

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 060-2020**

**A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as effected by the Local Planning Appeal Tribunal in its' decision dated the 14th day of May 2020 in LPAT Case File No. PL150868.**

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 Local Planning Appeal Tribunal Order Issue, dated the 14th day of May 2020 (LPAT File No. PL150868), attached hereto as Attachment 1 is hereby designated as By-Law Number 060-2020.

Enacted by City of Vaughan Council this 27<sup>th</sup> day of May, 2020.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** May 14, 2020

**CASE NO(S):**

PL150868

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Gold Park Homes Inc., 840999 Ontario Limited and Prima Vista Estates Inc.
Subject:	Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	Agricultural Zone A and Open Space Conservation Zone OS1
Proposed Zoning:	Residential Detached Zone RD1, Residential Detached Zone RD2, Residential Detached Zone RD3, Residential Townhouse Zone RT1, Neighbourhood Commercial Zone C4, Open Space Conservation Zone OS1 and Open Space Park Zone OS2
Purpose:	To permit the development of a plan of subdivision consisting of 536.5 dwelling units, a commercial block, parkland/open space, a stormwater management pond and maintenance of the valleylands
Property Address/Description:	4333 Teston Road, 10601, 10699 and 10733 Pine Valley Drive
Municipality:	City of Vaughan
Municipal File No.:	Z.03.024
LPAT Case No.:	PL150868
LPAT File No.:	PL150868
LPAT Case Name:	Gold Park Homes Inc. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Gold Park Homes Inc., 840999 Ontario Limited and Prima Vista Estates Inc.
Subject:	Proposed Plan of Subdivision
Property Address/ Description:	4333 Teston Road, 10601, 10699 and 10733 Pine Valley Drive
Municipality:	City of Vaughan
Municipal File No.:	19T-03V05
LPAT Case No.:	PL150868
LPAT File No.:	PL150869

**Heard:** Written Submissions

## **APPEARANCES:**

### **Parties**

### **Counsel**

840999 Ontario Limited and  
Prima Vista Estates Inc.

M. Melling

Toronto and Region Conservation  
Authority

T. Duncan

City of Vaughan

C. Guerette

## **DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE TRIBUNAL**

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[1] 840999 Ontario Limited and Prima Vista Estates Inc. ("Applicants") are landowners within Block 40/47 of the City of Vaughan ("City"). The Block 40/47 lands lie south of Teston Road East, east and west of Pine Valley Drive and north of Cold Creek. The Applicants' lands within Block 40/47 are east of Pine Valley Drive and south of Teston Road East.

[2] The Block 40/47 lands are within an area governed by the City's Official Plan Amendment No. 600 ("OPA 600"). On December 14, 2015 the Tribunal issued its decision approving a secondary plan for the Block 40/47 lands that modified OPA 600.

That secondary plan is known as Official Plan Amendment No. 744 (“OPA 744”).

[3] The Applicants wish to develop their lands and made applications for draft approval of plan of subdivision (“Draft Plan”) and for site-specific amendments to the City’s Zoning By-law No. 1-88.

[4] In earlier proceedings, the appeal of these instruments was grouped to be heard together – but not consolidated – with the appeals on applications from several other landowners in Block 40/47. The matter now before the Tribunal deals only with the proposed Zoning By-law No. 1-88 site-specific amendments proposed by the Applicants. No amendment to OPA 744 or to the Draft Plan, subject to conditions, is being sought in this current proceeding.

[5] In a decision issued April 6, 2016, the Tribunal granted Draft Plan approval, subject to conditions, and allowed the Applicants’ appeal of their application for a site-specific amendment to Zoning By-law No. 1-88. At the Applicants request, the Tribunal’s final order on the amendment to Zoning By-law No. 1-88 was withheld until the Tribunal was advised that the Master Environmental Servicing Plan (“MESP”) for the entire Block 40/47 lands had been completed and that any revisions to the zoning by-law amendment were agreed upon to the satisfaction of the City and the Toronto and Region Conservation Authority (“TRCA”).

[6] On April 27, 2018, the Tribunal issued a subsequent decision that arose from this further study, and with the agreement of the City and the TRCA, the Applicants sought some further amendments to Zoning By-law No. 1-88. These amendments were based on a Wetland Water Balance Analysis, submitted to the TRCA and incorporated into the MESP, and a long-term stable-slope analysis to inform the limits of Open Space areas.

[7] The Tribunal was advised at the time that there remained certain unresolved issues regarding access. As a result, the Tribunal excluded Block 467, Block 489 and part of Block 474 from the further amendments to Zoning By-law No. 1-88. In doing so,

the Tribunal understood that a further revised amendment to Zoning By-law No. 1-88 would be required for these lands.

[8] The Applicant now seeks a series of further site-specific amendments to Zoning By-law No. 1-88 to implement the resolution of the earlier issues. The MESP has been completed, the issues regarding access have been resolved and these amendments now come to the Tribunal with the consent of the City and the TRCA. There are no other Parties in this matter.

[9] The Tribunal had before it the affidavit of Mark Yarranton, qualified to provide the Tribunal with independent expert opinion evidence in land use planning matters. Mr. Yarranton's affidavit was sworn for these proceedings on April 23, 2020 and his evidence is unchallenged. I have accepted and rely upon his evidence in making this decision.

[10] The amendments that apply to Block 467 and part of Block 474 are found in Exhibit "D" to the Mr. Yarranton's affidavit and are found in Attachment 1 to this Decision. These are changes to the residential zoning standards. The amendments that apply to Block 489 are found in Exhibit "E" to Mr. Yarranton's affidavit and found in Attachment 2 to this Decision. These are changes to the commercial standards.

[11] In summary, the proposed amendments to the residential standards include changes to:

[12] permitted yard encroachments

- a. minimum lot frontage/area
- b. minimum front, rear and side yards
- c. minimum driveway width

- d. maximum interior garage width

[13] In summary, the proposed amendment to the commercial standards include changes to:

- a. parking rate
- b. minimum landscape strip
- c. minimum front, rear and side yard
- d. loading space requirements
- e. outdoor patio area
- f. permitted uses
- g. minimum width and vehicle accommodation of drive-through stacking lanes

[14] On the unchallenged evidence of Mr. Yarranton, the Tribunal finds that these proposed amendments to the City's Zoning By-law No. 1-88, as amended:

- a. have regard for the matters of Provincial interest found in s. 2 of the *Planning Act*;
- b. are consistent with the Provincial Policy Statement of 2014 and the Provincial Policy Statement of 2020;
- c. conform with the Growth Plan for the Greater Golden Horseshoe 2006 and the Growth Plan for the Greater Golden Horseshoe 2019;

- d. conform with the Greenbelt Plan 2005 and the Greenbelt Plan 2017;
- e. conform with the Region of York Official Plan 1994 and the Region of York Official Plan 2010; and
- f. conform with OPA 600, as amended by OPA 744.

## ORDER

[15] The appeals by 840999 Ontario Limited and Prima Vista Estates Inc. are allowed in part.

[16] The Tribunal orders that Zoning By-law No. 1-88, as amended, is further amended in the forms attached to Exhibit “D” and Exhibit “E” to the Affidavit of Mark Yarranton, sworn April 23, 2020, and found at Attachment 1 and Attachment 2 respectively of this Decision, pursuant to s. 34(26)(b) of the *Planning Act* and to subsection 24(2) of O. Reg. 174/16.

*“Susan de Avellar Schiller”*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

### **Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 060-2020**

### **A By-law to amend City of Vaughan By-law 1-88.**

WHEREAS the matters herein set out are in conformity with the Vaughan 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) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto, from A Agricultural Zone to RT1 Residential Townhouse Zone with the Holding Symbol "(H)", OS1 Open Space Conservation Zone and OS2 Open Space Park Zone all in the manner shown on the said Schedule "1".
  - b) Adding the following Paragraph to Section 9.0 'EXCEPTIONS':

"(1494)"     A.     Lands zoned with the Holding Symbol "(H)" shall be used only for a use legally existing as of the date of the enactment of By-law 060–2020, or the production of field crops.

    1. Prior to the removal of the Holding Symbol "(H)" from the lands RT1 Residential Townhouse Zone with the Holding Symbol "(H)" in manner shown on Schedule 'E-1625, the following shall occur:
      - i) Completion of the Teston Road Schedule C Class Environmental Assessment, from Pine Valley Drive to Weston Road for the potential jog elimination at Pine Valley Drive and Teston Road intersection.
      - ii) Conveyance of sufficient lands free of cost and encumbrances along the Teston Road and Pine Valley Drive frontages as identified in the Teston Road Schedule C Class Environmental Assessment from Pine Valley Drive to Weston Road to accommodate the intersection realignment.
  2. Notwithstanding the provisions of:
    - a. Section 2.0 DEFINITIONS, respecting DWELLING, SEMI-DETACHED;
    - b. Section 2.0 DEFINITIONS, respecting DWELLING, STREET TOWNHOUSE;
    - c. Section 2.0 DEFINITIONS, respecting LOT LINE, FRONT and LOT, THROUGH only;
    - d. Section 2.0 DEFINITIONS, respecting STREET;
    - e. Subsections 3.14 a) and 4.22.2 respecting Permitted Yard Encroachments and Restrictions in an RT1 Residential Townhouse Zone;

- f. Subsections 3.14 c) and 4.22.2 respecting Permitted Yard Encroachments and Restrictions in an RT1 Residential Townhouse Zone;
- g. Subsection 4.1.4 f) v) respecting Dimensions of Driveways;
- h. Subsections 4.22.2 respecting Encroachment of an Unenclosed Porches (Covered or Uncovered), Cold Cellars and Architectural Features and Balconies;
- i. Subsection 3.8 c) respecting visitor Parking Requirements;
- j. Subsection 4.22.3 and 4.28 respecting Uses Permitted;
- k. Subsection 4.22.3 respecting the Residential Zones and Schedule "A3" respecting minimum Lot Frontage, minimum Lot Area, minimum Front Yard, minimum Rear Yard, minimum Interior Side Yard, minimum Exterior Side Yard, minimum Exterior Side Yard abutting a buffer block, minimum Lot Depth and maximum Building Height in the RT1 Residential Townhouse Zone;
- l. Subsection 4.22.3 and Note 3. i) on Schedule "A3" respecting Minimum Interior Side Yard Abutting a non-residential use;
- m. Subsection 4.22.3 and Note 5. on Schedule "A3", respecting the Minimum Exterior Side Yard Abutting a sight triangle;
- n. Subsection 4.22.3 and General Note A. to Schedule "A3", respecting the maximum interior garage width;

The following provision shall apply to the lands shown as "Subject Lands" on Schedule "E-1625"

- ai. DWELLING, SEMI-DETACHED - Means a building containing two (2) single family dwelling units in which each dwelling unit is situated on its own lot, which has access to or abuts a public or private street.
- bi. DWELLING, STREET TOWNHOUSE - means a townhouse dwelling in which each dwelling unit is situated on its own lot, which has access to or abuts a public or private street;
- ci. For lands zoned RT1 Residential Townhouse Zone identified as Blocks 3 and 4 on Schedule "E-1625" the front lot line shall be deemed to be the lot line directly abutting the private street that is maintained by a condominium corporation;
- di. STREET – See "Highway, Public", also includes a Private Street. A private street shall mean a roadway that is used by vehicles and is maintained by a condominium corporation as a private road but which provides access to individual freehold lots;
- ei. Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters, fireplaces and windows, provided however, that the same shall not project more than 0.5 metres into a required yard;
- fi. Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar

projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres. In addition, a bay or box window or similar window projection which is constructed with or without footings shall be permitted and may extend into a required front, exterior side or rear yard to a maximum of 0.6 metres;

- gi. The maximum width of Driveway shall be 6.0 metres for all lots and the Lot Frontage for all lots shall be comprised of a minimum of forty percent (40%) Landscaped Front or Exterior Side Yard, except for lands identified as Block 15 on Schedule "1" where a minimum of twenty-five percent (25%) Landscaped Front or Exterior Side Yard shall be required. A minimum sixty percent (60%) of the Minimum Landscape Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2.
- hi. The following provisions shall apply: In addition to the requirements of Section 3.14, Permitted Yard Encroachments and Restrictions, encroachments (in addition to eaves and gutters) are permitted into the minimum required front yard, exterior yard, rear yard and into the minimum required interior side yard for a lot abutting a greenway, walkway, buffer block or stormwater management pond as follows:
  - i) an unenclosed porch (covered or uncovered) to a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres;
  - ii) a 1.0 metre no encroachment zone shall be maintained inside the property line within the front yard and exterior yard, and within the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, and at a site triangle;
  - iii) the maximum finished floor elevation of an unenclosed porch (covered or uncovered, with or without a cold cellar) located in the front yard or exterior side yard, or in the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, shall not exceed 1.2 metres above finished grade;
- ii. For Street Townhouse dwellings accessed by a private street, an additional 0.23 parking spaces per dwelling unit shall be set aside for visitors;
- ji. For lands zoned RT1 on Schedule "1", Semi-Detached Dwellings and Street Townhouse Dwellings shall be permitted uses;
- ki. For lands zoned RT1 on Schedule "1" the following shall apply;
  - minimum Front Yard: 4.5 metres;
  - minimum Rear Yard: 6.0 metres;
  - minimum Interior Side Yard: 1.2 metres (End Unit);
  - minimum Exterior Side Yard: 1.5 metres;

minimum Lot Depth: 22 metres;

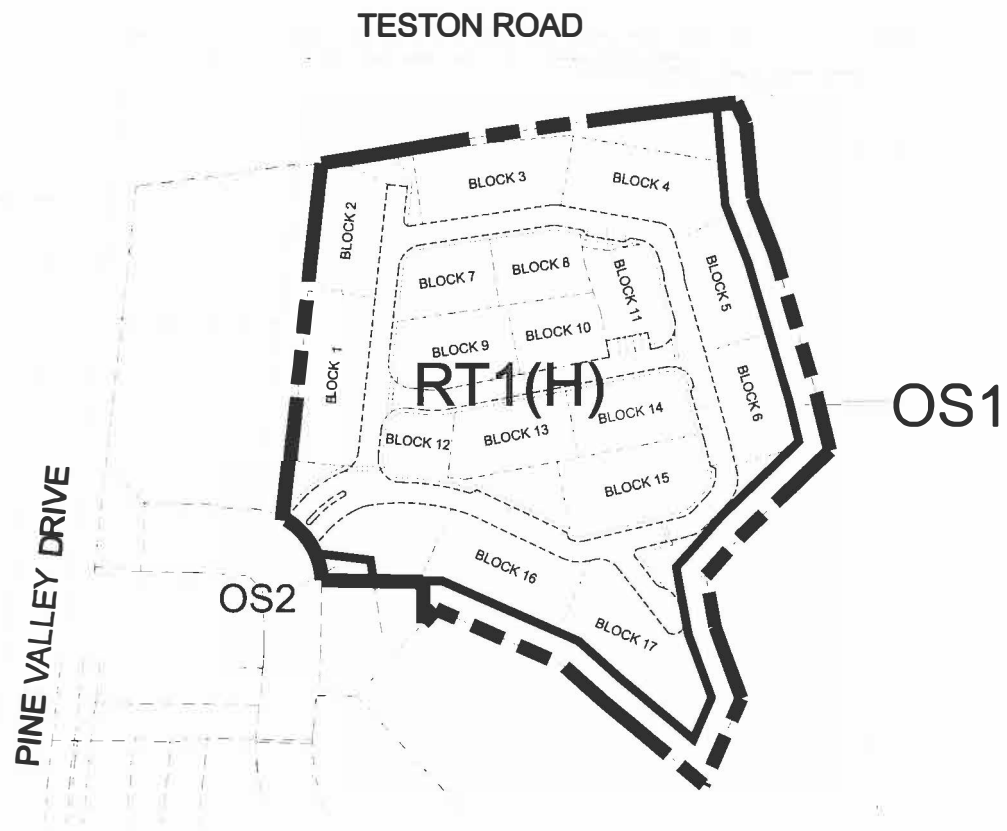
maximum Building Height: 11 metres;

Specific Zone Notes 1., 2., 3. ii), 3. iii), 4, 6, 7., and General Notes B., C and D of Schedule "A3" shall apply;

- kii. For lands zoned RT1 and identified as Block 4 on Schedule "1", the minimum Rear Yard shall be 5.7 metres;
- kiii. For lands zoned RT1 and identified as Block 5 on Schedule "1", the minimum Rear Yard shall be 5.2 metres and the minimum Lot Depth shall be 21.0 metres;
- kiv. For lands zoned RT1 and identified as Block 6 on Schedule "1", the minimum Rear Yard shall be 5.0 metres;
- kv. For lands zoned RT1 and identified as Block 7 on Schedule "1", the minimum Front Yard shall be 1.0 metre and the minimum Exterior Side Yard shall be 1.0 metre;
- kvi. For lands zoned RT1 and identified as Block 8 on Schedule "1", the minimum Front Yard shall be 3.4 metres;
- kvii. For lands zoned RT1 and identified as Block 9 on Schedule "1", the minimum front yard setback shall be 4.1 metres;
- kviii. For lands zoned RT1 and identified as Block 11 on Schedule "1", the minimum Front Yard shall be 1.6 metres and the minimum Exterior Side Yard shall be 1.3 metres;
- kix. For lands zoned RT1 and identified as Block 12 Schedule "1", the minimum Front Yard shall be 1.3 metres and the minimum Exterior Side Yard shall be 1.3 metre;
- kx. For the lands zoned RT1 and identified as Block 13 on Schedule "1", the minimum interior side yard shall be 1.1 metres;
- kxi. For lands zoned RT1 and identified as Block 14 on Schedule "1", the minimum Front Yard shall be 2.3 metres and the minimum Exterior Side Yard shall be 1.3 metres;
- kxii. For lands zoned RT1 and identified as Block 15 on Schedule "1", the minimum Front Yard shall be 1.6 metres and the minimum Lot Depth shall be 21 metres;
- kxiii. For lands zoned RT1 and identified as Block 17 on Schedule "1", the minimum Front Yard shall be 3.7 metres and the minimum Rear Yard shall be 5.7 metres;
- li. The minimum interior side yard shall be 1.5m on a lot abutting a non-residential use including a cemetery, walkway, Greenway, buffer block or stormwater management pond;
- mi. The minimum exterior side yard: (i) shall be 3.0m abutting a public lane; (ii) shall be 1.0m abutting a sight triangle or corner rounding; (iii) shall be 1.5m for a yard abutting a cemetery, walkway, Greenway, buffer block or storm water management pond; and
- ni. For lands zoned RT1 on Schedule "1", the Maximum Interior Garage Width shall be 5.7 metres and two steps (3 risers) shall be permitted to encroach into the

required garage length and width where the garage abuts the dwelling unit  
provided that no steps encroach into the minimum required parking space  
provided in the garage.

- b. Adding Schedule "E-1625" attached hereto as Schedule "1".
  - c. Deleting Key Map 6E and substituting therefore the Key Map 6E attached hereto as Schedule "2",
2. Schedules "1" and "2" shall be and hereby form part of this By-law.



THIS IS SCHEDULE 'E-1625'  
TO BY-LAW 1-88  
SECTION 9(1494)

--- SUBJECT LANDS

NOT TO SCALE

THIS IS SCHEDULE '1'  
TO BY-LAW 060-2020  
PASSED THE 27th DAY OF MAY, 2020

FILE: Z.03.024  
RELATED FILE: 19T-03V05  
LOCATION: PART OF LOTS 24 AND 25, CONCESSION 6  
APPLICANT: PRIMA VISTA ESTATES INC. AND 840999 ONTARIO LTD.  
CITY OF VAUGHAN

**TRIBUNAL ORDER:**  
**PL150868**  
**MAY 14, 2020**



**SUMMARY TO BY-LAW 060-2020**

The lands subject to this By-law are located on the east side of Pine Valley Drive and on the south side of Teston Road, being in Part of Lots 24 and 25, Concession 6, City of Vaughan.

The purpose of this By-law is to rezone the subject lands from A Agricultural Zone to RT1 Residential Townhouse Zone, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone to facilitate 68 townhouses on a private street, a park and open space buffers in Plan of Subdivision 19T-03V05.

The By-law further provides exceptions to the definitions for a street townhouse, lot line, front and lot, through, permitted yard encroachments, parking requirements, landscaping requirements, minimum lot area, minimum lot frontage, minimum front yard, minimum rear yard, minimum interior side yard, minimum exterior side yard and maximum building height.



NOT TO SCALE

# LOCATION MAP TO BY-LAW 060-2020

FILE: Z.03.024  
RELATED FILE: 19T-03V05  
LOCATION: PART OF LOTS 24 AND 25, CONCESSION 6  
APPLICANT: PRIMA VISTA ESTATES INC. & 840999 ONTARIO LIMITED  
CITY OF VAUGHAN

SUBJECT LANDS

