

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 104-2014

A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 216-2005.

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 no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not 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) Deleting Key Map 5E and substituting therefor the Key Map 5E attached hereto as Schedule “2”, thereby removing the Holding Symbol “(H)” on the lands shown as “Subject Lands” on Schedule “E-1364” and effectively zoning the subject lands, C5 Community Commercial Zone.
 - b) Deleting Part “A” to Exception 9(1238), thereby deleting all reference to the Holding Symbol “(H)” in the said Exception 9(1238).
 - c) Deleting Schedule “E-1364” and substituting therefor the Schedule “E-1364” attached hereto as Schedule “1”, thereby deleting the Holding Symbol “(H)”.
 - d) Deleting clause a) to Exception 9(1238) and substituting therefor the following:
 - “a) Subsection 5.6 respecting permitted uses in a C5 Community Commercial Zone;”
 - e) Adding the following clauses after clause a) in Exception 9(1238):
 - “b) Subsection 2 respecting Definitions, specifically “Automobile Gas Bar”, in the C5 Community Commercial Zone;
 - c) Subsection 3.8 respecting Parking Requirements in the C5 Community Commercial Zone;
 - d) Subsection 3.13 respecting Minimum Landscaped Area and Subsection 5.1.1.b) respecting Landscaping Area in the C5 Community Commercial Zone;
 - e) Subsection 5.1.3 a) respecting Pump Location in the C5 Community Commercial Zone;
 - f) Subsection 5.1.5 respecting Commercial Zone Requirements and Schedule “A” Zone Requirements in the C5 Community Commercial Zone;
 - g) Subsections 5.1.6 a) respecting Outdoor Patio in the C5 Community Commercial Zone;”

Deleting sub-clause ai) to Exception 9(1238) and substituting therefor the following:

“a) The following additional commercial uses shall be permitted in a C5 Community Commercial Zone and shall not be required to be carried on within a Shopping Centre:

- Automobile Gas Bar
- Car Wash
- Automobile Service Station
- Drive-through accessory to an Automobile Gas Bar
- Drive-through accessory to a Car Wash”

g) Deleting the words “drive-through except where accessory to a car wash” after “supermarket” in sub-clause aii) to Exception 9(1238);

h) Adding the following sub-clauses after sub-clause aii);

“bi) For the purposes of this By-law, the Automobile Gas Bar shall be defined as follows:

Automobile Gas Bar – Means a building or place:

- i) where gasoline or other motor fuels and oil are kept for sale and for the delivery directly into a motor vehicle;
 - ii) does not include an automobile service station, a public garage, or a car wash;
 - iii) which permits a convenience retail store in association with an automobile gas bar use, provided the maximum gross floor area of the convenience retail store does not exceed 290 m², where the gross floor area for an accessory building for refuse/recycling storage shall be excluded from the calculation of the maximum gross floor area requirement for the convenience retail store; and,
 - iv) which permits a convenience eating establishment with a drive-through facility as an accessory use to a convenience retail store, provided its size does not exceed a maximum gross floor area of 36.5%.
- ci) The minimum parking space requirement for a retail store, convenience shall be 3 parking spaces per 100 m² of gross floor area (GFA);
- cii) The minimum parking space requirement for an accessory eating establishment, convenience with a drive-through shall be 8 parking spaces per 100 m² of gross floor area (GFA)
- ciii) The accessory building for refuse/recycling storage shall be excluded from the calculation for the minimum parking space requirement;
- di) The minimum landscape strip width shall be 3 m along a lot line abutting the site triangle at the intersection of Major Mackenzie Drive and Vellore Park Avenue;

- dii) The minimum landscape strip width shall be 5 m along a lot line abutting Major Mackenzie Drive;
- ei) A pump island may be permitted in the rear yard subject to the following:
 - i) the minimum distance from the face of the pump island or canopy to a street line shall be 4.5 m;
 - ii) the minimum distance from the face of the pump island to a sight triangle shall be 3m;
- fi) The minimum interior side yard (North Lot Line) shall be 3 m abutting the car wash;
- fii) The minimum exterior side yard (Major Mackenzie Drive) shall be 10 m;
- gi) The outdoor patio to an accessory eating establishment, convenience with a drive-through shall not exceed a floor area of 45 m²,”

2. Schedules “1” and “2” shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 24th day of June, 2014.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

SUMMARY TO BY-LAW 104-2014

The lands subject to this By-law are located at the northwest intersection of Vellore Park Avenue and Major Mackenzie Drive, in Part of Lot 21, Concession 6, City of Vaughan.

The purpose of this By-law is to remove the Holding Symbol “(H)” from the subject lands, which are zoned C5 Community Commercial Zone to facilitate the development of an automobile gas bar, with an accessory convenience retail store and convenience eating establishment with a drive-through facility and outdoor patio and a car wash. The subject lands were originally zoned with the Holding Symbol “(H)” by By-law 216-2005, until such time that the subject lands received site plan approval. Council's ratification of the June 3, 2014 Committee of the Whole recommendation to approve Site Development File DA.07.090, at its June 24, 2014 meeting and thereby approving the site plan for the subject lands, satisfies the condition to allow the Holding Symbol “(H)” to be removed.

The By-law also provides exceptions to permit a drive-through accessory to an automobile gas bar, increase the gross floor area of a convenience retail store and convenience eating establishment with a drive-through facility, decrease the parking space requirement, landscaping, interior side yard and exterior side yard, and modify the permitted location for the pump island.