

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 002-2021

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 28th day of March 2019 in LPAT Case File No. PL180311.

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 28th day of March 2019 (LPAT File No. PL180311), attached hereto as Attachment 3 is hereby designated as By-Law Number 002-2021.

Enacted by City of Vaughan Council this 26th day of January, 2021.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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



ISSUE DATE: March 28, 2019

CASE NO(S): PL180311

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: | Evelyn Charters |
| Subject: | Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision |
| Existing Zoning: | A-Agriculture Zone, OS5 Environmental Protection Zone, and RD3 Residential Detached Zone Three |
| Proposed Zoning: | RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, RD4 Residential Detached Zone Four, RR-Rural Residential Zone “(X)”, OS1 Open Space Conservation Protection Zone, OS2 Open Space Park and OS5 Environmental Protection Zone |
| Purpose: | To permit the development of 47 single detached dwelling units, 2 estate residential units (including the existing house), open space, a storm water management pond and a parkette |
| Property Address/Description: | 981 Teston Road/ Planning Block 12 – Part of Lot 25, Concession 2 |
| Municipality: | City of Vaughan |
| Municipality File No.: | Z.04.049 |
| LPAT Case No.: | PL180311 |
| LPAT File No.: | PL180311 |
| LPAT Case Name: | Charters v. Vaughan (City) |

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

| | |
|-------------------------------|---|
| Applicant and Appellant: | Evelyn Charters |
| Subject: | Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision |
| Purpose: | To permit the development of 47 single detached dwelling units, 2 estate residential units (including the existing house), open space, a storm water management pond and a parkette |
| Property Address/Description: | 981 Teston Road/ Planning Block – Part of Lot 25, Concession 2 |
| Municipality: | City of Vaughan |
| Municipality File No.: | 19T-04V12 |
| LPAT Case No.: | PL180311 |
| LPAT File No.: | PL180312 |

Heard: March 7, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Evelyn Charters

City of Vaughan

Counsel

Max Laskin

Effie Lidakis

MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON MARCH 7, 2019

INTRODUCTION

[1] This hearing event was a settlement hearing with respect to appeals by Evelyn Charters (the “Appellant”) from the failure of the Council of the City of Vaughan (the “City”) to make decisions with respect to her applications for draft plan of subdivision approval and zoning amendment regarding her lands municipally known as 981 Teston Road (the “Property”).

[2] Although the Decision from the Pre-hearing Conference (“PHC”) held by the Local Planning Appeal Tribunal (the “Tribunal”) on October 16, 2018 (issued on February 6, 2019) identified 14 persons who were granted Participant status, none of those persons was present for this session. This hearing date was set at that PHC and reflected in the Decision.

[3] The Tribunal heard consent evidence presented by Joan MacIntyre, the Land Use Planning Consultant retained by the Appellant. Ms. MacIntyre was qualified to proffer opinion evidence on land use planning matters.

[4] Prior to hearing the testimony of Ms. MacIntyre, Max Laskin, Counsel to the Appellant advised the Tribunal of the September, 2004 date of the planning applications and of the transition provisions with respect to the Provincial planning policy instruments which would have bearing on these types of applications and appeals.

[5] Due to the date of the applications, and the transition provisions set forth in O.Reg. 385/04 and O.Reg. 311/06, these applications are not subject to the provisions of the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), and are subject to the Provincial Policy Statement, 1997 rather than the current Provincial Policy Statement, 2014 (“PPS”).

[6] Despite this, the evidence from Ms. MacIntyre, and arising from the City Planning Staff report, is that on an assessment against the current Provincial planning regime as set forth in the current governing instruments, the proposed plan of subdivision and proposed zoning amendment are consistent with the PPS and conform to the Growth Plan.

The Development Proposal

[7] The Property lies on the south side of Teston Road (York Region Road 49) between Bathurst Street and Dufferin Street. It comprises 9.55 hectares (“ha”) and is

traversed by the Patterson Creek, a tributary to the Humber River.

[8] The Property is situated within what is known under Official Plan Amendment 600 as Block 12, a residential Block Plan area.

[9] The lands east and west of the Property have been developed for low density residential uses. The proposed plan of subdivision ties into these developments by extension and connection of streets within them and creation of blocks which will function in conjunction with similar blocks in the adjoining plans to form full building lots.

[10] The proposed land uses within the draft plan of subdivision include 47 lots for detached dwellings with frontages between 12.8 metres ("m") to 15.24 m, two estate residential lots, part blocks, landscape and environmental protection buffers, reserves and streets, and a stormwater management pond in the land area quantities as set forth below:

Lots 1 - 47 (single detached dwellings, minimum 12.8 m frontage) 2.68 ha

Lots 48 and 49 Estate Residential 2.95 ha

Block 50 Environmental Protection 1.66 ha

Blocks 51 - 52 Buffer (5 m wide) 0.08 ha

Block 53 Stormwater Management Pond 0.24 ha

Block 54 Landscape Area 0.11 ha

Blocks 55 - 56 Landscape Buffer 0.03 ha

Blocks 57 - 77 Future Development 0.48 ha

Block 78 - 0.3 m Reserve 0.01 ha

Block 93 - 6 m Walkway 0.02 ha

| | |
|-----------------------------------|---------|
| Block 94 — Regional Road Widening | 0.01 ha |
| Streets A - E, | 17.5 m |
| Street F, 15 m | 1.28 ha |
| Total Area | 9.55 ha |

[11] The Property is currently zoned "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" by Zoning By-law No. 1-88, the City Comprehensive Zoning By-law. In order to accommodate the draft plan, a Zoning By-law Amendment application was submitted to rezone the Property to "RD2 Residential Detached Zone Two", "RD3 Residential Detached Zone Three", "RD4 Residential Detached Zone 4", "RR(H) Rural Residential Zone" with the Holding Symbol ("H"), "OS1 Open Space Conservation Zone", "OS2 Open Space Park Zone", and "OS5 Open Space Environmental Protection Zone", in the manner shown on Exhibit 3 as tendered in this proceeding.

[12] Lots 48 and 49 are proposed to be zoned "RR(H) Rural Residential Zone" with the Holding Symbol "(H)" by Zoning By-law No. 1-88, subject to site-specific exceptions, as identified in Table 1 below. The Zoning exceptions are required to respect the Toronto and Region Conservation Authority ("TRCA") development limits, and to allow for the retention of an existing residence which will be maintained on Lot 48. Also, Lots 48 and 49 will be zoned with the Holding Symbol "(H)", which will not be removed until the Appellant provides sanitary sewer and water servicing that complies with City and/or York Region standards. The following are the site-specific zoning exceptions to the RR Rural Residential Zone:

Table 1:

| Zoning By-law 1-88 Standard | RR Rural Residential Zone Requirements (Lots 48 and 49 only) | Proposed Exceptions to the RR Rural Residential Zone Requirements (Lots 48 and 49 only) |
|------------------------------------|---|--|
| Minimum Lot Area | 4,000 m ² | 3,000 m ² |
| Minimum Front Yard | 15 m | 7.5 m |
| Minimum Rear Yard | 15 m | 3 m |
| Minimum Interior Side Yard | 4.5 m | 1.5 m |
| Maximum Lot Coverage | 10 % | 20 % |
| Maximum Building Height | 9.5 m | 11 m |

[13] The watercourse, and environmental buffers adjacent to it, will be conveyed to the TRCA. Block 54, along the westerly Teston Road frontage, will be transferred to the City as a landscape area, which conveyance will not represent parkland dedication.

Planning Policy Compliance

[14] Ms. MacIntyre spoke to the various levels of applicable policy. In this regard, the Tribunal was also directed to the assessment of these matters in a report prepared by City Planning and Growth Management Department staff dated September 17, 2018 (the "Staff Report").

[15] The Staff Report in particular isolated the following policies from the PPS and determined that based upon the finally settled features of the draft plan and its conformity with the Vaughan Official Plan 2010 ("VOP 2010") the proposals could be treated as consistent with the PPS:

Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses;

Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land;

Section 1.5.1 - planning for and providing publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages; and

Section 1.7 - encouraging a sense of place, by promoting well-designed built-form, cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

[16] As the proposals are not subject to the Growth Plan policies, the Tribunal will not address that other than to say that both the Staff Report and Ms. MacIntyre advise that measured against those policies, the proposed draft plan and zoning amendment would be treated as conforming.

[17] The Tribunal was advised by Ms. MacIntyre that the proposed plan and zoning amendment will conform with the Oak Ridges Moraine Conservation Plan ("ORMCP").

[18] Ms. MacIntyre advised that the proposed plan and zoning amendment will be in conformity with the York Region Official Plan.

[19] With respect to VOP 2010, Ms. MacIntyre confirmed the position which is reflected in the Staff Report that the Property is designated "Low Rise Residential", "Natural Areas", and "Infrastructure and Utilities" by VOP 2010, which permits detached dwelling units with no prescribed maximum density, and that accordingly the draft plan and zoning would conform to VOP 2010 in regard to permitted uses.

[20] City Council, on September 22, 2003, approved the Block 12 Community Plan, which identifies the Property as lands for future development. The proposed land use is consistent with the approved Block 12 Community Plan. The Appellant will be required to submit an updated Block 12 Community Plan, to the satisfaction of the City. As part of the City conditions of draft approval the Appellant will be obliged to satisfy all obligations, financial or otherwise of the Block 12 Developers Group Agreement to the

satisfaction of the Block 12 Trustee and the City.

[21] Evidence was provided by Ms. MacIntyre as to the circulation of the applications to the prescribed departments and agencies, and her advice was that based upon the proposed conditions of draft approval, the requirements of those departments and agencies will be addressed.

[22] Ms. MacIntyre addressed the criteria set forth in s. 51(24) of the *Planning Act* (the "Act"), which relates to the matters which the approval authority, and this Tribunal on appeal, must consider prior to granting draft approval to the proposed plan of subdivision. In her opinion, all of those criteria have appropriately been taken into account and that the grant of draft plan approval is warranted based upon the imposition of the proposed conditions of draft approval which were taken in by the Tribunal as Exhibit 4.

[23] Servicing capacity has been reserved for this proposed development.

The Disposition

[24] Based upon the uncontroverted evidence of Ms. MacIntyre and the documentary record taken in as Exhibit 1 in the proceeding, the Tribunal is satisfied that the grant of draft plan approval to the proposed draft plan submitted as Exhibit 2K in the proceeding and approval of the proposed zoning amendment taken in as Exhibit 3 would be consistent with the PPS, in conformity with the Growth Plan, in conformity with the ORMCP, in conformity with the York Region Official Plan and in conformity with the VOP 2010.

[25] Accordingly, the Tribunal will allow the Appellant's appeals, in part, and grant draft plan approval to the draft plan taken in as Exhibit 2K, which is attached hereto as Attachment 1, subject to the conditions of draft plan approval which were taken in as Exhibit 4, which are attached hereto as Attachment 2, and direct the amendment of City

Zoning By-law 1-88, as amended, in accordance with the form of amendment taken in as Exhibit 3, which is attached hereto as Attachment 3.

[26] At the request of the City, the Tribunal will exercise the authority provided by s. 51(56.1) of the Act to delegate to the City the administration of the clearance of the conditions of draft approval and the grant of final approval when those conditions have been fully cleared.

[27] So orders the Tribunal.

“Gerald S. Swinkin”

GERALD S. SWINKIN
MEMBER

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 002-2021

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

The Local Planning Appeal Tribunal orders:

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”, and “OS5 Environmental Protection Zone” to “RD2 Residential Detached Zone Two”, “RD3 Residential Detached Zone Three”, “RD4 Residential Detached Zone Four”, “RR (H) Rural Residential Zone” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS2 Open Space Park Zone”, and “OS5 Open Space Environmental Protection Zone”, in the manner shown on the said Schedule “1”.
 - b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:
 - “(1509) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1640”, until the Holding Symbol is removed pursuant to Section 36(1) or (3) of the *Planning Act*:
 - a) Lands Zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a use legally existing as of the date of the enactment of this By-law.
 - B. Removal of the Holding Symbol “(H)” from Lots 48 and 49 of the Subject Lands (Draft Plan of Subdivision File 19T-04V12) shall be contingent on the Owner providing municipal services for Lots 48 and 49, which may require a servicing easement over Lot 48, to the satisfaction of the City;
 - C. Notwithstanding the provisions of:
 - a) Subsection 4.2 respecting the “RR Rural Residential Zone” Requirements and Schedule “A”;

The following provisions shall apply to Lots 48 and 49 of the Subject Lands on Schedule “E-1640”:

 - ai) minimum lot area shall be 3,000 m²;
 - aii) minimum front yard shall be 7.5 m;
 - aiii) minimum rear yard shall be 3.0 m;
 - aiv) minimum interior side yard shall be 1.5 m;
 - av) maximum lot coverage shall be 20 %; and
 - avi) maximum building height shall be 11 m.”

- c) Adding Schedule "E-1640" attached hereto as Schedule "1".
 - d) Deleting Key Map 2E and substituting therefor the Key Map 2E attached hereto as Schedule "2".
2. Schedules "1", and "2" shall be and hereby form part of this By-law.

SUMMARY TO BY-LAW 002-2021

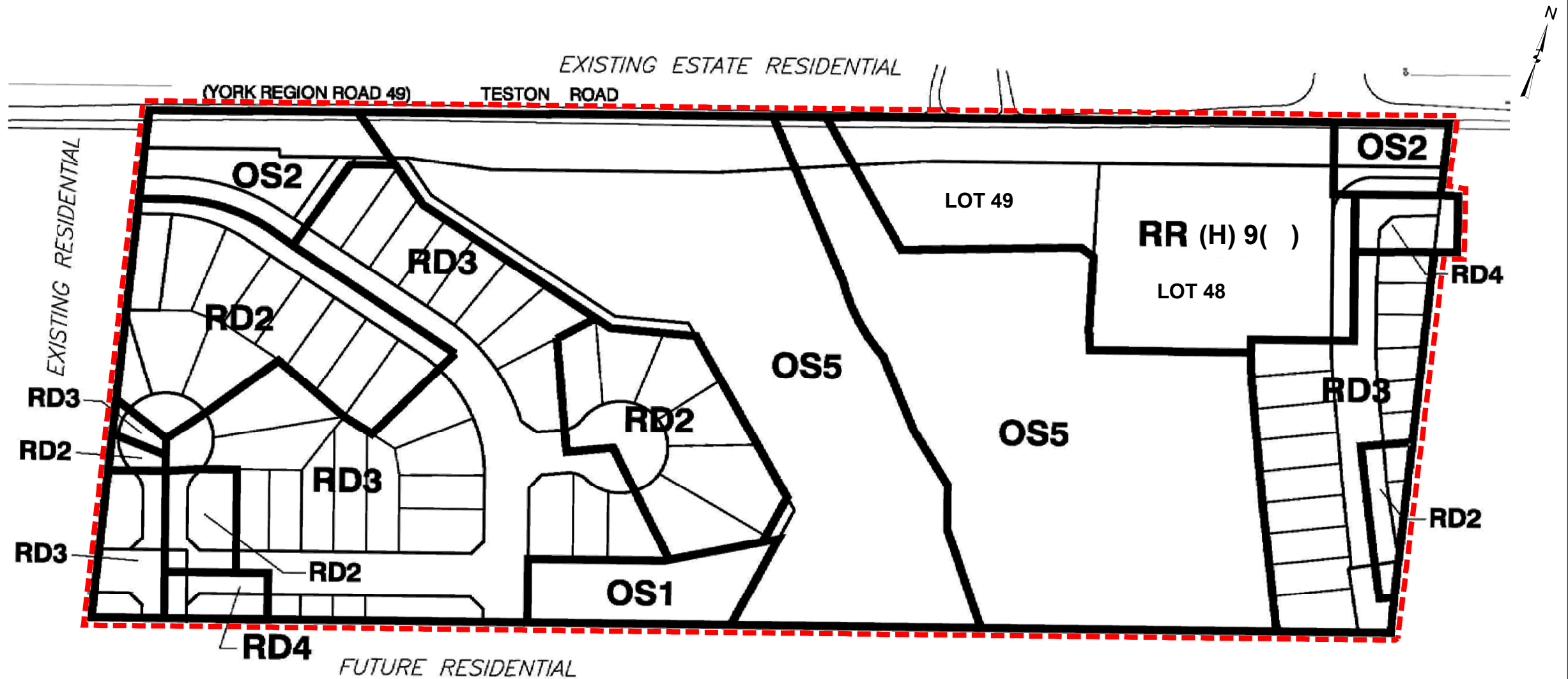
The lands subject to this By-law are located south of Teston Road, west of Bathurst Street, being in Part of Lot 25, Concession 2, (Planning Block 12) City of Vaughan.

The purpose of this By-law is to rezone the Subject Lands from "A - Agricultural Zone", and "OS5 Environmental Protection" to "RD2 Residential Detached Zone Two", "RD3 Residential Detached Zone Three", "RD4 Residential Detached Zone Four", "RR(H) Rural Residential Zone" with a Holding Symbol "(H)", "OS1 Open Space Conservation Zone", "OS2 Open Space Park Zone" and "OS5 Open Space Environmental Protection Zone".


The removal of the Holding Symbol "(H)" is conditional on the Owner providing municipal services for Lots 48 and 49 on Draft Plan of Subdivision File 19T-04V12, which may require a service easement over Lot 48, to the satisfaction of the City.

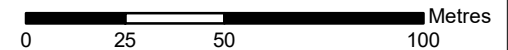
This By-law includes the following site-specific zoning exceptions to the "RR Rural Residential Zone", specifically Lots 48 and 49:

- a) minimum lot area shall be 3,000 m²;
- b) minimum front yard shall be 7.5 m;
- c) minimum rear yard shall be 3.0 m;
- d) minimum interior side yard shall be 1.5 m;
- e) maximum lot coverage shall be 20%; and
- f) maximum building height shall be 11 m.



THIS IS SCHEDULE 'E-1640'
 TO BY-LAW 1-88
 SECTION 9(1509)

 Subject Lands



FILE: Z.04.049
RELATED FILE: 19T-04V12
LOCATION: Part of Lot 25, Concession 2
APPLICANT: Evelyn charters
CITY OF VAUGHAN

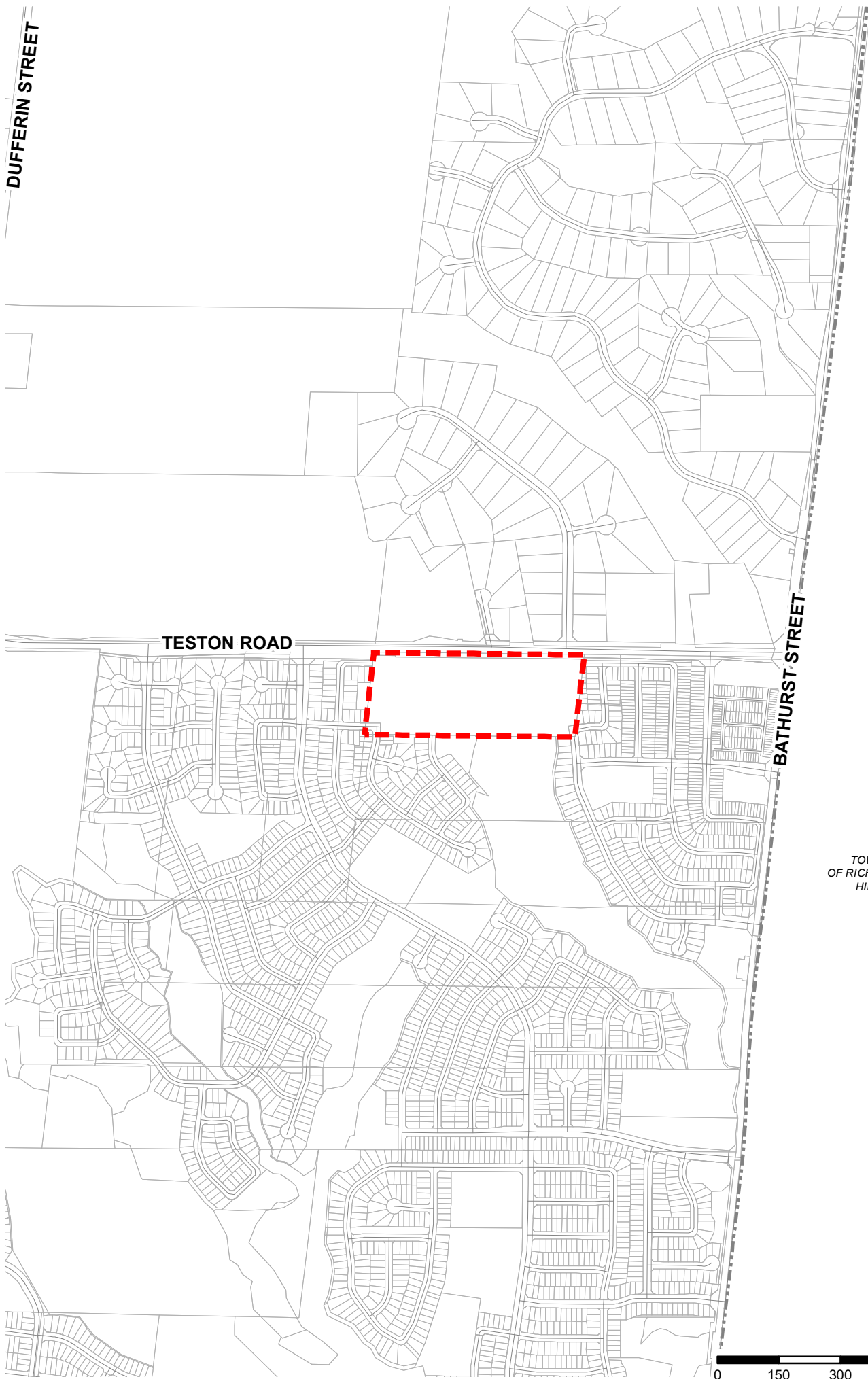
THIS IS SCHEDULE '1'
 TO BY-LAW 002-2021
 PASSED THE 26TH DAY OF JANUARY, 2021

SIGNING OFFICERS

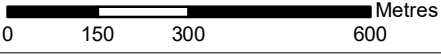
TRIBUNAL ORDER: PL180311
MARCH 28, 2019

CLERK

DUFFERIN STREET



TOWN
OF RICHMOND
HILL



LOCATION MAP TO BY-LAW 002-2021

FILE: Z.04.049
RELATED FILE: 19T-04V12
LOCATION: Part of Lot 25, Concession 2
APPLICANT: Evelyn charters
CITY OF VAUGHAN

 **SUBJECT LANDS**