

I, JOHN D. LEACH, Clerk of The Corporation of the City of Vaughan in the Regional Municipality of York, do hereby certify that the attached is a true copy of Amendment Number 404 which was approved by the Ministry of Municipal Affairs, without modification, on the 30th day of April, 1993.



J.D. Leach
Clerk
City of Vaughan

DATED at the City of Vaughan
this 7th day of May, 1993.



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 212-92

A By-law to adopt Amendment Number 404 to the Official Plan of the Vaughan Planning Area.

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

1. THAT the attached Amendment Number 404 to the Official Plan of the Vaughan Planning Area, consisting of the attached text, and Schedule "1" is hereby adopted.
2. AND THAT the City Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs for approval of the aforementioned Amendment Number 404 to the Official Plan of the Vaughan Planning Area.
3. AND THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed this 6th day of July 1992.

"L.D. Jackson"

L. D. Jackson, Mayor

"N. Smyth"

~~J. D. Leach, City Clerk~~
N. Smyth, Deputy City Clerk

AMENDMENT NUMBER 404
TO THE OFFICIAL PLAN OF THE
VAUGHAN PLANNING AREA

The following text and Schedule "1" to Amendment Number 404 of the Official Plan of the Vaughan Planning Area constitute Amendment Number 404.

Also attached hereto but not constituting part of the Amendment is Appendix I.



I PURPOSE

The purpose of this Amendment to the Official Plan, is to provide for a site specific amendment to Amendment No. 330 to the Official Plan of the Vaughan Planning Area, in order to permit an eating establishment having a gross floor area of 132 sq.m.

II LOCATION

The lands subject to this amendment, hereinafter referred to as the "Subject Lands", are located east of Jane Street, on the north side of Highway No. 7, municipally known as 35 McCleary Court, Units 1-4, York Region Condominium No. 727, in Lot 6, Concession 4, City of Vaughan.

III BASIS

The decision to amend the Official Plan is based on the following:

1. The Subject Lands are designated "Industrial" by Official Plan Amendment No. 107. This designation does not permit eating establishments. The lands are subject to the policies contained in Official Plan Amendment No. 330. Official Plan Amendment No. 330 permits restaurants in industrial areas, subject to criteria relating to location and the provision of parking.

These policies provide in part that:

Restaurants are permitted within the interior of industrial areas subject to:

- a) The subject lands shall abut an internal road;
- b) The maximum size of a restaurant use shall be established in the implementing zoning by-law;

- c) Parking shall be provided on-site for eating establishments at the current eating establishment use parking standard set out in the City's Zoning By-law 1-88."

The subject lands abut Highway No. 7 which is a provincial highway. Therefore, the subject lands are not located in the interior of an industrial area. Further, the eating establishment does not meet criterion (c) above, as the required parking standards will not be met.

2. The site was originally developed under the provisions of By-law 2523. The parking for the subject lands was calculated on the basis of the City's Parking By-law 66-82, which required parking for industrial uses at 1.5 parking spaces per 100 sq.m of gross floor area, plus 2.0 spaces per 100 sq.m devoted to ancillary office use. The site was developed in compliance with the By-law standards at that time.
3. Staff inspected the property on three separate occasions particularly to assess parking supply. Only 11 of 24 units in the entire development are occupied and only 4 of the 12 units in the northern portion of the development where the restaurant is proposed is occupied. The following observations were made:
 - 1) during "non-peak" restaurant periods the 4 occupied units in the northern portion of the development generated demand for 9 parking spaces or approximately 2 spaces per unit and over the entire development the 11 occupied units generated demand for 16 spaces or 1.5/unit;
 - 2) during restaurant peak periods ie. noon to 1:30 pm 13 to 15 spaces were occupied in the northern lot, ie. 4 to 6 vehicles more than during non peak periods.
 - 3) Assuming this trend continues then the development will require 36 to 48 parking spaces. Presently 55 spaces are provided, suggesting that 7 spaces are available for restaurant use.

The applicant proposes a 32 seat restaurant. The parking standard is one space/four seats equalling a demand for 8 parking spaces for the restaurant use and a total demand for 56 spaces for the entire development.

4. On June 1, 1992, the Council of the City of Vaughan considered Official Plan and Zoning By-law Amendment (Z.18.92 and OP.11.92 - A.V. Properties Ltd.) to permit a 132 sq.m restaurant in Units 1-4 of the existing multi-unit industrial building. At the meeting, Council approved the Official Plan and Zoning Amendment Application.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 330 to the Official Plan of the Vaughan Planning Area is hereby amended by adding the following subparagraph to Section IV, Paragraph 1:

"The lands subject to Official Plan Amendment No. 404, being Units 1 to 4 inclusive in York Region Condominium No. 727, may be used for an eating establishment with a maximum gross floor area of 132 sq.m, subject to the zoning standards set out in an implementing by-law."

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of an amendment to the Vaughan Zoning By-law.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this amendment.

APPENDIX I

The subject lands are located east of Jane Street on the north side of Highway No. 7, being Part 9, Plan 65R-8935 and known municipally as 35 McCleary Court, Units #1-4, York Region Condominium No. 727, in Lot 6, Concession 4, City of Vaughan.

The Official Plan Policies in OPA No. 330 requires that restaurants abut internal roads, and that parking be provided on-site at the current eating establishment use parking standard set out in the City's Zoning By-law 1-88. As the restaurant does not meet the above-mentioned criteria an amendment to the Official Plan is required.

Vaughan Council at its June 1, 1992, Public Hearing resolved:

"THAT Official Plan Amendment OP.11.92 and Zoning By-law Amendment Z.18.92 (A.V. Properties Limited), BE APPROVED, subject to the maximum floor area devoted to restaurant use being limited to a maximum of 132 sq.m and the maximum number of seats being limited to 32 seats."