

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 124-2015**

**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 R2 Residential Zone, R3 Residential Zone, EM1 Prestige Employment Area Zone, OS1 Open Space Conservation and A Agricultural Zone to RM2 (H) Multiple Residential Zone with the Holding Symbol “(H)”, OS2 Open Space Park Zone and OS1 Open Space Conservation Zone, in the manner shown on the said Schedule “1”.
  - b) Deleting Exception 9(38) in its entirety in Section 9.0 ‘EXCEPTIONS’ and substituting therefor with the word “Deleted”.
  - c) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“(1423) A. The lands zoned with the Holding Symbol “(H)” shall be used for a use legally existing as of the enactment of the By-law 124-2015. The Holding Symbol “(H)” shall not be removed until such time as:

    - a) The Vaughan Development Engineering and Infrastructure Planning Services Department has approved the Remedial Action Plan (RAP) and is in receipt of a Record of Site Condition (RSC) filed with the Ministry of Environment and Climate Change’s (MOECC) Environmental Site Registry;
    - b) The Owner has entered into a development agreement with the City respecting the necessary improvements to the existing Pine Grove wastewater pumping station to the satisfaction of the City.
- B) Notwithstanding the provisions of:
  - a) Subsection 2.0 respecting the Definition of “Lot”, “Dwelling, Stacked Townhouse”, “Building Height”;
  - b) Subsection 3.8 a), c) and g) respecting Parking Requirements;
  - c) Subsection 3.14 respecting Permitted yard Encroachments and Restrictions;

d) Subsection 4.1.8 and Schedule “A” respecting Residential Zone Requirements and the Minimum Zone Standards in the RM2 Multiple Residential Zone;

e) Subsections 4.1.7 and 4.9 respecting the Uses Permitted in the RM2 Multiple Residential Zone;

f) Subsection 4.1.1 respecting Accessory Buildings and Structures;  
the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1550”:

ai) for the purpose of this Paragraph a “Lot” shall be defined as follows:

LOT - The subject lands shall be deemed one development comprised of a North Parcel and a South Parcel each of which shall be deemed one lot, with a private condominium road, regardless of the number of buildings constructed on the lots, the creation of any new lot by plan of condominium, part lot control, consent, and any easements or restrictions for each parcel;

aii) for the purpose of this Paragraph, “Dwelling, Stacked Townhouse” shall be defined as follows:

DWELLING, STACKED TOWNHOUSE – Means an attached low-rise residential building form containing 3 or more dwelling units, each of which has (1) direct access from the ground level; (2) one or two party walls with abutting units; and (3) is above or below another dwelling unit. The maximum building height shall be 4-storeys or 12.5 m.

aiii) for the purpose of this Paragraph “Building Height” shall be defined as follows:

BUILDING HEIGHT - Means the vertical distance between the average finished grade along the front wall of the building. For the purpose of this definition, the front wall of this building shall be the west elevations not containing the garage door to the underground parking area; and,

i) in the case of a flat roof, the highest point on the roof surface;

ii) in the case of a mansard roof, the highest point on the roof surface;

iii) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point of the roof; exclusive of accessory roof construction such as chimney, tower, steeple, elevator mechanical room, or television

antenna. The portion of the underground garage wall for Blocks "C" and "D" (south parcel) that extends above grade, shall not be considered a storey for the purpose of this By-law;

- bi) the following parking requirements shall apply to the subject lands (north and south parcels):
  - i) a minimum of 136 parking spaces shall be provided on site, calculated at a rate of 1.1 space/unit and 0.20 visitor spaces/ unit with minimum parking space dimensions of 2.6 m x 5.7 m and 3.9 m x 5.7 m for barrier free parking for the lands zone RM2 Multiple Residential Zone;
  - ii) On-site parking shall not exceed 142 parking spaces
  - iii) Parking shall be provided as follows:
    - A maximum of 85 spaces on the North Parcel
    - A maximum of 57 spaces on the South Parcel
  - iv) visitor parking located on the north parcel shall serve the entire development (north and south parcels);
- ci) all exterior stairways, including stairs to a porch, platform, terrace, or underground garage, shall not exceed 6.5 m in height and may encroach into any yard as shown on said Schedules "E-1550";
- cii) the maximum height of a retaining wall shall be 5.5 m and shall not be setback from the property line a distance equal to its height;
- ciii) the underground Parking structure and heritage dwelling (Fred Hicks House) shall be setback a minimum of 6.0 m from the Regulatory Flood Plain Limit (with the exception of pinch points and encroachments approved by Toronto and Region Conservation Authority (TRCA) and shown on the approved site plan). All openings for both the Fred Hicks House and the underground parking structure, including ramps, walkouts, roads and ventilation openings shall be setback from the Regulatory Flood Plain Limit in accordance with Schedule "E-1550", and shall be flood proofed above the Regulatory Flood Plain elevation plus free board as determined by TRCA;
- civ) setbacks and encroachments for all porches, stairs and balconies shall be permitted as shown on Schedule "E-1550";

- di) the minimum lot area per unit shall be 120 m<sup>2</sup> for the north parcel and 95 m<sup>2</sup> for the south parcel, and lot area shall be calculated on the respective north and south parcels as shown on Schedule “E-1550”.
  - dii) the maximum width for the private driveway at the street curb shall be 9.5 m for the north parcel and 8.0 m for the south parcel;
  - diii) the maximum building height shall be 12.5 m (4-storeys) for the stacked townhouse blocks;
  - ei) a maximum of 104 residential units shall be permitted as follows:
    - 51 condominium stacked townhouse dwelling units and 1 detached heritage dwelling (Fred Hicks House) containing 1 apartment unit on the north parcel;
    - 52 condominium stacked townhouse dwelling units on the South Parcel;
  - eii) any lands zoned RM2 and located within the Regulatory Flood Plain Limit as shown on Schedule “E-1550” shall be used only for the purposes of landscaping and berming and part of the driveway access (north parcel) and no structures, gazebos, fencing, decks, sheds, etc. shall be permitted on these lands;
  - eiii) No structures, gazebos, fencing, decks, sheds, etc. accessory to the detached dwelling (Fred Hicks House) shall be permitted within 6 m of the Regulatory Flood Plain Limit, unless otherwise permitted by TRCA. At grade patio pavers/stones shall be permitted;
  - eiv) Lands zoned OS2 Open Space Park Zone and OS1 Open Space Conservation Zone within the Regulatory Flood Plain Limit may be used for recreational uses (except for a community centre which shall not be permitted) and shall permit structures and parking accessory to a recreational use to the satisfaction of the City and TRCA;
  - fi) The accessory building, shown as Garbage Storage, for the purpose of managing waste and recycling is permitted in the location shown on Schedule “E-1550” with a maximum height measured from the finished grade to the highest point of 6.86 m. The nearest point of the roof shall not be more than 3.9 m above the finished grade.”
- d) The minimum standards for this site shall be read in conjunction with Schedule “E-1550” which establishes zoning provision for the subject lands. Where there is a conflict between the RM2, OS1 and OS2 Zone by-law requirements, Schedule “E-1550” attached hereto as

Schedule “1” shall prevail.

- e) Adding Schedule “E-1550” attached hereto as Schedule “1”.
- f) Deleting Key Map 7B and substituting therefor the Key Map 7B attached hereto as Schedule “2”.

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

Enacted by City of Vaughan Council this 23<sup>rd</sup> day of June, 2015.

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Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

### **SUMMARY TO BY-LAW 124-2015**

The Subject Lands are located east of Islington Avenue on the north and south sides of Pine Grove Road, being Lots 2, 10, 11, 12, 13 and Part of Lots 1, 14, Plan M-1112 and Lot 20, Plan M-1113 known municipally as 165, 170, 180, 192, 201 and 229 Pine Grove Road in the City of Vaughan.

The purpose of this By-law is to rezone the subject lands from R2 Residential Zone, R3 Residential Zone, EM1 Prestige Employment Area Zone, OS1 Open Space Conservation Zone and A Agricultural Zone to RM2(H) Multiple Residential Zone with the Holding Symbol "(H)", OS2 Open Space Park Zone and OS1 Open Space Conservation Zone to permit 103 stacked townhouse units, 1 detached heritage home, open space and open space park uses:

The By-law provides the following site-specific zoning exceptions:

- a minimum of 136 parking spaces shall be permitted as follows: 115 residential spaces and 21 visitor parking spaces with dimensions of 2.6 m x 5.7 m for the lands zone RM2 Multiple Residential Zone;
- the heritage structure and underground parking garage shall have a minimum setback of 6 m from the Regulatory Flood Plain Limit and all any openings shall be setback from the Regulatory Flood Plain Limit in accordance with the approved site plan;
- The portion of the RM2 zoned lands located within the Regulatory Flood Plain Limit line shall be used only for the purposes of landscaping and berming and part of the driveway access (north parcel);
- no structures, gazebos, fencing decks etc. shall be permitted on the lands zoned RM2 and located within the Regulatory Flood Plain Limit and as accessory to the Fred Hicks House. Only at grade portion pavers/stones are permitted as accessory to the Fred Hicks House;
- the minimum lot area shall be provided as follows:
  - i) North Parcel - 120 m<sup>2</sup> per unit;
  - ii) South Parcel - 95 m<sup>2</sup> per unit;
- the minimum yard requirements shall be as shown on Schedule "E- " to this Zoning By-law;
- the maximum building height shall be 4-storeys and 12.5 m;
- the maximum driveway width shall be 9.5 m for the driveway serving the north parcel and 8.0 m for the South Parcel;
- provide a new definition for Lot, Building Height and Stacked Townhouse units;
- the maximum building height for accessory garbage structure shall be 6.86 m from the finished grade to the highest point and 3.9 m above the finished grade to the nearest point of the roof;
- the lands zoned OS2 and OSI within the Regulatory Flood Limit may be used for recreational uses and permit accessory structures and parking to the recreational use to the satisfaction of the City and Toronto and Region Conservation Authority.
- the addition of the Holding Symbol (H) shall be applied to the RM2 Zone and shall only be removed until the following is satisfied:
  - The Vaughan Development Engineering and Infrastructure Planning Services Department has approved the Remedial Action Plan (RAP) and is in receipt of a Record of Site Condition (RSC) filed with the Ministry of Environment and Climate Change's (MOECC) Environmental Site registry; and
  - The Owner has entered into a development agreement with the City respecting the necessary improvements to the existing Pine Grove wastewater pumping station to the satisfaction of the City