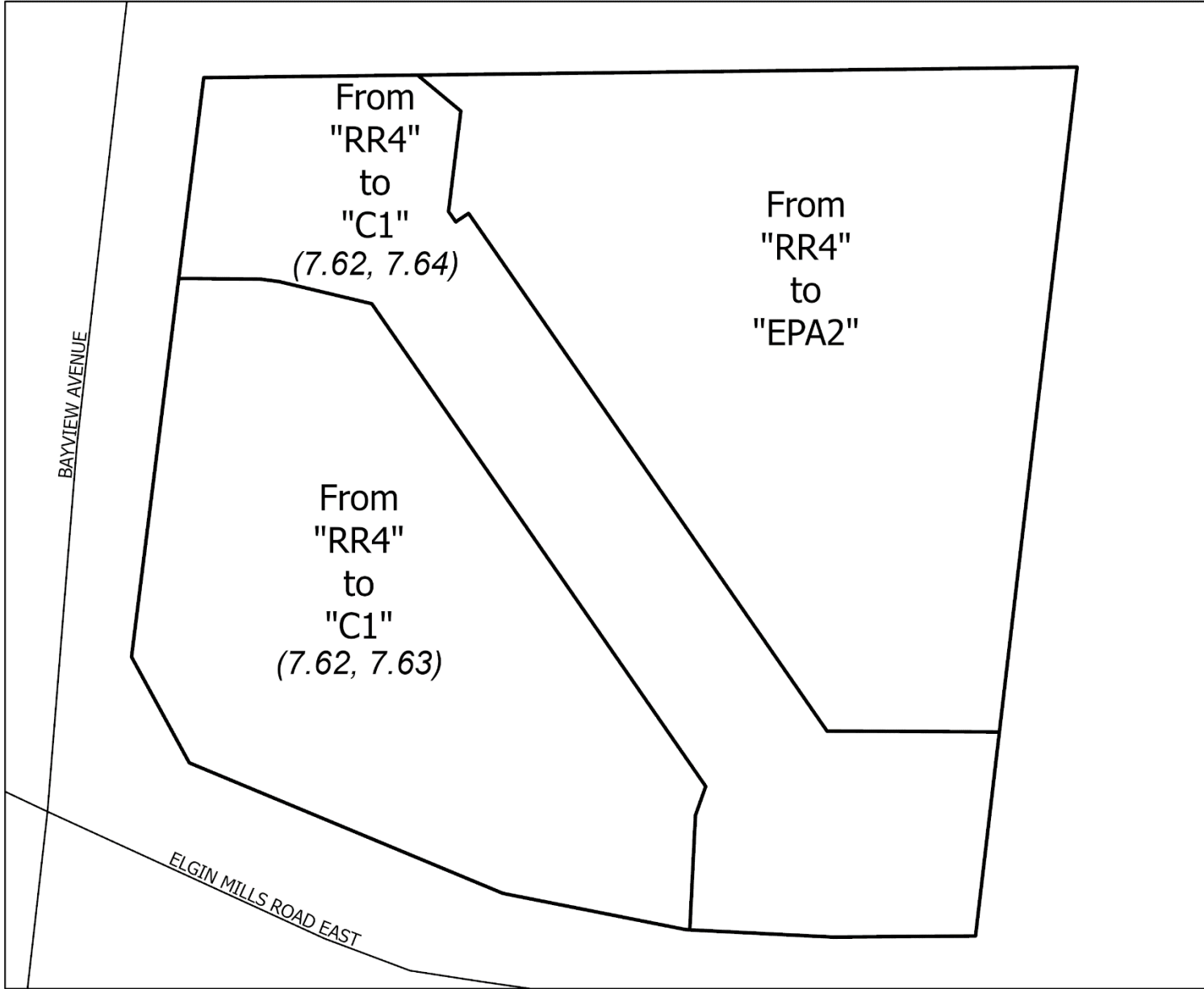
The Corporation of the City of Richmond Hill

Explanatory Note to By-law 85-22

By-law 85-22 affects the lands described as Part of Lot 26, Concession 2, E.Y.S., municipally known as 0 Elgin Mills Road East.

By-law 2325-68, as amended, of the former Township of Markham, zones the subject lands "Rural Residential Four (RR4) Zone".

By-law 85-22 will have the effect of removing the lands from the provisions of By-law 2325-68, as amended, and rezoning the subject lands to "Neighbourhood Commercial (C1) Zone" and "Environmental Protection Two (EPA2) Zone" under By-law 55-15, as amended. By-law 85-22 also contains a number of site specific provisions to permit a mixed use residential/commercial development comprised of 344 apartment dwelling units, 56 townhouse dwellings and approximately 1,266.0 square metres (13,627.1 square feet) of ground related commercial space, in addition to condominium facilities such as private streets, visitor parking, pedestrian walkways, a private park and a central plaza on the subject lands.



SCHEDULE " A "

TO BY-LAW NO.85-22

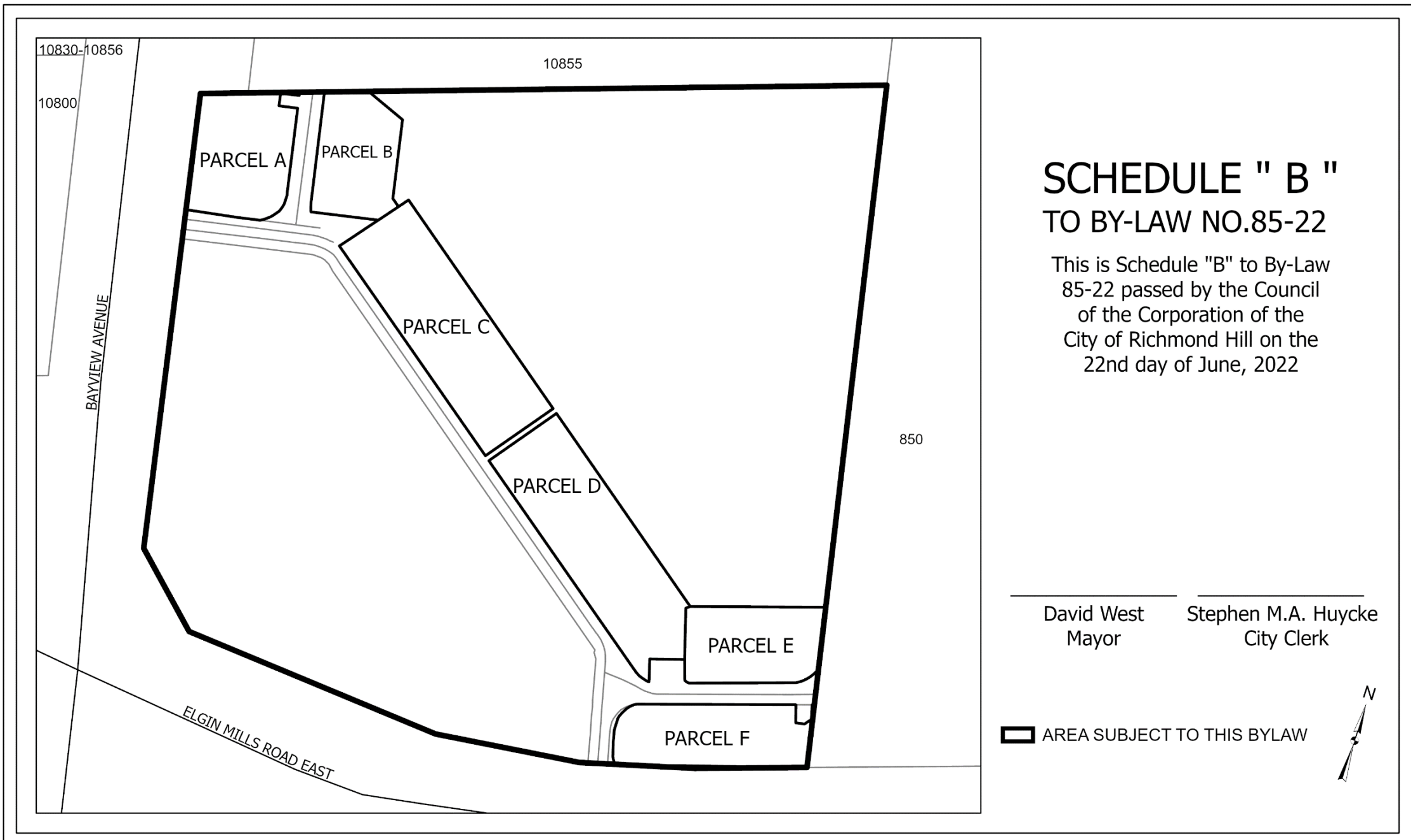
This is Schedule "A" to By-Law 85-22 passed by the Council of the Corporation of the City of Richmond Hill on the 22nd day of June, 2022

David West
Mayor

Stephen M.A. Huycke
City Clerk

□ AREA SUBJECT TO THIS BYLAW





SCHEDULE " B "

TO BY-LAW NO.85-22

This is Schedule "B" to By-Law 85-22 passed by the Council of the Corporation of the City of Richmond Hill on the 22nd day of June, 2022

David West
Mayor

Stephen M.A. Huycke
City Clerk

 AREA SUBJECT TO THIS BYLAW

