

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 126-2020**

**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.**

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 2nd day of September, 2020 (LPAT File No. PL180253), attached hereto as Exhibit “1”, is hereby designated as By-Law Number 126-2020.

Enacted by City of Vaughan Council this 29<sup>th</sup> day of September, 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:** September 02, 2020

**CASE NO(S):**

PL180253

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:	Pala Builders Inc.
Subject:	Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision
Existing Zoning:	"RD3 Residential Detached Three Zone"
Proposed Zoning:	"RT1 Restricted Townhouse Zone", with site-specific zoning exceptions
Purpose:	To permit the development of 126 condominium townhouse units at a height of 3-storeys to be accessed by private common element condominium roads
Property Address/Description:	Southeast corner of Crimson Forest Drive and Marc Santi Boulevard/ Block 11
Municipality:	City of Vaughan
Municipality File No.:	Z.17.037
LPAT Case No.:	PL180253
LPAT File No.:	PL180253
LPAT Case Name:	Pala Builders Inc. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject:	Site Plan
Referred by:	Pala Builders Inc.
Property Address/Description:	Southeast corner of Crimson Forest Drive and Marc Santi Boulevard/Block 11
Municipality:	City of Vaughan

LPAT Case No.: PL180253  
LPAT File No.: PL180871

**Heard:** August 26, 2020 by telephone conference call  
("TCC")

**APPEARANCES:**

**Parties**

**Counsel**

Pala Builders Inc. ("Applicant")

P. DeMelo

City of Vaughan ("City")

G. Perhar

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON  
AUGUST 26, 2020 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Applicant owns the lands located at the south east corner of Crimson Forest Drive and Marc Santi Boulevard in the City which are legally described as Block 11 on Registered Plan 65M-2004 ("Subject Lands"). The Subject Lands are about 2.4 hectares in area, vacant and a surplus elementary school site.

[2] The Applicant filed a rezoning application and a site plan application for the Subject Lands seeking approval for a proposed townhouse development of 126 units.

[3] The Applicant appealed both the rezoning application and the site plan application to the Tribunal due to the failure of the City to make decisions within the statutory time frames.

[4] The Applicant was able to resolve the concerns of the local residents' association and City staff, through refinements to the development applications including reducing the number of units to 114.

[5] As a result, the residents' association withdrew from the hearing, and City

Council on June 12, 2109 endorsed the recommendation of the City staff to:

- a. Approve draft Zoning By-law Amendment Z.17.037 (“ZBA”);
- b. That should the Tribunal approve the ZBA, that the Tribunal be requested to withhold its Final Order until:
  - i. The City was satisfied with the final plans and conditions for the site plan; and
  - ii. The ZBA is prepared to the satisfaction of the City.
- c. And the site plan be approved subject to a number of conditions outlined in the staff report.

[6] Subsequent to the City Council resolution in 2019, the parties were able to finalize the wording of the ZBA, settle the site plan and conditions of site plan approval, and were in the final stages of executing the site plan agreement.

[7] Thus, the matter came before the Tribunal as a settlement hearing.

## **HEARING**

[8] For the hearing, the Tribunal had received the affidavit of Keith MacKinnon, Land Use Planner (Exhibit 1) in support of the ZBA and revised site plan application.

[9] The Tribunal heard the oral submissions from counsel on behalf of the Applicant and the City in support of the settlement and the finalization of the ZBA.

## **DECISION**

[10] The Subject Lands are designated Low Rise Residential in the City Official Plan and the development proposal conforms to that designation.

[11] The Subject Lands are zoned RD3 (Residential Detached Three) and are proposed to be rezoned to RT1 (Residential Townhouse) on a site-specific basis providing *inter alia* for 114 units.

[12] The surrounding land uses include: to the north across Marc Santi Boulevard a storm water management pond; to the east abutting the Subject Lands is Carville Mills Park; to the south is an existing residential development; and to the west across Crimson Forest Drive is a townhouse development currently under construction.

[13] The Tribunal has the uncontested expert land use planning evidence of Mr. MacKinnon in support of the appeals. He opines that the amended development proposals have regard to the Provincial Interests as set out in s. 2 of the *Planning Act*, and are consistent with the Provincial Policy Statement 2020 (“PPS”) as implementing an efficient use of land and infrastructure in an area designated for residential development. He is of the opinion that the amended development proposals are in conformity with A Place to Grow, The Growth Plan for the Greater Golden Horseshoe 2019 (“Growth Plan 2019”) as being within a delineated settlement area and will be serviced by existing municipal services. Finally (with regard to the Provincial planning instruments) he notes that the Subject Lands are within a settlement area as designated by the Oak Ridges Moraine Conservation Plan and conforms with the policies of that plan.

[14] Concerning the York Region Official Plan, Mr. MacKinnon states that the Subject Lands are designated as Urban Area, and residential uses are permitted.

[15] As noted above, the Subject Lands are designated as Low Rise Residential in the City of Vaughan Official Plan and townhouses are a permitted use.

[16] With regard to the land use planning context, Mr. MacKinnon observes that as the development proposal is for 3 storey townhouses, it will fit into the existing context that includes a municipal park to the east that abuts the Subject Lands, a storm water management pond to the north, a townhouse development under construction to the

west and an existing residential development to the south.

[17] Based on the land use planning evidence of Mr. MacKinnon and the endorsement of the settlement by the City, the Tribunal finds:

- a. The ZBA satisfies the Provincial Interests in s. 2 of the *Planning Act*;
- b. The proposed ZBA is consistent with the PPS 2020;
- c. The proposed ZBA conforms to;
  - i. The Growth Plan 2019;
  - ii. The Oak Ridges Moraine Conservation Plan;
  - iii. The Region of York Official Plan; and
  - iv. The City of Vaughan Official Plan.
- d. The proposed ZBA represents good land use planning; and
- e. The proposed ZBA is in the public interest.

[18] Accordingly, the Tribunal will allow the appeal in part and approve the ZBA as found in Exhibit 1 at Tab D.

[19] The Tribunal has been advised by counsel that they are in the final stages of execution of the site plan agreement and asked the Tribunal not to take any action regarding the appeal of the site plan, as once finalized, the site plan appeal will be withdrawn.

[20] The Tribunal inquired of counsel how long it would take for these matters to be finalized and was advised by counsel that 30 days would be adequate time for the site

plan to be finalized (and presumably the site plan appeal withdrawn).

[21] In these circumstances, the Tribunal will adjourn the site plan hearing *sine die*. However, the Tribunal directs (in an abundance of caution) that the counsel to the parties jointly provide an update on the site plan appeal to the Case Coordinator, or a withdrawal of the site plan appeal, on or before **Friday, October 16, 2020**, and time shall be of the essence.

[22] I remain seized of the site plan appeal and may be spoken to.

[23] This is the Order of the Tribunal.

*“Blair S. Taylor”*

BLAIR S. TAYLOR  
MEMBER

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

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

***THE CITY OF VAUGHAN***

***BY-LAW***

**BY-LAW NUMBER 126-2020**

**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 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 RD3 Residential Detached Three Zone to RT1 Residential Townhouse Zone, in the manner shown on the said Schedule “1”.
  - b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“9(1264) f) Notwithstanding the provisions of:

    - a) Subsection 2,0 respecting the Definitions of “Dwelling, Street Townhouse”, “Lot”, and “Street Line”;
    - b) Subsection 3.8 g) respecting Minimum Parking Requirements;
    - c) Subsection 3.13 respecting Minimum Landscape Area;
    - d) Subsection 3.14 and 4.22.2 respecting Permitted Yard Encroachments and Restrictions;
    - e) Subsection 3.21 respecting Frontage on a Public Street;
    - f) Subsection 4.1.4 b) and f) respecting Parking Areas for Multiple Family Dwellings;



- g) and Schedule “A3” and General Notes respecting the zone standards for townhouse units in the RT1 Residential Townhouse Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedules “1”, and “2” attached hereto:

- ai) For the purpose of the Exception Paragraph, the following definitions shall apply:

“DWELLING, STREET TOWNHOUSE - means a townhouse dwelling in which each dwelling unit is situated on its own lot or Parcel of Tied Land (‘POTL’), which abuts a public street or a private common element condominium road.”

“LOT - means a parcel of land fronting on a public street or a private common element condominium road.”

“STREET LINE - means the dividing line between a lot and a street or a private common element road, or the dividing line between a lot and a reserve abutting a street or a private common element condominium road.”

- bi) the maximum width of the private common element condominium road (Rattenbury Road) shall be 8 m;
- bii) eight (8) visitor parallel parking spaces shall be permitted on Rattenbury Road and these parking spaces shall have dimensions of 2 m X 6.7 m.
- ci) a strip of land not less than 1.5 m adjacent to a street line in the front yard shall be provided and may include hard and soft landscaping. Pedestrian access, sidewalks and private roads shall be permitted to cross this strip;
- di) exterior stairways (covered or uncovered) shall not be permitted to encroach into the required landscape strip in accordance with Subsection ci) above;
- dii) eaves, bay windows, sills, cornices, gutters, utility meters and masonry screening for utility meters are permitted to encroach

- into the minimum required setback to a maximum of 0.6 m;
- diii) permitted encroachments for exterior stairways shall be permitted in the front yard and exterior side yard. Exterior stairways shall not be permitted to be located 1.2 m from the front lot line and exterior lot line;
  - div) a deck may extend into a required rear yard to a maximum of 2 m (Blocks 5 – 15);
  - ei) no person shall erect any building or structure unless the lot upon which such building or structure is to be erected fronts onto a public street or a private common element road.
  - fi) subsection 4.1.4 b) i) and ii) shall not apply;
  - fii) the maximum width of a driveway for Blocks (1 – 15) shall be 3 m;
  - gi) the minimum lot frontage shall be 5.5 m for Blocks 1 to 15;
  - gii) the minimum lot area per unit shall be 108 m<sup>2</sup>;
  - giii) the minimum front yard (to a unit face) shall be 4 m (Blocks 16 - 18)
  - gv) the minimum rear yard shall be as follows:
    - a) 5 m (Blocks 5 – 7);
    - b) 4.5 m (Blocks 8, 10, 12 – 15);
    - c) 6.4 m (Block 9)
    - d) 6.6 m (Block 11)
    - e) 1.0 m (Blocks 17 - 19)
    - f) 0.7 m (Blocks 16 and 20)
  - gvi) the minimum interior side yard abutting a greenspace or a walkway within a greenspace (urban square and private parkette) shall be as follows:
    - a) 0.5 m (Blocks 18 and 19)
    - b) 0.7 m (Blocks 5 and 15)
  - gvii) the minimum exterior side yard shall be as follows:
    - a) 4 m (Block 1)

- b) 0.7 m (Blocks 8 – 14, 16, and 20)
- c) 3 m (Block 7)
- gviii) the maximum number of street townhouse dwelling units shall be 114;
- gix) a maximum number of 7 street townhouse dwellings shall be permitted to be constructed in a row on Blocks 5 and 19;
- gx) the maximum building height shall be 12 m;
- gxi) the minimum lot depth shall be 18 m;
- gxii) the maximum interior garage width shall be 3.1 m for Blocks 1 – 15, and 5.8 m for Blocks 16 – 20.
- gxiii) all buildings and accessory structures including but not limited to sheds, decks, gazebos and pools for Blocks 1-4, shall be setback a minimum of 4 m from the rear lot line for the purpose of maintaining trees and landscaping and a swale;
- gxiv) the maximum height of a porch shall be 1.83 m;
- c) Deleting Schedule “E-1392” and substituting therefor the Schedule “E-1392” attached hereto as Schedule “1”.
- d) Add Schedule “E- 1392A” attached hereto as Schedule “2”.
- e) Deleting Key Map 2D and substituting therefor the Key Map 2D attached hereto as Schedule “3”.

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

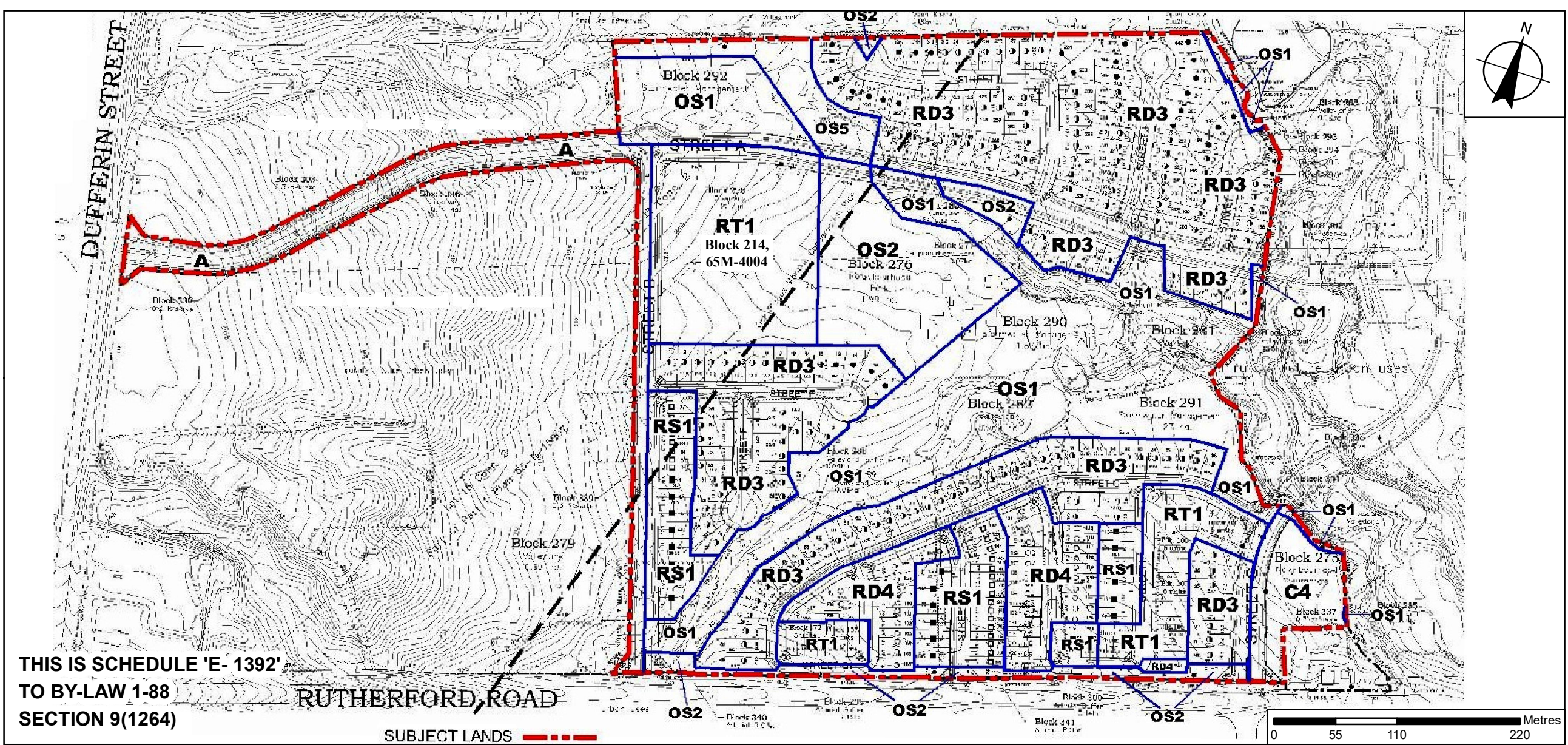
Enacted by City of Vaughan Council this 29<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Hon. Maurizio

**TRIBUNAL ORDER: PL180253  
SEPTEMBER 2, 2020**

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Todd Coles, City Clerk





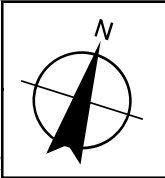
File: Z.17.037  
Related File: DA.18.046  
Location: Part of Lots 16 and 17, Concession 2  
Applicant: Pala Builder's Inc.  
City of Vaughan

THIS IS SCHEDULE '1'  
TO BY-LAW 126- 2020  
PASSED THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2020

Sign: \_\_\_\_\_  
TRIBUTAL ORDER: PL180253  
SEPTEMBER 2, 2020

Clerk





MARC SANTI BOULEVARD

CRIMSON FOREST DRIVE

RATTENBURY ROAD

STREET 2

ABERFOYLE STREET

ORIGIN WAY

RATTENBURY ROAD

RT1

THIS IS SCHEDULE 'E - 1392A'  
TO BY-LAW 1-88  
SECTION 9(1264)



SUBJECT LANDS

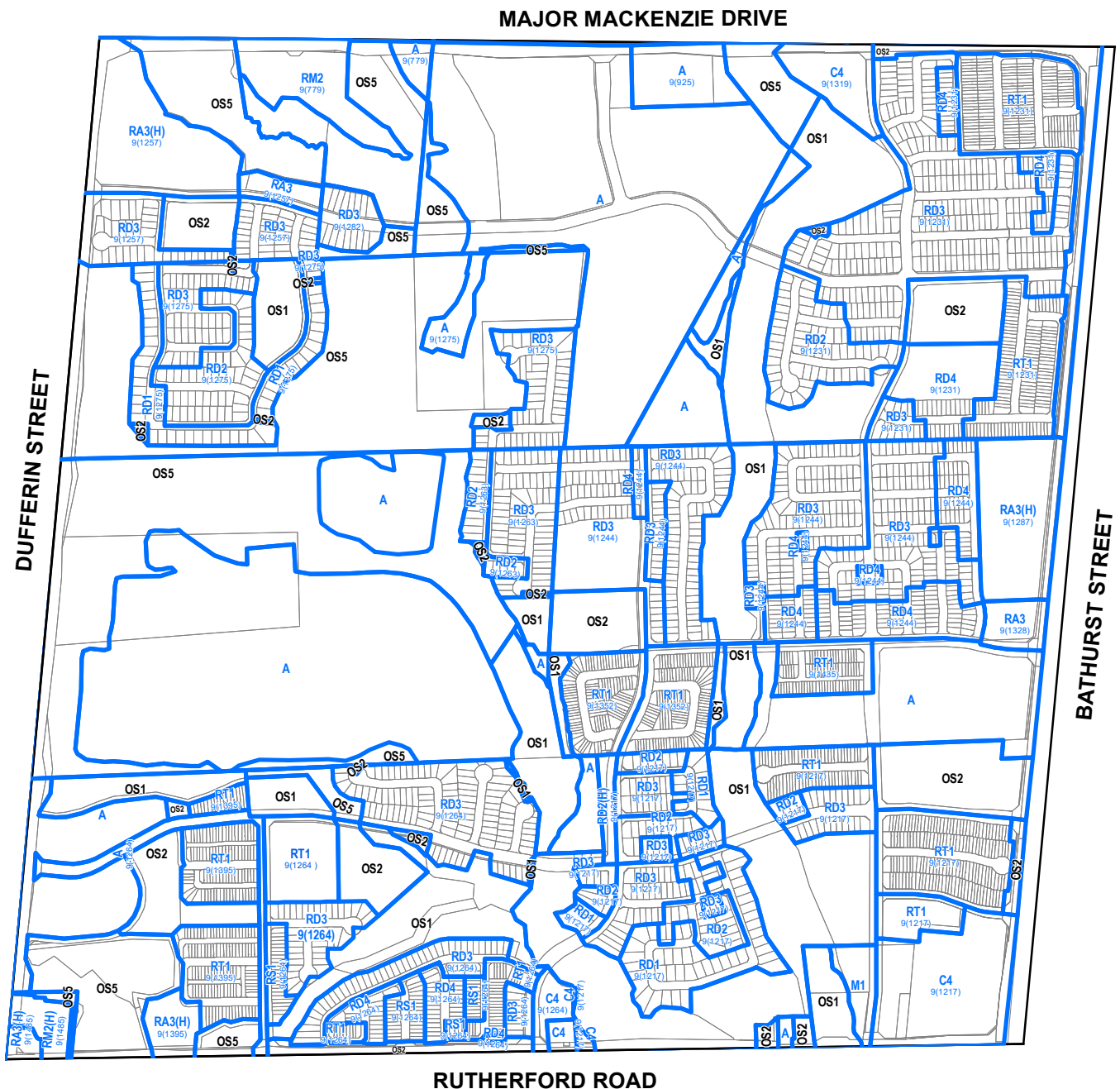
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THIS IS SCHEDULE '2'  
TO BY-LAW 126- 2020  
PASSED THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2020

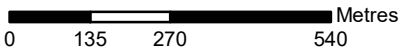
FILE: Z.17.037  
RELATED FILE: DA.18.046  
LOCATION: Part of Lots 16 and 17, Concession 2  
APPLICANT: Pala Builder's Inc.  
CITY OF VAUGHAN

SIGNING OFF  
S  
R  
K  
TRIBUNAL ORDER: PL180253  
SEPTEMBER 2, 2020

CLERK



KEY MAP 2D  
BY-LAW NO. 1-88



THIS IS SCHEDULE '3'  
TO BY-LAW 126-2020  
PASSED THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2020

FILE: Z.17.037  
RELATED FILE: DA.18.046  
LOCATION: Part of Lots 16 and 17, Concession 2  
APPLICANT: Pala Builder's Inc.  
CITY OF VAUGHAN

SIGNING OFFICERS

TRIBUNAL ORDER: PL180253  
SEPTEMBER 2, 2020

CLERK

## **SUMMARY TO BY-LAW 126-2020**

The lands subject to this By-law are located at the southeast corner of Marc Santi Boulevard and Crimson Forest Drive, being Block 214 on Registered Plan 65M-4004

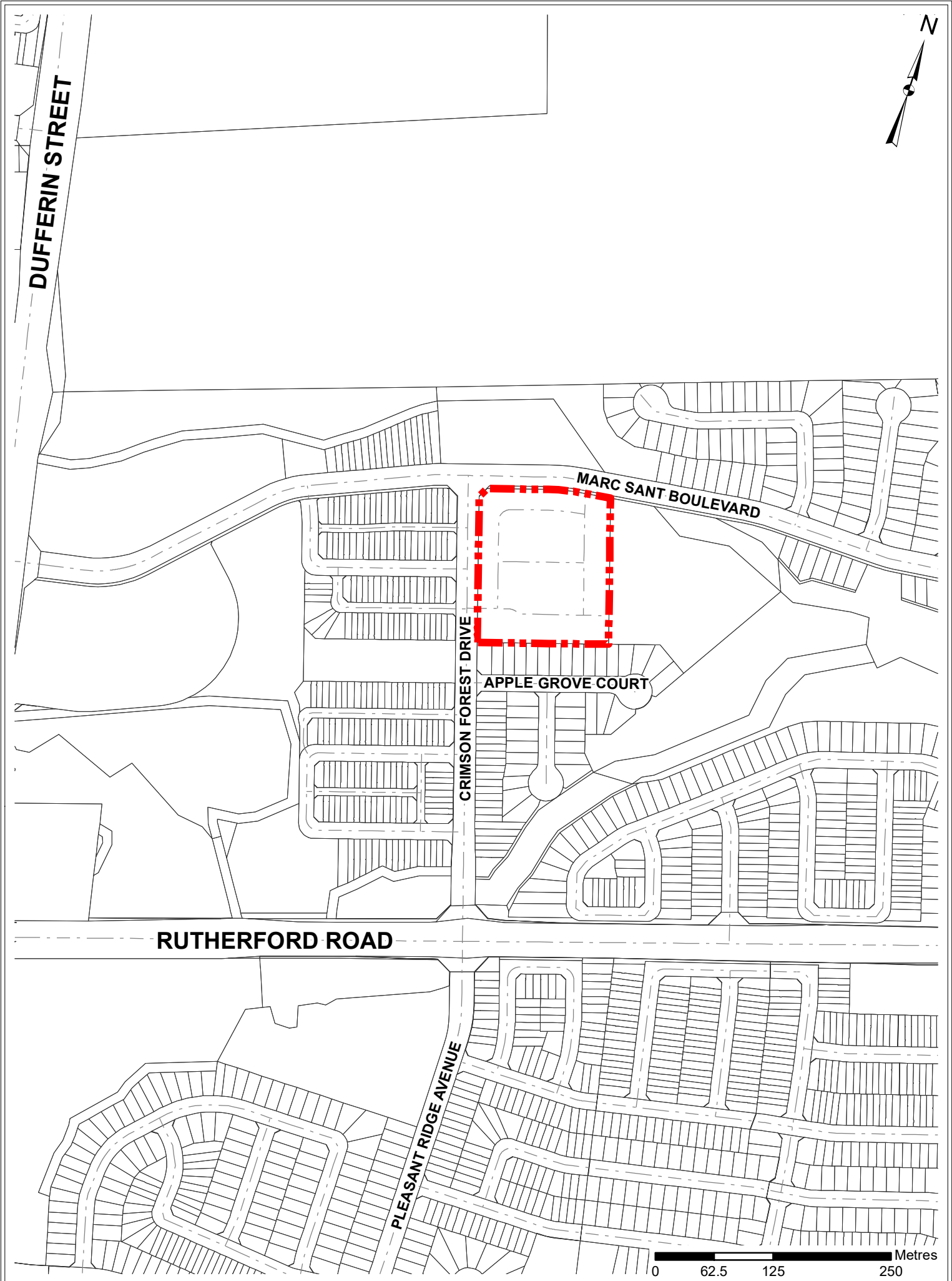
The purpose of this by-law is amend City of Vaughan Comprehensive Zoning By-law 1-88, as amended, by rezoning the Subject Lands from RD3 Residential Detached Zone Three to RT1 Residential Townhouse Zone in order to permit the development of 114, 3-storey townhouse dwellings, a private access road and associated visitor parking areas and common amenity areas, together with the following site-specific exceptions:

- a) Definitions for “Street Townhouse Dwelling”, “Lot”, and definition of “Street Line”;
- b) Amendments to specify the parking space dimensions for visitor parallel parking spaces and specify the maximum road width for the private common element access road (Rattenbury Road);
- c) Reduced minimum landscape strip width requirements and add provisions for encroachments;
- d) Amendments to maximum permitted encroachments for unenclosed, uncovered, covered, unexcavated porches, exterior stairways, balconies and bay windows, eaves, utility meters and masonry screening for utility metres, into yards, including deck encroachments for Blocks 5-15);
- e) Frontage on a public street;
- f) Screening around parking lots and maximum townhouse dwelling driveway widths;
- g) Minimum zone standards for:
  - lot frontage (Blocks 1 – 15)
  - lot area per unit
  - front yard to unit face (Blocks 16 - 18)
  - rear yards (varying)
  - interior side yards abutting a greenspace and a walkway within a greenspace
  - exterior side yards (varying)
  - interior garage widths, and
  - setback for accessory structures on Blocks 1-4 to maintain a 4 m setback from the rear lot line for the purpose of maintaining trees and landscaping and a swale

Maximum zone standards for:

- total number of townhouse units
- number of townhouse units in a row (Blocks 5 and 19)
- building height 12 m
- driveway widths (Blocks 1 – 15) and,
- porch height.

Additional items were identified through the processing and review of the site plan for the proposed development and these items have been reflected within the exceptions summarized above.



# LOCATION MAP TO BY-LAW 126- 2020

**FILE:** Z.17.037 **RELATED FILE:** DA.18.046  
**LOCATION:** Part of Lots 16 and 17, Concession 2  
**APPLICANT:** Pala Builder's Inc.  
**CITY OF VAUGHAN**

