

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 061-2020

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 2 is hereby designated as By-Law Number 061-2020.

Enacted by City of Vaughan Council this 27th day of May, 2020.

Hon. Maurizio Bevilacqua, Mayor

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

840999 Ontario Limited and
Prima Vista Estates Inc.

Toronto and Region Conservation
Authority

City of Vaughan

Counsel

M. Melling

T. Duncan

C. Guerette

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

[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 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 Telephone: 416-212-6349 Toll Free: 1-866-448-2248

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 061-2020

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" and Schedule "2" attached hereto, from A Agricultural Zone to C4 Neighbourhood Commercial Zone with the Holding Symbol "(H)" in the manner shown on the said Schedule "1".

b) Adding the following Paragraph to Section 9.0 'EXCEPTIONS':

"(1495)" 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 061-2020, or the production of field crops.

1. Prior to the removal of the Holding Symbol "(H)" from the lands zoned C4 Neighbourhood Commercial Zone with the Holding Symbol "(H)" in manner shown on Schedule 'E-1626', 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 LOT;
- b. Subsection 3.8 a) respecting Parking Requirements;
- c. Subsection 3.9 d) respecting Loading Space Requirements between a building and an arterial road;
- d. Subsection 5.1.1 a) respecting Landscaping Area;
- e. Subsection 5.1.1 b) respecting Landscaping Area;
- f. Subsection 5.1.6 a) respecting Outdoor Patio;
- g. Subsection 3.8 a) and 5.1.6 b) respecting Outdoor Patio;
- h. Subsection 5.1.6 c) respecting Outdoor Patio;

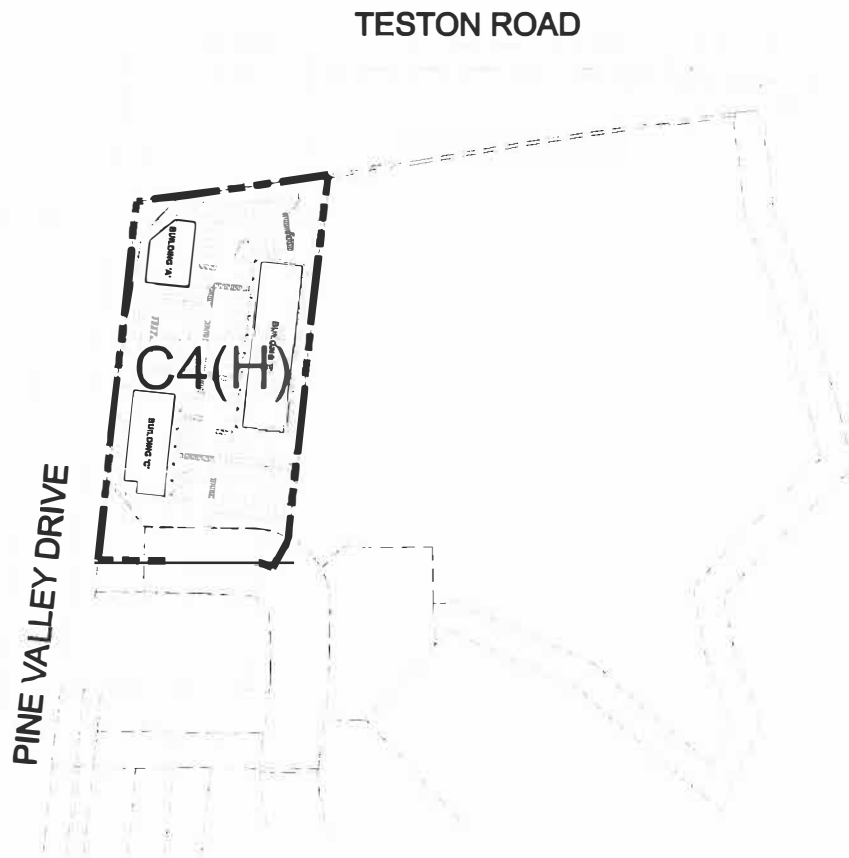
- i. Subsections 5.1.6 i) respecting Outdoor Patio;
- j. Subsection 5.1.5 and Schedule "A" respecting Front Yard, minimum Rear Yard, minimum Interior Side Yard, minimum Exterior Side Yard and minimum setback from an 'R' Zone to any building or structure or open storage use in the C4 Neighbourhood Commercial Zone;
- k. Subsection 5.5 respecting Uses Permitted; and
- l. Subsection 5.1.7 b) respecting Drive Through Facility.

The following provision shall apply to the lands shown as "Subject Lands" on Schedule "E-1626":

- ai. For the purposes of this Exception Paragraph, the subject lands identified on Schedule "1" shall be deemed to be one Lot regardless of the creation of a new lot by way of common elements condominium, exemption from part lot control, consent, subdivision and/or easements or registration that are given and shall be deemed to comply with the provision of this by-law;
- bi. For the subject lands identified on Schedule "1", parking shall be provided at a rate of 3.3 spaces per 100 sq.m. of GFA for a shopping Centre use;
- ci. Loading and unloading may occur between Buildings B and C as shown on Schedule "1" and a street, including an arterial road;
- di. Where a Commercial Zone abuts the boundary of lands zoned Residential, a strip of land not less than 2.0 metres in width and inside the Commercial Zone and abutting its boundary shall be used for no purpose other than landscaping but shall not prevent drive aisles from encroaching into the said strip. Such landscaped area shall not be used in computing the minimum landscaping requirements as set out in Subsection 3.13 of this By-law;
- ei. A strip of land not less than 2.25 metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent outdoor patios, pylon signs, masonry columns, fences, pergolas or hydro transformers to encroach or access driveways across the said strip;
- fi. The outdoor patio shall not exceed seventy five percent (75%) of the gross floor area devoted to patron use of the eating establishment in conjunction with which the outdoor patio use is permitted;
- gi. No additional parking shall be required for an outdoor patio associated with an eating establishment use;
- hi. An outdoor patio shall not be permitted in any yard located between the building containing the main eating establishment and any Residential Zone unless there is a public highway in between the uses;
- ii. An outdoor patio may be developed without an approved site plan;
- ji. For the subject lands identified on Schedule "1" the minimum Front, Rear, Interior Side and Exterior Side yards shall be 2.25 metres and the minimum

setback from an 'R' zone to any building or structure shall be 4.0 metres. For the purpose of this paragraph, a landscape element such as a column, fence or pergola shall not be considered a structure and have no required setbacks to a street or lot line;

- ki. The following additional uses shall be permitted:
 - i. Eating Establishment, Convenience with Drive-Through;
 - ii. Place of Amusement;
 - iii. Veterinary Clinic and Hospital with overnight stay
 - iv. Car Rental Agency; and
 - v. Technical School.
 - li. The stacking lane leading to the pick-up window shall accommodate a minimum of eight (8) cars, and shall have a minimum width of 3.5 metres which may be reduced to 3.2 metres over the length of stacking for three (3) cars or 18 metres; and
- b. Adding Schedule "E-1626" 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-1626'
TO BY-LAW 1-88
SECTION 9(1495)

----- SUBJECT LANDS

NOT TO SCALE

THIS IS SCHEDULE '1'
TO BY-LAW 061-2020
PASSED THE 27th DAY OF MAY, 2020

FILE: Z.03.024
RELATED FILES: 19T-03V05 & DA.19.001
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

CLERK

SUMMARY TO BY-LAW 061-2020

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 C4 Neighbourhood Commercial Zone to facilitate a multi-unit commercial plaza in Plan of Subdivision 19T-03V05.

The By-law further provides exceptions to parking rate, outdoor patio size and location, driveway and loading area locations and requirements, minimum landscape strip requirements, minimum front yard, minimum rear yard, minimum interior side yard, minimum exterior side yard and permitted uses.



NOT TO SCALE

LOCATION MAP TO BY-LAW 061-2020

FILE: Z.03.024
RELATED FILE: 19T-03V05 & DA.19.001
LOCATION: PART OF LOTS 24 AND 25, CONCESSION 6
APPLICANT: PRIMA VISTA ESTATES INC. & 840999 ONTARIO LIMITED
CITY OF VAUGHAN

SUBJECT LANDS

