

The Corporation of the City of Richmond Hill

By-law XX-22

A By-law to amend By-law 2325-68, as amended, of the Former Township of Markham

Whereas the Council of The Corporation of the City of Richmond Hill (the "Corporation") at its Meeting of September 14, 2022, 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 as follows:

a) by rezoning the Lands to "Residential Tenth Density (RM10-XX) Zone" as shown on Schedule "A" to this By-law XX-22;

b) **DEFINITIONS**

For the purposes of this by-law, the following Definitions shall apply to the Lands as shown on Schedule "A" to this By-law XX-22:

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.

BICYCLE PARKING SPACE

Means an area in a building that is equipped with a bicycle rack for the purpose of parking and securing bicycles.

CLINIC

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

DWELLING, APARTMENT

Means a building or structure 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 and/or direct exterior access for ground floor live-work and/or residential units.

DWELLING UNIT

Means a unit that:

- a) consists of one self-contained set of rooms located in a building or a structure;
- b) is used or has the capability of being used as a domicile by one or more persons as a single housekeeping unit;
- c) contains cooking, eating, living, sleeping and sanitary facilities designated for the exclusive use of its occupants; and
- d) has a means of egress to the outside of the building, which may be a means of egress with other shared dwelling units.

FLOOR AREA

Means the total horizontal area of all floors in a building.

FLOOR AREA, GROSS

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 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.

FLOOR SPACE INDEX

Means the maximum gross floor area of all buildings on a lot expressed as a ratio or multiple of the lot area.

GRADE, ESTABLISHED

Means with reference to a building or structure, the average elevation of the finished structure off the ground where it meets the exterior of the front of such building and, when used with reference to a structure other than a building, shall mean the average elevation of the finished grade of the ground immediately surrounding such 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. For the purpose of determining the established grade, the elevation facing Yonge Street shall be considered as the front of the building.

HEIGHT

Means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to the highest point of the roof surface, but excluding parapets, mechanical penthouses and other decorative roof structures which are 6.0 metres (19.7 feet) or less in height and that in aggregate do not occupy more than 75% of the area of the roof upon which they are located.

HOME OCCUPATION

Means an economic enterprise operated within a dwelling unit, incidental and secondary to the residential use.

LANDSCAPING

Means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and shall not include amenity space, parking areas, driveways or ramps.

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.

LOT

Means the area outlined in heavy black line on Schedule "A" to this By-law XX-22 at the time of its approval, regardless of any conveyance(s) for road allowance, road widening or daylighting triangle purposes.

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.

MOTOR VEHICLE

Means an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road-building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

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.

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.

PARKING SPACE

Means a space for the parking of a motor vehicle that is free and clear of any encroachments.

PARKING STACKER

Means a mechanical motor vehicle parking facility with parking spaces which are positioned above each other which may not be readily accessible at all times without maneuvering another vehicle or a device.

PARKING STRUCTURE

Means a building or part thereof used for the storage or parking of motor vehicles, which can be above or below grade.

PRIVATE HOME DAYCARE

Means a private home daycare facility licensed under the *Child Care and Early Years Act* or its successor.

STOREY

Means that portion of a building between the surface of a floor and the floor, ceiling or room 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 grade, and provided that the floor to ceiling height of a storey shall not exceed 4.5 metres. Any storey with a

floor to ceiling height beyond 4.5 metres shall be deemed an additional storey.

- c) by adding the following to **Section X – EXCEPTIONS**

“X.1

Notwithstanding any inconsistent or conflicting provisions of By-law 2325-68, as amended, the following special provisions shall apply to the lands zoned “Residential Tenth Density (RM10-XX) Zone” and more particularly shown as “RM10-XX” on Schedule “A” to this By-law XX-22 and denoted by a bracketed number (X.1):

i) PERMITTED USES

Permitted uses shall be as follows (1)(2):

- (a) **APARTMENT DWELLING**
- (b) **HOME OCCUPATION**
- (c) **PRIVATE HOME DAYCARE**
- (d) **RETAIL STORE**
- (e) **FINANICAL INSTITUTION**
- (f) **OFFICE**
- (g) **MEDICAL OFFICE**
- (h) **CONVENIENCE RETAIL STORE**
- (i) **RESTAURANT**
- (j) **FAST FOOD RESTAURANT**
- (k) **PERSONAL SERVICE ESTABLISHMENT**
- (l) **CLINIC**
- (m) **PRIVATE CLUB**
- (n) **INSTITUTIONAL USES**
- (o) **SALES AND SERVICE OF MOTOR VEHICLES**

NOTES:

- (1) Dwelling units shall be permitted on the ground floor of a building or structure, but shall not be permitted on the ground floor facing Yonge Street. Access to the ground floor dwelling units shall be separate from the primary access to the non-residential uses within a building or structure.
- (2) The uses described in (d) to (o) inclusive shall only be permitted within the 4 storey podium fronting onto Yonge Street.

ii) DEVELOPMENT STANDARDS

The following 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:** 60.0 metres
- d) Maximum **LOT COVERAGE:** 54%
- e) Minimum **FRONT YARD:** 3.5 metres
- f) Minimum **SIDE YARD (North):** 5.0 metres
- g) Minimum **SIDE YARD (South):** 12.0 metres
- h) Minimum **REAR YARD:** 9.0 metres
- i) Maximum **HEIGHT (Tower A):** 19 storeys, but no greater than 63.0 metres
- j) Maximum **HEIGHT (Tower B):** 16 storeys, but no greater than 54.0 metres
- k) Maximum **HEIGHT (Interior Podium):** 6 storeys, but no greater than 20.0 metres

- l) Maximum **HEIGHT** (Yonge Street Podium): 4 storeys, but no greater than 13.0 metres
- m) Maximum **FLOOR SPACE INDEX (FSI)**: 4.7

For the purpose of calculating Floor Space Index, the lot area shall be deemed to be 7,416.6 square metres (79,834.23 square feet), exclusive of any conveyance(s) for road allowance, road widening or daylighting triangle purposes.

- n) Maximum Residential **GROSS FLOOR AREA**: 28,900.0 square metres
- o) Minimum Non-Residential **GROSS FLOOR AREA**: 4,962.0 square metres
- p) Minimum **AMENITY SPACE**: 2.0 square metres per dwelling unit

iii) **LANDSCAPING AND LANDSCAPE BUFFER REQUIREMENTS**

A strip of land shall be used for no other purpose than landscaping in accordance with the following standards:

- a) a landscape buffer abutting Yonge Street shall be a minimum of 3.5 metres (11.48 feet) in depth;
- b) a landscape buffer abutting the rear lot line shall be a minimum of 1.5 metres (4.92 feet) in depth; and,
- c) a landscape buffer abutting the side lot line shall be a minimum of 4.0 metres (13.12 feet) (north) and 3.5 metres (11.48 feet) (south) in depth

Notwithstanding the definition of landscaping, a driveway, mechanical equipment and ventilation shafts shall be permitted to encroach into the required landscaping.

iv) **PARKING STANDARDS**

The number of parking spaces shall be calculated in accordance with the following standards:

- a) Residential Uses:
 - i. One (1) bedroom dwelling unit: 0.95 spaces per dwelling unit
 - ii. Two (2) bedroom dwelling unit: 1.0 space per dwelling unit
 - iii. Three (3) bedroom dwelling unit: 1.2 spaces per dwelling unit
 - iv. Visitor Parking: 0.15 spaces per dwelling unit
- b) Non-Residential Uses (1)(2):
 - v. Retail/Commercial: 2.6 spaces per dwelling unit
 - vi. Bicycle Parking – Long Term Non-Residential: 0.13 spaces per 100 square metres of Gross Floor Area
 - vii. Bicycle Parking – Short Term Non-Residential: 0.15 spaces per 100 square metres of Gross Floor Area

NOTES:

- (1) Parking Area Requirements – Parking Space

12 retail/commercial parking spaces may be provided in a Parking Stacker within a private garage. For the purpose of calculating the

retail/commercial parking requirement, the upper 12 retail/commercial parking spaces in a Parking Stacker cannot be counted towards the retail/commercial parking supply.

(2) Parking Stacker – Parking Space

A Parking Stacker Parking Space may have dimensions of less than 2.75 metres by 5.8 metres, except that the platform of such parking space may have dimensions of not less than 1.97 metres by 4.16 metres.

v) LOADING STANDARDS

The maximum number of loading spaces required for all uses on site shall be 2. The commercial loading space shall be paved and have a width of not less than 3.5 metres (11.48 feet) and a length of not less than 11 meters (36.09 feet).

vi) ENCROACHMENT PROVISIONS

Bay windows and sills, balconies, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, signage, ornamental and architectural features, landscape structures and features on amenity roof terraces, mechanical screens and flag poles, are permitted to encroach into a height or yard setback to a maximum of 2.25 metres.”

2. All other provisions of By-law 2325-68, 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 XX-22 is declared to form part of this by-law.

Passed this ____ day of _____, 2022.

David West
Mayor

Stephen M.A. Huycke
City Clerk

The Corporation of the City of Richmond Hill

Explanatory Note to By-law XX-22

By-law XX-22 affects the lands described as Part of Lots 1, 2 and 3, Registered Plan 2260, municipally known as 9675, 9697 and 9699 Yonge Street.

By-law 2325-68, as amended, zones the subject lands “General Commercial One (GC1) Zone”, which does not permit the proposed development.

By-law XX-22 will have the effect of rezoning the subject lands to “Residential Tenth Density (RM10-XX) Zone” under By-law 2325-68, as amended, with site specific provisions to permit a 19 and 16 storey mixed use residential apartment building, connected by a 6 storey podium with at-grade townhouse dwelling units, and a 4 storey retail/commercial podium along Yonge Street on the subject lands.

DRAFT