

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 048-2014

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE The Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from R1 Residential Zone to C11 Mainstreet Commercial Zone, in the manner shown on the said Schedule “1”.
 - b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“(1398) Notwithstanding the provisions of:

 - a) Subsection 2.0 respecting the Definitions;
 - b) Subsection 3.8 a) respecting the Parking Requirements, Subsection 5.1.6 b) respecting the Outdoor Patio parking requirements and Subsection 5.14.1.3 respecting the Location of Parking Areas;
 - c) Subsections 3.9 a) and d) respecting the Loading Space Requirements;
 - d) Subsection 3.13 respecting the Minimum Landscaped Strip abutting the Street Line and Subsections 5.1.1 a), b) and e) i) and ii) respecting the Landscaping Area;
 - e) Subsections 3.14 a), b) and c) respecting the Permitted Yard Encroachments and Restrictions;
 - f) Subsection 3.16 b) respecting the Accessory Uses, Buildings and Structures;
 - g) Subsections 4.1.4 b) i) and ii) respecting the Parking Areas for Multiple Family Dwellings;
 - h) Subsection 4.1.6 respecting the Minimum Amenity Area;
 - i) Subsection 5.1.5 respecting the Commercial Zone Requirements and Schedule “A5”;
 - j) Subsection 5.1.6 c) respecting the Outdoor Patio requirements;
 - k) Subsection 5.14 respecting the C11 Mainstreet Commercial Zone, Uses

Permitted, Subsection 5.14.1.1 respecting the permitted uses and Subsection 5.14.1.5 respecting the Use of Basements/Cellars; the following provisions shall apply to the lands shown as “Subject Lands” on Schedules “E-1525”, “E-1525A” and “E-1525B”:

- ai) The definition of “Lot”, for the purposes of this By-law, shall be as follows:

“Lot” means to deem the two existing lots to be one lot for the purposes of zoning regardless of the number of buildings or structures erected and regardless of any conveyances, easements, or condominiums, and whether the buildings or structures have or do not have a common basement or area or are not connected below or above finished grade.

- aii) The definition of “Mixed Use Development Mainstreet”, for the purposes of this By-law, shall be as follows:

“Mixed Use Development Mainstreet” means a building or part of a building that contains permitted commercial uses and residential uses in combination, and where the permitted commercial uses are both in separate buildings and in the same building with the permitted residential use, where the permitted residential use is located at-grade with the permitted commercial use within the same building (Building “C”) on the same lot, excluding a hotel, motel or tourist home, and provided that residential uses can be located on the ground floor and in a storey above the first storey in Building “C”, including entrances and lobbies which are located on the first floor and accessory uses, such as but not limited to storage, mechanical and laundry facilities, which may be permitted to be located in a basement or cellar.

- aiii) The definition of “Parking Space”, for the purposes of this By-law, shall be as follows:

“Parking Space” means a rectangular area measuring at least 2.7 m by 5.8 m, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles for a maximum of 4 parking spaces to the east of Building “B”, as shown on Schedule “E-1525”, and for a maximum of 10 parking spaces located in the underground parking garage in Building “C”.

- aiv) The definition of “Parking Space, Barrier Free”, for the purposes of this By-law, shall be as follows:

“Parking Space, Barrier Free” means a rectangular area measuring at least 3.9 m by 5.8 m, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, for a maximum of 1

parking space located in the underground parking garage.

- bi) The minimum parking requirement for retail and business or professional office uses shall be 3 parking spaces per 100 m² of gross floor area.
- bii) The minimum parking requirement for eating establishment; eating establishment, convenience; eating establishment, take-out; and outdoor patio uses shall be 8 parking spaces per 100 m² of gross floor area.
- biii) The minimum parking requirement for an apartment dwelling unit shall be 0.8 parking space per 1 bedroom apartment dwelling unit (16 units) and 1 parking space per 2 bedroom apartment dwelling unit (8 units).
- biv) The minimum parking requirement for visitor parking for a residential apartment dwelling shall be 0.2 parking space per apartment dwelling unit.
- bv) The minimum amount of on-site parking shall be 44 parking spaces (18 parking spaces on the surface and 26 parking spaces underground). The reduced amount of on-site parking provided is due to the lot configuration (lot size and lot depth) and the location of the existing heritage buildings.
- bvi) The amount of off-site parking shall be 23 parking spaces for the commercial and residential visitor users of 10423, 10425 and 10429 Islington Avenue and shall be located at the combined site of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue), the location as shown on Schedule "E-1525A", and shall be subject to the following:
 - a) The provision of off-site parking shall be subject to a parking agreement between the owners of and registered on title on both Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue) lands and 10423, 10425 and 10429 Islington Avenue lands; and,
 - b) Prior to the issuance of any Building Permit for 10423, 10425 and 10429 Islington Avenue, shown on Schedule "E-1525A", a Committee of Adjustment Consent Application(s) to provide an easement to allow the off-site parking from 10423, 10425 and 10429 Islington Avenue to park at the combined site of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue) and consent for the lease of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue) to provide parking over 21 years for 10423, 10425 and 10429 Islington Avenue shall be in full force and effect, and the owner of Canadiana Square (10462

Islington Avenue) and Canadiana House (10472 Islington Avenue) shall provide the documents respecting the consent certificate(s) and the easement for the parking registered on title, to the Building Standards Department and the Planning Department.

- bvii) A parking area may be located closer to the street line (Islington Avenue) than the main building (Building “C”), as shown on Schedule “E-1525” due to the retention and restoration of the existing heritage buildings (Buildings “A” and “B”) for commercial uses facing a public street.
- ci) The loading and unloading area shall be a minimum of 6 m in width and 5.5 m in depth, with a minimum clearance of 2 m and shall not be located between a building and a street line.
- di) The minimum landscape strip shall be 1.18 m between Building “A” and the street line (Islington Avenue) and shall not prevent the provision of access driveways or stairs across the said strip.
- dii) The minimum landscape strip shall be 1.56 m between Building “B” and the street line (Islington Avenue) and shall not prevent the provision of access driveways or stairs across the said strip.
- diii) The minimum landscape strip shall be 1.05 m between the outdoor patio to Building “A” and the interior side yard (South Lot Line).
- div) The minimum landscape strip shall range between 0.3 m and 2.5 m abutting the ramp to the underground parking area and the interior side yard (South Lot Line).
- dv) The minimum landscape strip shall be 1.5 m between Building “B” and the interior side yard (North Lot Line).
- dvi) The minimum landscape strip shall be 1.8 m between Building “C” and the interior side yard (North Lot Line) and shall not prevent the provision of exterior stairs across the said strip.
- dvii) The minimum landscape strip shall be 4 m between Building “C” and the rear yard (East Lot Line).
- ei) The maximum projection of a canopy shall not exceed 1.65 m for Building “B”.
- eii) The maximum encroachment into an interior side yard shall be 1.04 m for eaves or gutters for Building “C”.
- eiii) The maximum encroachment into the interior side yard (North Lot Line) shall be 1.81 m for the exterior stairways from the north side of Building “C”.

- fi) The outdoor patio to Building “A” may be located closer to the front lot line (Islington Avenue) than the main building (Building “C”).
- fii) The minimum setback from the street line may be 0 m for ground signs, which may be located within the landscaping strip.
- gi) Subsections 4.1.4 b) i) and ii) respecting the Parking Area for the Multiple Dwellings shall apply, and a minimum landscape strip with a width of 3.8 m shall be provided between the parking area and the street line (Islington Avenue) for the parking area to the south of Building “B” and shall not prevent the provision of an access driveway across the said strip.
- gii) Subsections 4.1.4 b) i) and ii) respecting the Parking Area for the Multiple Dwellings shall apply and a minimum landscape strip with a width of 1.5 m shall be provided for around the periphery of the northerly portion of the parking area and shall not prevent the provision of the loading and unloading area across the said strip abutting the North Lot Line.
- giii) Subsections 4.1.4 b) i) and ii) respecting the Parking Area for the Multiple Dwellings shall apply and the parking area, notwithstanding landscaping to screen the parking area, may be visible from the street due to the retention and restoration of the existing heritage buildings (Buildings “A” and “B”) for commercial uses facing a public street and may include the loading and unloading area.
- hi) Subsection 4.1.6 respecting the Minimum Amenity Area shall apply and a minimum amenity area for the residential dwelling apartment units shall be 698 m² and includes the balcony and interior amenity areas for Building “C” and the exterior amenity area on the Subject Lands.
- ii) The exceptions to the zone requirements in the C11 Mainstreet Commercial Zone respecting the increased front yard, reduced interior and rear yards, increased lot coverage, and increased building height are due to the topography (grading) of the subject lands sloping to the south and east, the lot configuration (lot size and lot depth), and the location of the existing heritage buildings. The exceptions to the C11 Mainstreet Commercial Zone requirements are as follows:
 - 1) The minimum front yard shall be 1.18 m to Building “A”, an existing heritage building and shall not prevent the provision of stairs into the front yard.

- 2) The minimum front yard shall be 1.5 m to Building “B”, an existing heritage building and shall not prevent the provision of stairs into the front yard.
 - 3) The maximum front yard shall be 35 m to the north end of Building “C” and 46 m to the south end of Building “C”.
 - 4) The minimum rear yard shall be 4 m to the balconies of Building “C”.
 - 5) The minimum interior side yard (South Lot Line) shall be 1.05 m to the outdoor patio of Building “A”. Should the outdoor patio not be provided, the minimum interior side yard (South Lot Line) shall be 2 m to Building “A”.
 - 6) The minimum interior side yard (North Lot Line) shall be 1.5 m to Building “B”.
 - 7) The maximum lot coverage, which includes the outdoor patio and porches, shall not exceed 51.45% (1,585.6 m²).
 - 8) The maximum building height shall not exceed 12.7 m from the average finished grade to the highest point of the roof surface for Building “C”, and as shown on Schedule “E-1525B”.
 - 9) The maximum gross floor area shall not exceed 3,284 m², includes the outdoor patio and porches, and a maximum floor space index of 1.064.
 - 10) The minimum interior side yard (South Lot Line) to a Residential Zone shall be 1.05 to the outdoor patio to Building “A”.
 - 11) The minimum interior side yard (North Lot Line) to a Commercial Zone shall be 1.5 m for Building “B”.
 - 12) The minimum interior side yard (North Lot Line) to a Commercial Zone shall be 1.8 m, excluding the exterior stairways, for Building “C”.
- ji) An outdoor patio, in association with a permitted commercial use in Building “A”, may be permitted in the interior side yard (South Lot Line) between Building “A” and the Residential Zone.
- ki) The uses permitted in the C11 Mainstreet Commercial Zone are as follows:
- 1) A mixed use development mainstreet, to include where the permitted commercial uses are both in separate buildings and in the same building with the permitted residential use, where the permitted residential use is located at-grade with the permitted

commercial use within the same building (Building “C”) on the same lot, is permitted as an additional use.

- 2) An Apartment Dwelling, up to a maximum of 24 units in Building “C”, is permitted.
- 3) An eating establishment; eating establishment, convenience; eating establishment, take-out and outdoor patio uses in association with any eating establishment use shall not be permitted in Building “C”.
- 4) An outdoor patio, in association with any permitted commercial use within Building “A”, may be permitted as an additional use, which is an accessory use to the permitted commercial use and shall be subject to Subsection 5.1.6 respecting Outdoor Patio and Subsection 5.14.1.1 respecting Patio uses in Zoning By-law 1-88.
- 5) The basement/cellar of Building “A” may be used for accessory use (washroom facilities) and cannot exceed 36.79 m² of gross floor area.”

c) Adding the following clause g) and subclause gii) to Exception 9(943):

“g) Subsection 3.8 a) respecting Parking Requirements;

“gii) The owner of the combined site of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue) for every building or structure erected or used for any of the uses hereinafter set forth shall provide and maintain on the lot on which it is erected, for the use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, parking spaces, in accordance with the minimum parking requirement in By-law for the use, and 23 parking spaces for the commercial and residential visitor users of 10423, 10425 and 10429 Islington Avenue.”

“giii) The minimum parking requirement for retail and business or professional office uses shall be 3 parking spaces per 100 m² of gross floor area.”

“giv) The minimum parking requirement for eating establishment; eating establishment, convenience; eating establishment, take-out; and outdoor patio uses shall be 8 parking spaces per 100 m² of gross floor area.”

“gv) The minimum parking requirement for an apartment dwelling unit shall be 0.8 parking space per 1 bedroom apartment dwelling unit (2 units) and 1 parking space per 2 bedroom apartment dwelling unit (13 units).”

“gvi) The minimum parking requirement for visitor parking for a residential apartment dwelling shall be 0.2 parking space per apartment dwelling unit.”

d) Adding Schedule “E-1525” attached hereto as Schedule “1”.

- e) Adding Schedule "E-1525A" attached hereto as Schedule "2".
- f) Adding Schedule "E-1525B" attached hereto as Schedule "3".
- g) Deleting Key Map 8E and substituting therefor the Key Map 8E attached hereto as Schedule "4".

2. Schedules "1", "2", "3" and "4" shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 8th day of April, 2014.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

SUMMARY TO BY-LAW 048-2014

The lands subject to this By-law are located on the east side of Islington Avenue, south of Nashville Road, being Part of Lot 24, Concession 8, City of Vaughan. The subject lands have an area of approximately 0.308 ha, with a frontage of 40 m along Islington Avenue.

The purpose of this By-law is:

- 1) To rezone the subject lands from R1 Residential Zone to C11 Mainstreet Commercial Zone to permit the conversion of 2 existing heritage dwellings to commercial buildings and to permit a new 3-storey mixed-use residential-commercial building with commercial uses at-grade and apartment dwelling units at-grade and in the upper floors. The proposal is to provide a total commercial gross floor area of 3,284 m² with a floor space index of 1.064 and a total of 24 apartment dwelling units.
- 2) To permit site-specific exceptions, including but not limited to the following:
 - i. Exceptions to the zone requirements in the C11 Mainstreet Commercial Zone respecting increased front yard, reduced interior and rear yards, increased lot coverage, and increased building height, due to the topography (grading) of the subject lands sloping to the south and east, the lot configuration (lot size and lot depth), and the location of the existing heritage buildings.
 - ii. Site-specific definitions for Lot, Mixed Use Development Mainstreet, Parking Space, and Parking Space, Barrier Free.
 - iii. Minimum parking requirements on the site, including identifying a minimum of 23 off-site parking spaces for the commercial and residential visitor users at the combined site of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue) and exceptions to the Canadiana Square and Canadiana House parking requirements. This off-site parking provision shall be subject to a parking agreement between the owners of Canadiana Square, Canadiana House and the subject lands, and consent application(s) to provide an easement registered on title to allow off-site parking and to lease the parking at Canadiana Square and Canadiana House which is to be in full force and effect.
 - iv. Parking area locations and loading area requirements.
 - v. Minimum landscape requirements and minimum amenity area.