

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 170-2013**

**A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 266-2009.**

**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 8E and substituting therefor the Key Map 8E attached hereto as Schedule "6", thereby removing the Holding Symbol "(H)" on the lands shown as "Subject Lands" on Schedule "E-1458"; and effectively zoning the subject lands, RM2 Multiple Residential Zone.
  - b) Deleting Parts "A" and "B" to Exception 9(1330), thereby deleting all reference to the Holding Symbol "(H)" in the said Exception 9(1330).
  - c) Re-lettering Part "C" to Part "A".
  - d) Deleting clause b) and sub-clause bii) in Exception 9(1330) and substituting therefor the following:
    - "b) Subsections 3.8 a), 3.8 c) and 3.8 g) respecting Parking Requirements;"
    - "bii) the surface parking area shall consist of a maximum of two (2) parking spaces and shall be provided in the approximate location as shown on Schedule "E-1458". The remaining required parking shall be provided below ground, accessed by the garage door to the underground parking garage as shown on Schedule "E-1458";"
    - "biii) the southerly means of site access/driveway shall be a minimum of 6 m in width and shall not exceed a maximum of 9.5 m in width as shown on Schedule "E-1458";"
  - e) Deleting clause d) and sub-clauses di) and diii) in Exception 9(1330) and substituting therefor the following:
    - "d) Subsection 4.1.4 b)i) and biii) respecting Parking Areas for Multiple Family Dwellings;"
    - "di) a minimum 6 m wide landscape strip shall be provided along the front lot line abutting Islington Avenue. This shall not prevent the provision of an access driveway across the landscaping strip as shown on Schedule "E-1458";"
    - "diiii) a minimum 2.5 m wide landscaping strip shall be provided on the north side of the existing access to the existing Martin Smith House (Heritage Building) to be used for service access to the said building, as shown on Schedule "E-1458";"

- “div) the outdoor parking areas, aisles and driveways shall be surfaced with any hard surface material and shall be provided with adequate drainage;”
- f) Deleting sub-clause eii) in Exception 9(1330) and substituting therefor the following sub-clause:
- “eii) the existing 1.5 storey, 276.3 m<sup>2</sup> existing Martin Smith House (Heritage Building) shall be used for the purpose of a recreational amenity area for Buildings “A”, “B” and “C;”
- g) Deleting sub-clause fi) in Exception 9(1330) and substituting therefor the following sub-clause:
- “fi) the Maximum Building Heights shall be as follows:
- a) Building “A” - maximum 2 storeys at the east elevation as shown on Schedule “E-1458A”;
  - b) Building “B” - maximum 3 storeys at the north elevation as shown on Schedule “E-1458D”;
  - c) Building “C” - maximum 2 storeys at the east elevation as shown on Schedule “E-1458A”, maximum 3 storeys at the west elevation as shown on Schedule “E-1458B” and maximum 3 storeys at the south elevation as shown on Schedule “E-1458C”;
  - d) Link (Sunroom) between Buildings “B” and “C” - maximum 1 storey at the west elevation as shown on Schedule “E-1458B”;
  - e) Link (Sunroom) between Building “C” and the existing Martin Smith House (Heritage Building) - maximum 1 storey, between the top of the second floor slab and third floor slab of Building “C” at the south elevation as shown on Schedule “E-1458C;”
- h) Deleting sub-clauses gi) i), gi) v), gi) vi) and gi) viii) in Exception 9(1330) and substituting therefor the following sub-clauses:
- “gi) i) Minimum front yard to the existing Martin Smith House (Heritage Building) - 17.3 m;”
- “gi) v) Minimum distance between Building “C” and the west wall of the existing Martin Smith House (Heritage Building) - 6.4 m, excluding the portion of the building(s) containing the Link (Sunroom);”
- “gi) vi) Minimum distance between Buildings “B” and “C” - 8.1 m, excluding the portion of the building(s) containing the Link (Sunroom);”
- “gi) viii) Minimum distance between Building “A” and the southerly lot line - 13.1 m;”
- i) Deleting sub-clause hi) in Exception 9(1330) and substituting therefor the following sub-clauses:
- “hi) no encroachment other than eaves and gutters are permitted in the rear yard;”

“hii) notwithstanding hi) above, sills, belt courses and cornices shall not project more than 0.5 m into the rear yard;”

- j) Deleting Schedule “E-1458” and substituting therefor the Schedule “E-1458” attached hereto as Schedule “1”, thereby deleting the Holding Symbol “(H)”.
- k) Deleting Schedule “E-1458A” and substituting therefor the Schedule “E-1458A” attached hereto as Schedule “2”.
- l) Deleting Schedule “E-1458B” and substituting therefor the Schedule “E-1458B” attached hereto as Schedule “3”.
- m) Deleting Schedule “E-1458C” and substituting therefor the Schedule “E-1458C” attached hereto as Schedule “4”.
- n) Deleting Schedule “E-1458D” and substituting therefor the Schedule “E-1458D” attached hereto as Schedule “5”.
- o) Deleting Key Map 8E and substituting therefor the Key Map 8E attached hereto as Schedule “6”.

2. Schedules “1”, “2”, “3”, “4”, “5” and “6” shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 10<sup>th</sup> day of December, 2013.

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Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

### SUMMARY TO BY-LAW 170-2013

The lands subject to this By-law are located on the west side of Islington Avenue and south of Nashville Road, being Part of Lot 23, Concession 8, City of Vaughan. (Municipal addresses: 10360 and 10384 Islington Avenue, Kleinburg). The subject lands have an area of approximately 1.074 ha (gross) with 0.574 ha for the residential lands and 0.50 ha for the valley/open space lands, with a frontage of 85 m along Islington Avenue.

The purpose of this By-law is as follows:

- 1) To remove the Holding Symbol “(H)” from the subject lands for the residential use, which are zoned RM2(H) Multiple Residential Zone with the addition of the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1330) to facilitate the development of 34 apartment dwelling units within three buildings connected by two sunroom linkages and the adaptive reuse of the existing Martin Smith House (Heritage Building) for the purposes of a recreational amenity area. The subject lands were originally zoned with the Holding Symbol “(H)” by By-law 266-2009, until such time that the following conditions were satisfied:
  - i)
    - 1) The Region confirms adequate water supply and sewage treatment are available and the City has allocated the same; and,
    - 2) A site plan application is approved by Vaughan Council.
  - ii)
    - 1) The Owner enter into an Agreement with the City of Vaughan and the Region of York, of which Agreement shall be registered on title, committing the Owner to not enter into any agreements of purchase and sale with end users for the subject lands until such time as:
      - i) York Region shall have advised, in writing, that it is no earlier than twelve (12) months prior to the expected completion of the expansion of the Kleinburg Water Pollution Control Plant and the completion of the additional water supply works in the Kleinburg/Nashville Water Supply System; and,
      - ii) The Council of the City of Vaughan has assigned or reserved adequate water supply and sewage service capacity to the subject development; and,
      - iii) A site plan application is approved by Vaughan Council; and,
    - 2) The Owner not enter into any agreements of purchase and sale with non-end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement Agreement with the City of Vaughan and the Region of York, of which Agreement shall be registered on title, committing the Owner to the conditions set out in ii) 1) above.

The Holding Symbol “(H)” can be removed, as the conditions respecting the holding provisions have been satisfied as follows effectively zoning the subject lands for the residential use, RM2 Multiple Residential Zone:

- i) Council, at its June 25, 2013 meeting, approved the allocation of sewage capacity from the Kleinburg Servicing Scheme and water supply capacity from the York Water Supply System for a total of 34 apartment dwelling units; and,
  - ii) Council, at its June 25, 2013 approved Site Development File DA.12.112 to facilitate the development of the apartment buildings joined by the links for 34 apartment dwelling units.
- 2) To amend the site specific zoning requirements established in Zoning By-law 266-2009 due to modifications to the building design as a result of the finalization of the detailed design work through the Site Plan process. The modifications are as follows:
    - i) permit that the parking area shall provide as follows:
      - 1) a surface parking area that shall consist of a maximum of two (2) parking spaces instead of a maximum of four (4) parking spaces;
      - 2) a minimum of 6 m in width and shall not exceed a maximum of 9.5 m in width for the southerly site access/driveway;
    - ii) permit that the outdoor parking area shall provide as follows:
      - 1) a landscape strip that shall be a minimum width of 6 m along the front lot line abutting Islington Avenue, whereas the outdoor parking area was closer to the street and required that the landscape strip shall be a minimum width of 6 m along the front lot line abutting the outdoor parking area for screening purposes;
      - 2) a landscaping strip that shall be a minimum width of 2.5 m on the north side of the existing access to the existing Martin Smith House (Heritage Building) to be used for service access to the said building, as shown on the revised Schedule “E-1458”;
      - 3) parking areas, aisles and driveways that shall be surfaced with any hard surface material and shall be provided with adequate drainage, whereas the surface would be hot-mix asphalt or concrete and not provide for pavers;
    - iii) permit the existing 1.5 storey, 276.3 m<sup>2</sup> existing Martin Smith House (Heritage Building) that shall be used for the purpose of a recreational amenity area for Buildings “A”, “B” and “C” instead of 260.13 m<sup>2</sup> existing Martin Smith House (Heritage Building);
    - iv) permit building heights that shall be as follows:

- 1) Building "A" - a maximum of 2 storeys at the east elevation as shown on Schedule "E-1458A", instead of a maximum of 2 storeys at the east elevation as shown on Schedules "E-1458A" and "E-1458D";
  - 2) Building "B" - a maximum of 3 storeys at the north elevation as shown on Schedule "E-1458D", instead of a maximum of 3 storeys at the east elevation as shown on Schedules "E-1458B" and "E-1458D";
  - 3) Building "C" - a maximum of 2 storeys at the east elevation as shown on Schedule "E-1458A", maximum of 3 storeys at the west elevation as shown on Schedule "E-1458B" and maximum of 3 storeys at the south elevation as shown on Schedule "E-1458C", instead of a maximum of 2 storeys at the east elevation and maximum of 3 storeys at the west elevation as shown on Schedules "E-1458A", "E-1458B" and "E-1458C";
  - 4) Link (Sunroom) between Buildings "B" and "C" - a maximum of 1 storey at the west elevation as shown on Schedule "E-1458B", whereas the Link did not exist previously;
  - 5) Link (Sunroom) between Building "C" and the existing Martin Smith House (Heritage Building) - a maximum of 1 storey between the top of the second floor slab and third floor slab of Building "C" at the south elevation as shown on Schedule "E-1458C", whereas the Link did not exist previously;
- v) require that the following yards and/or distances shall be as follows:
- 1) a front yard to the existing Martin Smith House (Heritage Building) that shall be a minimum of 17.3 m, instead of 17.5 m;
  - 2) require a distance between Building "C" and the west wall of the existing Martin Smith House (Heritage Building) that shall be a minimum of 6.4 m, excluding the portion of the building(s) containing the Link (Sunroom), instead of a distance of 7 m between Building "C" and the existing Martin Smith House (Heritage Building);
  - 3) requiring a distance between Buildings "B" and "C" that shall be a minimum of 8.1 m, excluding the portion of the building(s) containing the Link (Sunroom), instead of a distance between 8.1 m between Buildings "B" and "C";
  - 4) permit a distance between Building "A" and the southerly lot line that shall be a minimum of 13.1 m, instead of 13.6 m;
- vi) require that there shall be no encroachment other than eaves and gutters are permitted in the rear yard, and sills, belt courses and cornices may be permitted and shall not project more than 0.5 m into the rear yard;
- vii) permit on the revised Schedule "E-1458A" for the east elevation that Building "C" shall permit a maximum building height of 8.5 m to the midpoint of the gable roof and 7.1 m to the top of the flat roof, and the Link shall permit a maximum building height of 1 storey and 3.4 m to the top of the roof, instead of a maximum building height of 7.9 m to the midpoint of the gable roof and 6.5 m to the top of the flat roof;
- viii) permit on the revised Schedule "E-1458B" for the west elevation that Building "B" shall permit a maximum building height of 12 m to the top of the roof slab and Building "C" shall permit a maximum building height of 10 m to the top of the flat roof slab, instead of Building "B" permitting a maximum building height of 12 m to the top of the flat roof and Building "C" permitting a maximum building height of 10 m to the top of the flat roof;
- ix) permit on the revised Schedule "E-1458C" for the north elevation that Building "C" shall permit a maximum building height of 8.5 m to the midpoint of the gable roof and 7.1 to the top of the flat roof and for the south elevation that the Link shall permit a maximum height of 3.4 m from the second floor slab to the top of the roof, instead of Building "C" permitting a maximum building height of 7.9 m to the midpoint of the gable roof and 6.5 to the top of the flat roof; and,
- x) permit on the revised Schedule "E-1458D" for the north elevation that Building "B" shall permit a maximum building height of 10 m to the top of the roof slab and for the south elevation that Building "B" shall permit 12 m to the top of the roof slab, instead of Building "B" at the north elevation permitting a maximum building height of 10 m to the top of the flat roof at the south elevation Building "B" permitting 12 m to the top of the flat roof.