

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 176-2016**

**A By-law to designate by Number an amendment to City of Vaughan By-law Number 1-88, as effected by the Ontario Municipal Board.**

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

1. THAT the Amendment to City of Vaughan By-law 1-88, as effected by the Ontario Municipal Board Order Issue, dated the 8th day of September, 2015 (OMB File No. PL121343), attached hereto as Attachment “1”, is hereby designated as By-law Number 176-2016.

Enacted by City of Vaughan Council this 13<sup>th</sup> day of December, 2016.

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Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

## ATTACHMENT "1"

### The City of Vaughan BY-LAW

BY-LAW NUMBER 176 - 2016

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 C1 Restricted Commercial Zone subject to exception 9(791) and 9(424) to RM2 "(H)" Multiple Residential Zone, with the addition of the Holding "(H)" in the manner shown on the said Schedule "1"
  - b Deleting Exceptions 9(791) and 9(424) from Section 9.0 EXCEPTIONS and their respective E-Schedules "E-871" and "E-446" and adding the following Paragraph to Section 9.0 "EXCEPTIONS"  
"9.1441
  - A. The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1571", until the Holding Symbol "(H)" is removed pursuant to Subsection 36 (3) or (4) of the Planning Act
    - i Lands Zoned with the Holding Symbol "(H)" shall only be used for a use legally existing as of the date of enactment of By-law ~~XX-2016~~<sup>176</sup> and a Temporary Sales Office.
    - ii Removal of the Holding Symbol "(H)" from the Subject Lands shall be contingent on the following

- a. Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands; and
- b. The Ministry of the Environment and Climate Change provides confirmation of the Acknowledgement/Registration of the Record of Site Condition.

B Notwithstanding the provisions of

- a) Subsection 2.0 Definitions, respecting the definition of a "Lot", "Building Height", "Storey", and "Parking Space, Handicapped",
- b) Subsection 3.8 (a) and (g) respecting Parking Requirements and minimum Ingress/Egress Driveway Width,
- c) Subsection 3.13 respecting Minimum Landscaped Area,
- d) Subsection 3.14 respecting Permitted Yard Encroachments and Restrictions,
- e) Subsection 3.17 respecting Portions of Buildings Below Grade,
- f) Subsection 4.1.3 respecting Rooms Below Grade,
- g) Subsection 4.1.4 (b) respecting Parking Areas for Multiple Family Dwellings,
- h) Subsection 4.1.4f) respecting Dimensions of Driveways,
- i) Subsection 4.1.6 respecting Minimum Amenity Area,
- j) Subsections 4.1.8 and 4.9 respecting Residential Zone Requirements and Uses Permitted in an RM2 Residential Zone, and,
- k) Subsection 4.1.8 and Schedule "A" respecting Zone Requirements in the RM2 Multiple Residential Zone;

The following provisions shall apply to "Subject Lands" as shown on Schedule "E-1571"

- ai) For the purpose of this Exception, the following definitions shall apply:
  - i. Lot: The Lands shown as "Subject Lands" on Schedule "E-1571" shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums after the approval of this By-law,
  - ii. Building Height: - Means the vertical distance between the average elevation of the finished grade, excluding sunken patios, at the front of the building (for the purpose of this definition, the front of the building shall be

the wall containing the main entrance) and in the case of a flat roof, the highest point of the roof surface;

1. exclusive of any accessory roof construction such as a chimney, tower, steeple, elevator, mechanical room, or television antenna.

iii. Storey - Means the portion of a building, which lies between the surface of the floor and the surface of the next floor above, and shall exclude the cellar or basement and the mechanical penthouse.

iv. Parking Space, Handicapped – The minimum handicapped parking space shall be 3.65 metres by 6.0 metres.

aii) For the purpose of this Exception, the following new definitions shall also apply.

i. 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 outside ground level, (2) one or two party walls with abutting dwelling units, and (3) is above or below another dwelling unit.

ii. Parking Space, Parallel - Means an unobstructed area for the temporary parking of vehicles having a dimension of not less than 2.5 metres in width and 6.7 metres in length;

aiii) For the purposes of this By-Law, the lot line abutting Highway 7 shall be deemed to be the front lot line.

bi) The minimum number of parking spaces shall be provided as follows:

- i) Residential Dwelling Unit -1.0 spaces/unit
- ii) Residential Visitor Parking - 0.2 spaces/unit
- iii) a minimum of 2 handicapped parking spaces,
- iv) 5 surface visitor/delivery parking spaces of which 2 shall be barrier free spaces shall be provided unless an elevator is provided, then only 3 surface parking spaces for visitor and deliveries (not barrier free) shall be provided,
- v) the surface parking spaces may be permitted to be Parallel Parking Spaces;

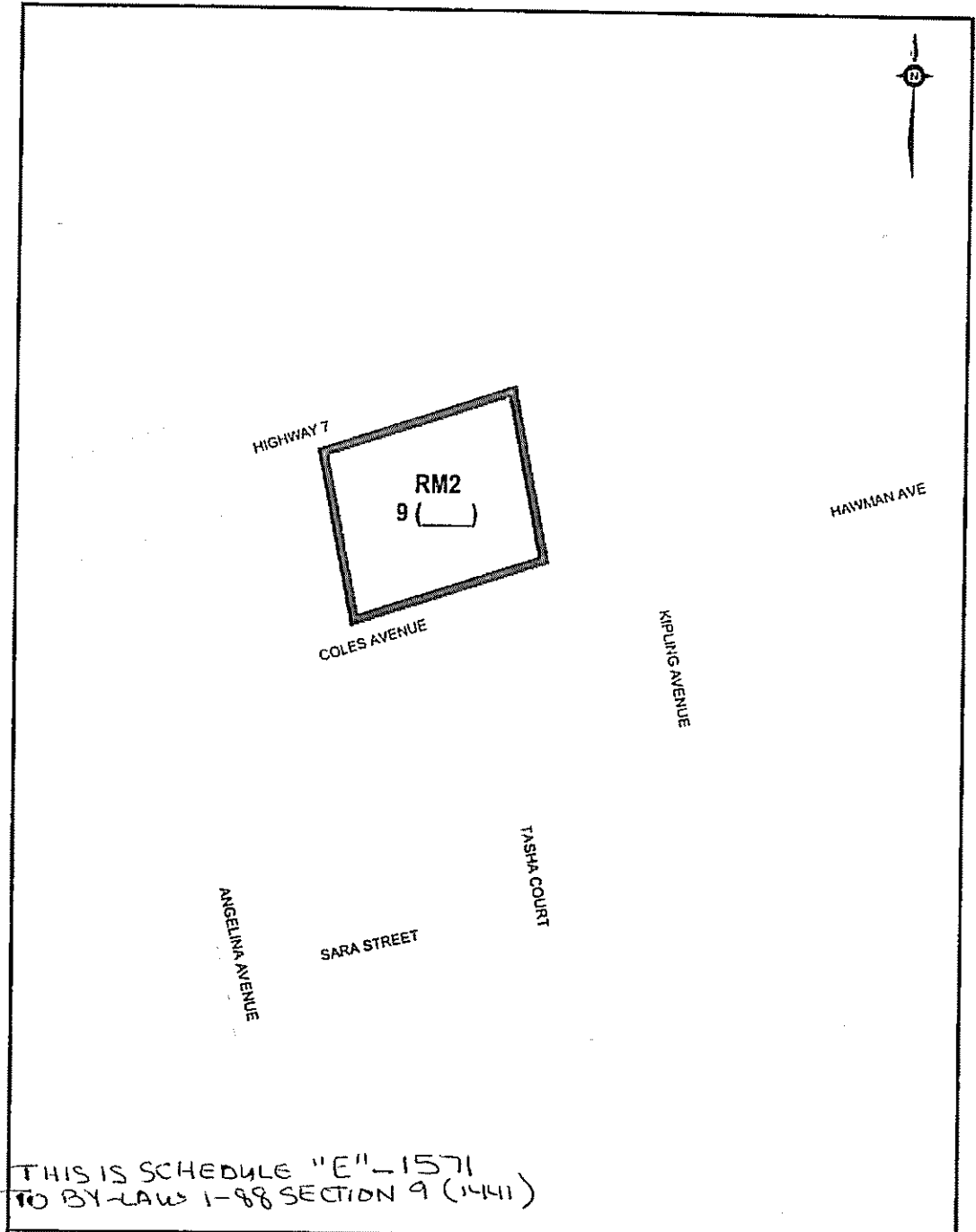
- bii) A minimum width of 6.0 metres and a maximum width of 7.5 for an ingress/egress driveway.
- ci) The minimum landscape strip shall be 1.0 metres adjacent to a street line and shall include hard and soft landscaping including raised planter boxes. Pedestrian access, sidewalks and access driveways shall be permitted across the said strip.
- di) Exterior stairways (covered or uncovered), porches (enclosed or unenclosed), balconies, and retaining walls may encroach into the front yard (Highway 7) or rear yard (Coles Avenue) up to a maximum of 1.8 metres.
- dii) All exterior stairs, porches (enclosed or unenclosed), balconies, retaining walls may be permitted to exceed one-half storey in height in any yard.
- diii) Stairs for access to the underground parking areas shall have a minimum setback of 0.0 metres to any property line.
- ei) The minimum setback from the front lot line to the nearest part of the building below finished grade shall be 0.0 metres.
- fi) Dwelling units are permitted in the cellar or part of a cellar.
- gi) A landscape strip and screening around the periphery of an outdoor parking area shall not be required.
- hi) The maximum driveway width shall be 23 metres measured at the street curb.
- ii) The minimum amenity area required shall be 4,500 square metres.
- ji) The maximum number of residential dwelling units shall be 176;
- ki) The minimum Yard Requirements shall be as follows;
  - i) Front Yard (Highway 7) – 3.0 metres;
  - ii) Rear Yard (Coles Avenue) – 3.0 metres;
  - iii) Interior Side Yard (West – 0.50 metres);
  - iv) Interior Side Yard (East – 0.90 metres);
- kii) The maximum width of a Stacked Townhouse Dwelling along Coles Avenue shall be 14 metres and shall be separated from another Stacked Townhouse Dwelling by a minimum of 1.5 metres;
- kiii) The minimum Lot Area Per Unit shall be 48 square metres.
- kiv) The maximum Floor Space Index (FSI), shall not exceed 1.82 times the areas of the site;

kv) The maximum Building Height shall not exceed 12.8 metres;

c. Adding Schedule "E-1571" attached hereto as Schedule "1".

d. Deleting Key Map 8A and substituting therefor the Key Map 8A attached hereto as Schedule "2"

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



THIS IS SCHEDULE "E" - 1571  
TO BY-LAW 1-88 SECTION 9 (1441)

**SCHEDULE '1'**  
**TO BY-LAW 176 -2015**  
**PASSED THE 13<sup>th</sup> DAY DEC, 2015**



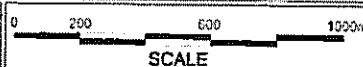
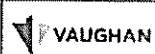
**SUBJECT LANDS**  
RM2  
9 ( )

FILE NO.: OP.12.003  
Z.12.008  
LOCATION : 5289 & 5309 HIGHWAY 7 (PLAN RP3762, LOTS 3 - 9)  
APPLICANT: JOHN DUCA  
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER: PL 121343  
ISSUE DATE: September 8, 2015  
MAYOR  
CLERK

SUBJECT LANDS



**KEY MAP 8A**

TO BY-LAW 1-88

**SCHEDULE '2'**  
**TO BY-LAW 176 -2015 16**  
 PASSED THE 13<sup>th</sup> DAY DEC, 2015 16



**SUBJECT LANDS**

RM2  
 9(1)

FILE NO.: OP.12.003  
 Z.12.008

LOCATION : 5289 & 5309 HIGHWAY 7 (PLAN RP3762, LOTS 3 - 9)  
 APPLICANT: JOHN DUCA  
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### SUMMARY TO BY-LAW 176 - 2015 16

The Subject Lands are located west of the southwest corner of Regional Road 7 and Kipling Avenue, municipally known as 5289 Regional Road 7 and 5309 Regional Road 7 being Lots 3, 4, 5, 6, 7, 8, and 9 on Plan 3762 and Lots 3 and 4 on Plan 4066, in Lot 5, Concession 8, City of Vaughan.

On February 28, 2014, the Ontario Municipal Board approved the Official Plan Amendment (File OP.12.003) and Zoning By-law Amendment (File Z.12.008) applications for the subject lands including a general development concept for the subject lands, but directed changes to the proposal and the related zoning by-law as follows:

- permit a maximum of 176 units (although the current proposed is for 170 units) and a Floor Space Index (FSI) of 1.85 on the site;
- require 5 surface visitor/delivery parking spaces including 2 barrier free spaces, or alternatively if an elevator is provided, 3 surface parking spaces for visitors and deliveries;
- the removal of the south east and south west units of Blocks "C" and "D";
- permit a maximum building height along the Coles Avenue frontage of 12.8 metres measured from average elevation;
- require a semi-detached building form for Blocks "E" and "F" along the Coles Avenue frontage

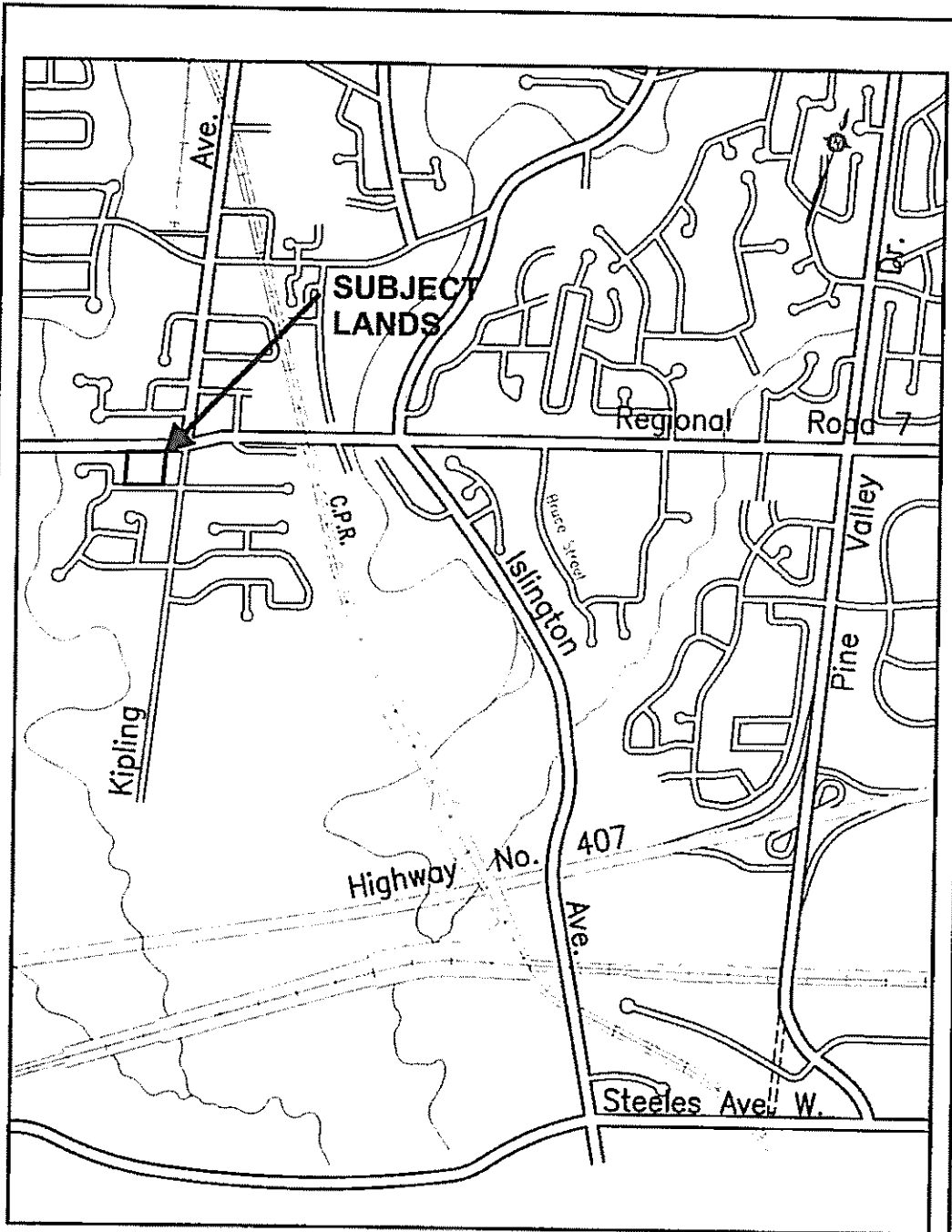
The purpose of this by-law is to rezone the Subject Lands from C1 Restricted Commercial Zone to RM2 (H) Multiple Residential Zone with the Holding Symbol and site-specific zoning exceptions to facilitate the development of the subject lands with 170 stacked townhouse units within 6 development blocks

The By-law provides for exceptions to by-law 1-88, including:

- i) including specific definitions;
- ii) permits a maximum of 176 units on the property;
- iii) establishes Regional Road 7 as the front line;
- iv) provides Minimum Yard Requirements as follows:
  - a) Front Yard (Regional Road 7) - 3 m;
  - b) Interior Side Yard (West) - 0.5 m;
  - c) Interior Side Yard (East) - 0.9 m;
  - d) Rear Yard (Coles Avenue) - 3.0 m.
- v) requires a Minimum Lot Area Per Unit of 48 m<sup>2</sup>
- vi) permits a maximum building height of 12.8 m
- vii) permits the number of parking spaces to be provided as follows:
  - a) Residential Dwelling Unit - 1.0 space / dwelling unit;
  - b) Residential Visitor Parking - 0.2 spaces / unit
  - c) a minimum of 2 handicapped parking space
- viii) permits a minimum parking, handicapped space as 3.65 by 6.0 metres.
- ix) requires a landscaped area having a minimum width of 1.0m along a street line;
- x) specific encroachment requirements;
- xi) permits a minimum setback to an underground garage from the front and rear property lines of 0m;
- xii) permits a minimum landscaped strip around the periphery of an outdoor parking area of 0m; and,
- xiii) a total amenity area of 4,000 m<sup>2</sup>.

The Holding Symbol "(H)" shall not be removed from the lands until:

- i) Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands, and,
- ii) The MOECC's provides confirmation of the Acknowledgement/Registration of the Record of Site Condition



## LOCATION MAP

NOT TO SCALE

 **SUBJECT LANDS**

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Z.12.008  
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