

BY-LAW NO. XX – 24

A By-law to Amend By-law No. 2523, as amended,
of The Corporation of the former Township of
Vaughan

Now Therefore the Ontario Land Tribunal hereby approves as follows:

1. That By-law No. 2523, as amended, of The Corporation of the former Township of Vaughan, be and is hereby amended as follows:
 - a) By rezoning the lands shown on Schedule "A" to By-law No. XX-24 (the "Lands") from "General Commercial Two (GC2) to "Residential Multiple Ten (RM10) Zone" and "Temporary Open Space (OS) Zone" under By-law 2523, as amended.
2. By adding the following to Section 25 – EXCEPTIONS of By-law No. 2523:

"RH 210"

Notwithstanding any inconsistent or conflicting provision of By-law No. 2523, as amended, the following special provisions shall apply to lands zoned "Residential Multiple Ten (RM10) Zone" and "Temporary Open Space (OS) Zone", more particularly identified on Schedule "A" to By-law XX-24 and denoted by a bracketed number (RH 202):

1. DEFINITIONS

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

- (1) **ACTIVE AT GRADE FRONTAGE** – means a street line that abuts Yonge Street.
- (2) **AMENITY SPACE** – shall mean an 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.
- (3) **COMMERCIAL USE** – shall mean the use of land, buildings or structures for the purpose of buying or selling commodities, including a motor vehicle sales establishment, and supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit. Notwithstanding the foregoing, commercial uses shall exclude an automobile service station, gas bar convenience retail store, gas bar, motor vehicle/lubrication establishment, motor vehicle washing establishment, auto body repair shop, a repair shop for internal combustion engines, motorized vehicles or similar uses, and a public garage.
- (4) **DAYLIGHTING TRIANGLE** – shall mean a triangular area of land on or abutting a corner lot. The hypotenuse of a **daylighting triangle** shall be that property line directly opposite the angle formed by the point of intersection of the street lines.
- (5) **DWELLING, APARTMENT** – shall mean 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, mid-rise or low rise building.
- (6) **ESTABLISHED GRADE** – 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**.

- (7) **FLOOR AREA** - shall mean the total horizontal area of all floors in a building.
- (8) **FLOOR SPACE INDEX** – shall mean the maximum **gross floor area** of all buildings on a lot expressed as a ratio or multiple of the lot area.
- (9) **FLOOR AREA, GROSS (GFA)** – shall mean 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 above- or below-grade areas, including, but not limited to mechanical penthouses, loading areas, vehicle or bicycle parking areas or structures, elevator shafts, garbage or recycling chutes, stairwells, mechanical or electrical rooms, and any space with a floor to ceiling height of less than 1.8 metres.
- (10) **HEIGHT, BUILDING** – shall mean the number of **storeys** measured from the **established grade** of the principal entrance of the building.
- (11) **HIGH RISE** - Means buildings or structures with a height of 9 storeys or greater.
- (12) **LOT COVERAGE** - Means the percentage of the lot covered by all buildings, and shall not include that portion of such lot which is occupied by a building or portion thereof which is completely below grade.
- (13) **MECHANICAL PENTHOUSE (MPH)** – 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.
- (14) **MOTOR VEHICLE SALES ESTABLISHMENT** - means premises used for the sale, rental or lease of vehicles displayed or stored on site and includes accessory uses limited to minor vehicle detailing, and minor vehicle alterations associated with the preparation of new vehicle delivery and customer pick-up.
- (15) **STEP-BACK** - means the horizontal distance measured from the main wall of a building at right angles for a determined distance in metres towards the centre of the building.
- (16) **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 ground, and provided that any portion of a **storey** exceeding 4.0 metres in height shall be deemed an additional **storey**, save for and except the ground floor which may maintain a maximum height of 9.1 metres within the loading/service areas and the commercial area.
- (17) **TOWER** – means all storeys above the sixth storey in a high-rise building.
- (18) **STREET WALL** - means the wall of a **high rise building** with a minimum of three (3) storeys to a maximum of six (6) storeys and that abuts a street.

(19) **TOWER FLOOR PLATE** – means the area of any storey of a high-rise located above the sixth storey.

2. **PERMITTED USES**

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

- a) **APARTMENT DWELLING** (1); and,
- b) **COMMERCIAL USES.**

Note:

- (1) No dwelling units shall be permitted to face Yonge Street on the ground floor of a building.

3. **DEVELOPMENT STANDARDS**

The following development standards shall apply (1) (2) (3) (4) (5) (6) (7)(8):

Maximum Height exclusive of the MPH	32 storeys and 104.0 m (341.2 ft) whichever is less
Maximum Street Wall Height	24.0 m (78.7 ft)
Maximum Gross Floor Area	31,000.0 m ² (333,681.2 ft ²)
Maximum Floor Space Index	4.4
Maximum Lot Coverage	33%
Minimum Front Yard (Yonge Street)	0.0 (0.0 ft)
Minimum setback to daylight triangles	0.0 m (0.0 ft)
Minimum Side Yard (north)	5.5 m (18.1 ft)
Minimum Flankage (new public street)	0.0 m (0.0 ft)
Minimum Rear Yard at ground floor (new public street)	8.0 m (26.3 ft)
Minimum Rear Yard between the 2 nd floor and 6 th floor (new public street)	1.8 m (5.9 ft)
Minimum Rear Yard for the tower (new public street)	50 m (164.0 ft)
Minimum step-back above the 5 th floor (Yonge Street)	3.0 m (9.8 ft)
Minimum tower Side Yard (north)	10.0 m (32.8 ft)

Notes:

- (1) For the purpose of calculating the **Floor Space Index** and **Lot Coverage**, the lot area shall be deemed to be 7,038.59 square metres (75,762.8 square feet), regardless of any conveyances for road widening purposes, dedications or severances.
- (2) For the purposes of this By-law, the front lot line shall be the lot line abutting Yonge Street.
- (3) The maximum **tower floor plate** shall be no greater than 810.0 square metres (8,718.8 square feet) exclusive of any balcony projection.
- (4) A **mechanical penthouse** shall be permitted to project 7.6 metres (24.6 feet) above the maximum permitted building **height**. Stacks, vents, pipes or similar elements that exist for the functional operation of the building may project above the mechanical penthouse.
- (5) Balconies and architectural features shall be permitted to project a maximum of 2.0 metres (4.92 feet) from the building face including into required **yards** but shall not project beyond the lot line.
- (6) A minimum of 1,200.0 square metres (12,916.7 square feet) of **commercial gross floor area** shall be provided.

- (7) A minimum of 70 percent **active at-grade frontage** at the ground level shall be provided and will comprise **commercial uses**.
- (8) No setbacks shall be required for any parking structure or any portion thereof if it is constructed completely below established grade.

4. VEHICLE PARKING AREA REQUIREMENTS

The width of an aisle shall comply with the following provisions:

- (1) Aisles perpendicular to a parking space: a minimum of 6.0 metres (19.7 feet).
- (2) A one-way aisle for pick-up drop off: a minimum of 4.5 metres (14.8 feet).

5. LOADING STANDARDS

A minimum two loading spaces will be required to serve the residential and commercial components of the building and neither space shall be used exclusively for commercial or residential uses.

Notes:

- (1) One loading space shall be paved, free of any encroachments and have a width of not less than 4.0 metres (13.1 feet) and a length of not less than 13 metres (42.7 feet) with a minimum overhead clearance of 6.5 metres (21.3 feet).
- (2) One loading space shall be paved, free of any encroachments and have a width of not less than 3.5 metres (11.5 feet) and a length of not less than 6 metres (19.6 feet) with a minimum overhead clearance of 3 metres (9.8 feet) and may be located below grade.

6. BICYCLE PARKING STANDARDS

For every building or structure permitted in this by-law, bicycle parking spaces shall be provided in accordance with the following minimum standards (1) (2) (3) (4):

Apartment Dwelling (long term)	0.56 spaces per dwelling unit
Apartment Dwelling (short term)	0.04 spaces per dwelling unit
Commercial Use (long term)	0.13 spaces per 100 sq.m GFA
Commercial Use (short term)	0.15 spaces per 100 sq.m GFA

Notes:

- (1) Short Term bicycle parking spaces shall be located at grade.
- (2) Long Term bicycle parking spaces may be located at, below or above grade.
- (3) Where bicycles are to be parked on a horizontal surface, a bicycle parking space shall have a width of not less than 0.6 metres (1.97 feet), a length of not less than 1.8 metres (5.91 feet) and a height of not less than 1.9 metres (6.23 feet).
- (4) Where bicycles are to be parked in a vertical position, a bicycle parking space shall have a width of not less than 0.6 metres (1.97 feet), a length of not less than 1.2 metres (3.94 feet) and a height of not less than 1.9 metres (6.23 feet).

7. AMENITY SPACE

Amenity space must be provided at a rate of 2.0 square metres (21.53 square feet) per **dwelling unit**.

8. TEMPORARY OPEN SPACE (OS) ZONE

The permitted uses on the lands zoned “OS Zone” shall be a privately owned publicly accessible open space, a private open space, and a stormwater management facility.

3. All other provisions of By-law No. 2523, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule "A" attached hereto.
4. 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.
5. Schedule "A" attached to By-law No. XX-24 is declared to form a part of this by-law.

Approved by the Ontario Land Tribunal in its Decision (OLT Lead Case No. OLT-24-000758).

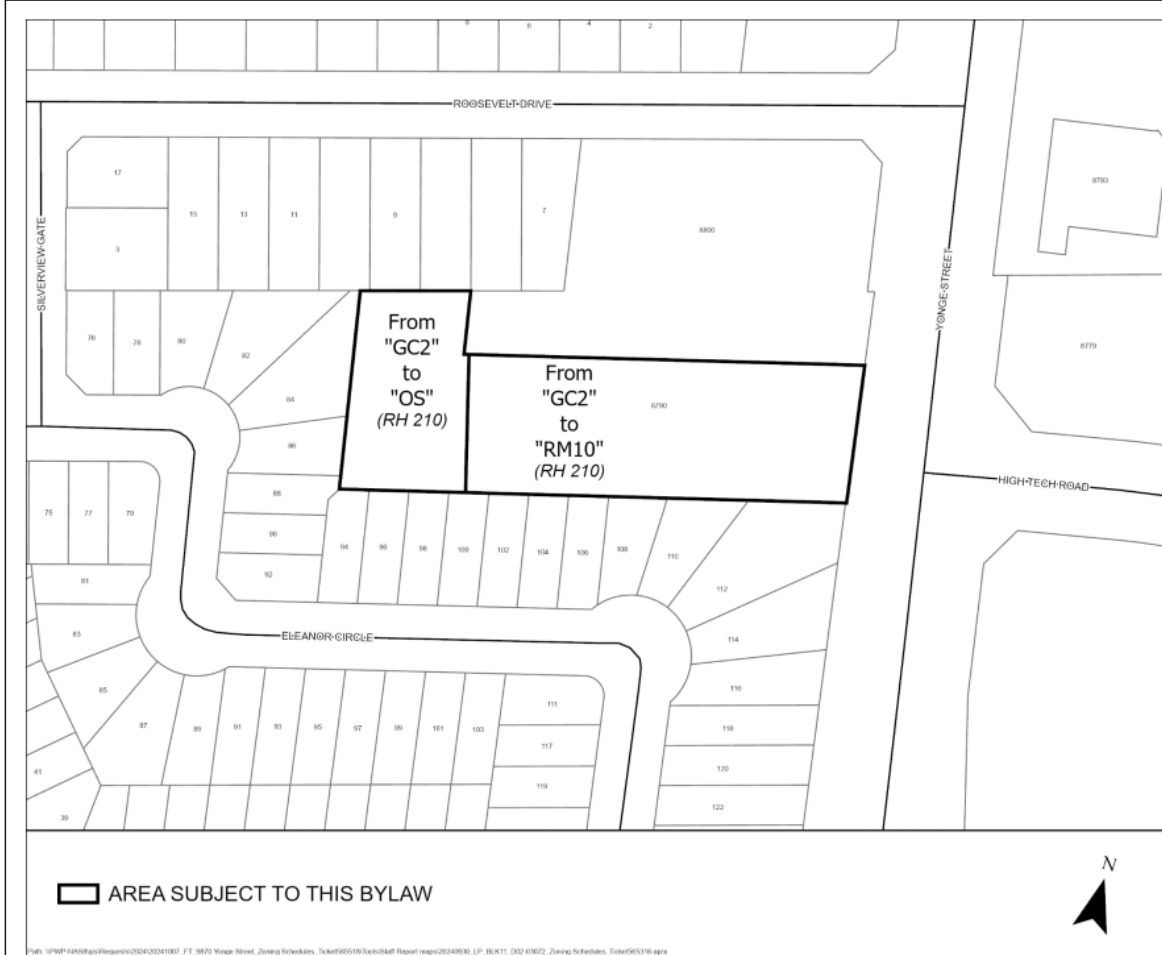
The Corporation of the City of Richmond Hill

Explanatory Note to By-law XX-24

By-law XX-24 affects lands known as Part of Lot 37, Concession 1, W.Y.S., municipally known as 8790 Yonge Street, and located on the west side of Yonge Street, south of Roosevelt Drive.

The lands are currently zoned “General Commercial Two (GC2) Zone”. The “GC2” Zone permits an automobile dealership and a commercial school with site specific development standards, but, does not permit residential uses.

By-law XX-24 will have the effect of rezoning the subject lands to "Residential Multiple Ten (RM10) Zone and “Temporary Open Space (OS) Zone” under By-law 2523, as amended with site specific development standards to permit the construction of a high-density mixed use residential/commercial development comprised of a 32-storey apartment building on the subject lands. The portion of the subject lands, west of the future north-south street, are intended to be used for open space. As the lands are located within a Major Transit Station Area, minimum parking requirements are not applicable in accordance with the *Planning Act*.



SCHEDULE "A"

TO BY-LAW NO. **_**

This is Schedule "A" to By-Law
 _ approved by the
 Ontario Land Tribunal

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