

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 154-2020

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 25th day of March 2020 in LPAT Case File No. PL150822.

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 25th day of March 2020 (LPAT File No. PL150822), attached hereto as Exhibit "D", is hereby designated as By-Law Number 154-2020.

Enacted by City of Vaughan Council this 17th day of November, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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



ISSUE DATE: March 25, 2020

CASE NO(S): PL150822

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:	2097500 Ontario Limited
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
Proposed Zoning:	Residential Detached Zone RD1, Residential Detached Zone RD3, Open Space Conservation Zone OS1 and Open Space Park Zone OS2
Purpose:	To permit the development of a plan of subdivision consisting of 83.5 dwelling units, parkland/open space and maintenance of valley lands
Property Address/Description:	4077 Teston Road
Municipality:	City of Vaughan
Municipal File No.:	Z.07.002
OMB Case No.:	PL150822
OMB File No.:	PL150822
OMB Case Name:	2097500 Ontario Limited v. Vaughan (City)

Heard: Written Submissions

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
2097500 Ontario Limited	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

[1] 2097500 Ontario Limited (“Applicant”) is a landowner 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 Applicant’s lands within Block 40/47 are east of Pine Valley Drive and south of Teston Road East.

[2] In earlier proceedings, this appeal 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 Applicant.

[3] In a decision issued April 6, 2016, the Tribunal allowed the Applicant’s appeal of its application for a site-specific amendment to Zoning By-law No. 1-88. The Tribunal’s final order on the amendment 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”).

[4] As a result of further study, and with the agreement of the City and the TRCA, the Applicant now seeks some further amendments to Zoning By-law No. 1-88. These amendments are 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.

[5] 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. The Applicant now seeks a series of further minor site-specific amendments to Zoning By-law No. 1-88:

- A reduction to the permitted minimum rear yard of lot 61 from 7.5 metres (“m”) to 7.25 m.
- A reduction to the minimum interior side yard to a door accessing a garage or dwelling from 1.8 m to 1.2 m.
- Minor revisions to allow encroachments of specified architectural features.
- Minor stylistic changes by the City to reflect its preferred and most recent formatting requirements.

[6] There is also a revision to the Open Space Conservation Zone boundary to reflect minor changes to the limits of development associated with the valley and its buffer as a result of the long-term stable-slope analysis, referenced earlier.

[7] In its decision of April 6, 2016, the Tribunal found that the original application for the site-specific amendment met all the statutory requirements, was consistent with the Provincial Policy Statement 2014 and conformed to the applicable Provincial plans and to the regional and local official plans.

[8] On the evidence of Mr. Yarranton, the Tribunal finds that the revised site-specific amendments to Zoning By-law No. 1-88:

- have had regard to matters of Provincial Interest, as set out in s. 2 of the *Planning Act*;

- continue to be consistent with the Provincial Policy Statement 2014;
- continue to conform with the Growth Plan for the Greater Golden Horseshoe 2006 and conform with the Growth Plan for the Greater Golden Horseshoe 2019;
- continue to conform with the Greenbelt Plan 2005 and conform with the Greenbelt Plan 2017;
- continue to conform to the Region of York Official Plan 1994 and the Region of York Official Plan 2010; and
- continue to conform to City Official Plan Amendment 600, as modified by Official Plan Amendment 744.

[9] The Tribunal orders that Zoning By-law No. 1-88, as amended, is further amended in the form attached to Exhibit “D” to the Affidavit of Mark Yarranton, sworn for these proceedings on February 7, 2020, and pursuant to s. 34(26)(b) of the *Planning Act* and to s. 24(2) of Ontario Regulation 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 154-2020

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 RD1 Residential Detached Zone One, RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on the said Schedule "1".

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

"(1504) A. Notwithstanding the provisions of:

- a. Subsections 4.22.3 and 3.14 a) respecting Permitted Yard Encroachments and Restrictions in an RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three;
- b. Subsections 4.22.3 and 3.14 c) respecting Permitted Yard Encroachments and Restrictions in an RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three;
- c. Subsections 4.22.3 and 3.14 i) respecting Permitted Yard Encroachments and Restrictions in an RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three;
- d. Subsections 4.22.2 and 4.22.3 respecting Encroachment of an Unenclosed Porch (Covered or Uncovered), Cold Cellars and Architectural Features and Balconies;
- e. Subsection 4.22.3 and Note 3. i) on Schedule "A3", respecting the Minimum Interior Side Yard Abutting a non-residential use;
- f. Subsection 4.22.3 and Note 5. on Schedule "A3", respecting the Minimum Exterior Side Yard Abutting a Sight triangle;
- g. Subsection 4.22.3 and Schedule "A3" respecting Minimum Rear Yard in an RD1 Residential Detached Zone One; and,
- h. Subsection 4.22.3 and Note C. on Schedule "A3", respecting the minimum interior side yard setback to a door.

The following provision shall apply to the lands shown as "Subject Lands" on Schedule "E-1635":

- ai. 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;
- bi. 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 constructed with footings shall be permitted and may extend into a required front, exterior side or rear yard to maximum of 0.6 metres;
- ci. Subsection 3.14 i) shall not apply;
- di. 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 1.5 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;
- ei. 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;
- fi. The minimum exterior side yard: (i) shall be 3.0m abutting a public lane; (ii) shall be 1.5m abutting a sight triangle; (iii) shall be 1.5m for a yard abutting a cemetery, walkway, Greenway, buffer block or storm water management pond;

gi. The minimum rear yard in a RD1 Residential Detached Zone One shall be 7.25m for Lot 61 shown on Schedule "E-1635"; and,

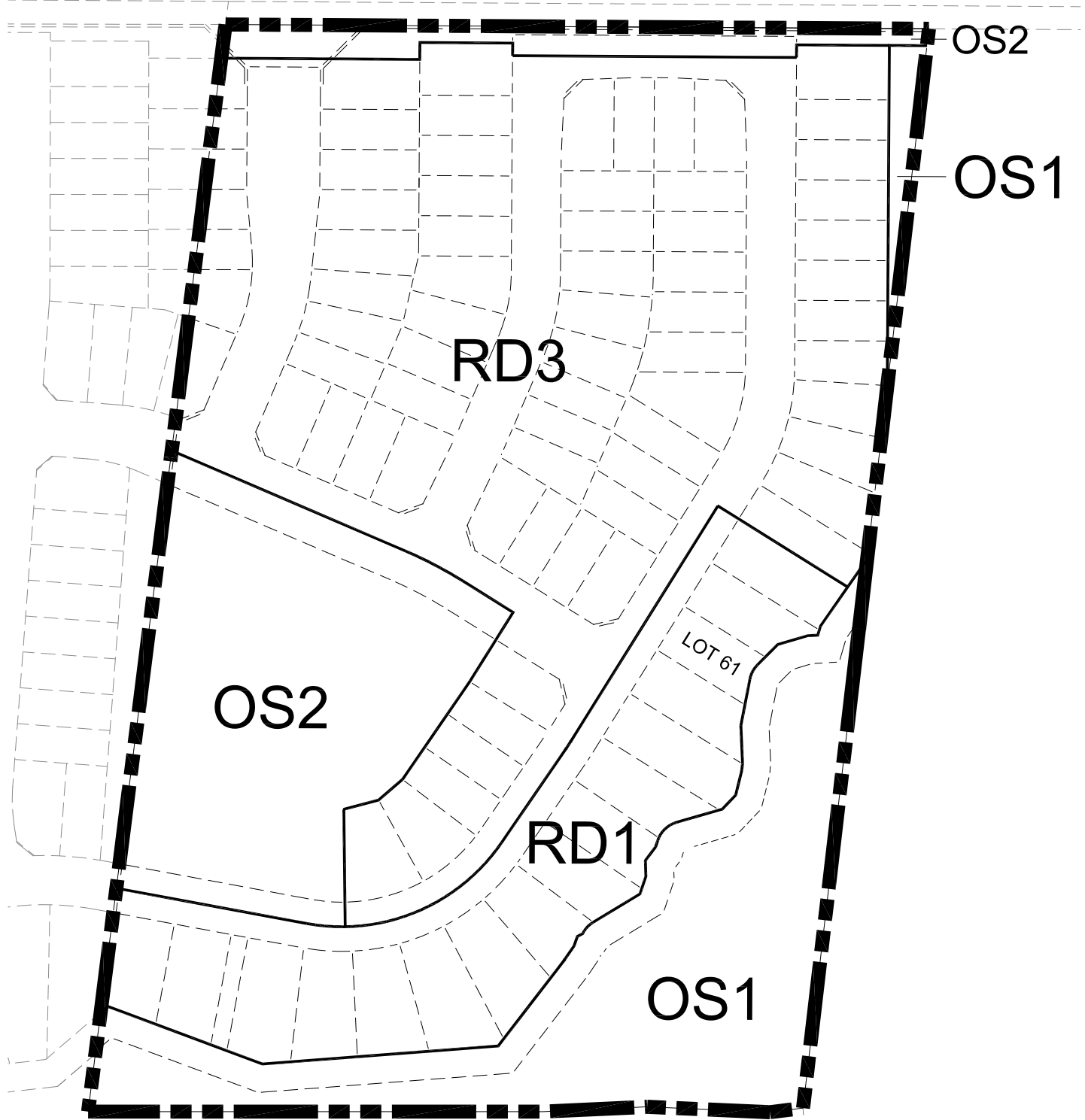
hi. The minimum interior side yard to a door accessing a garage or dwelling may be reduced to 1.2 m."

c) Adding Schedule "E-1635" attached hereto as Schedule "1".

d) 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.

TESTON ROAD



THIS IS SCHEDULE 'E-1635'
 TO BY-LAW 1-88 SECTION
 9(1504)

----- SUBJECT LANDS

NOT TO SCALE

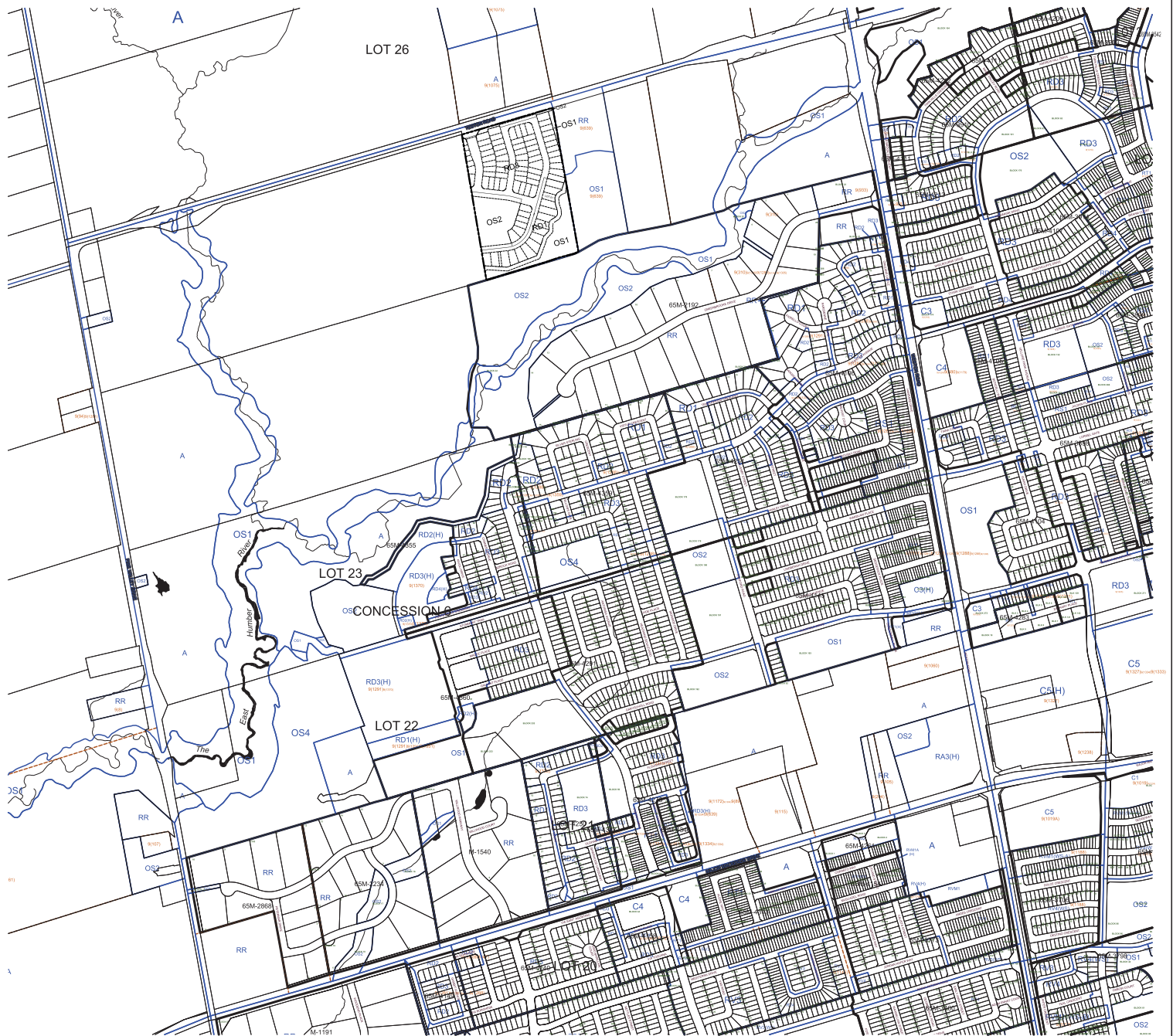
THIS IS SCHEDULE '1' TO
 BY-LAW 154-2020
 PASSED THE 17TH DAY OF NOVEMBER, 2020

FILE: Z.07.002
 RELATED FILE: 19T-07V01
 LOCATION: PART OF LOT 25, CONCESSION 6
 APPLICANT: 2097500 ONTARIO LIMITED
 CITY OF VAUGHAN

SIGNING OFFICERS

TRIBUNAL ORDER: PL150822
MARCH 25, 2020

CLERK



KEY MAP 6E
 BY-LAW 1-88

----- SUBJECT LANDS

NOT TO SCALE

THIS IS SCHEDULE '2' TO
 BY-LAW 154-2020
 PASSED THE 17TH DAY OF NOVEMBER, 2020

FILE: Z.07.002
 RELATED FILE: 19T-07V01
 LOCATION: PART OF LOT 25, CONCESSION 6
 APPLICANT: 2097500 ONTARIO LIMITED
 CITY OF VAUGHAN

SIGNING
TRIBUNAL ORDER: PL150822
MARCH 25, 2020

CLERK

SUMMARY TO BY-LAW 154-2020

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 Lot 25, Concession 6, City of Vaughan.

The purpose of this By-law is to rezone the subject lands from A Agricultural Zone to RD1 Residential Detached Zone One, RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone to facilitate 83.5 detached dwelling units, of which 7 are to develop with the adjacent lands, a park, open space buffers and road widenings, and to maintain the existing valleylands in the 9.732 ha Plan of Subdivision 19T-07V01.

The By-law further provides exceptions to the permitted yard encroachments and minimum yard requirements.



NOT TO SCALE

LOCATION MAP TO BY-LAW 154-2020

FILE: Z.07.002
RELATED FILE: 19T-07V01
LOCATION: PART OF LOT 25, CONCESSION 6
APPLICANT: 2097500 ONTARIO LIMITED
CITY OF VAUGHAN

SUBJECT LANDS

