

March 25, 2021

BY EMAIL clerks@vaughan.ca **& REGULAR MAIL**

City of Vaughan
Office of the City Clerk
2141 Major Mackenzie Drive,
Vaughan, Ontario
L6A1T1

Attn: Mr. T. Coles, City Clerk

Re: NAPCO - Royal Pipe & Fittings (a Westlake Company)
City of Vaughan – Comprehensive Zoning By-law Review
Hydro One Networks Inc. ('HONI') Licenced Lands
Part Lot 4, Concession 8, Plans 65R-7840, 65R-2671, 65R-12275, et al
City of Vaughan, Region of York
Our File 1711

We are the Planners of Record writing on behalf of **NAPCO - Royal Pipe & Fittings**, (referred to as 'NAPCO-Royal') regarding the above captioned property. This submission is in addition to our initial comments, filed October 28, 2020, concerning the City's Comprehensive Zoning By-law Review program – 3rd Draft, as referenced by the Office of the City Clerk, Item 1, Report 50, and adopted by City Council on November 17, 2020.

'NAPCO-Royal' is a well-established manufacturer of building and infrastructure products contributing to environmental sustainability, job creation, and a strong municipal tax base.

Over the past twenty years, 'NAPCO-Royal' has successfully operated its manufacturing, distribution and office business functions at 101, 131 and 155 Regalcrest Court, with the benefit of the abutting Hydro One Networks Inc. ('HONI') lands, used for the purpose of outside storage of manufactured products. The 'HONI' lands are located to the south-east. Please refer to **Aerial Image 1**.



A. PURPOSE OF ROYAL’S COMPREHENSIVE ZONING BY-LAW REVIEW SUBMISSION

In implementing the policies of the City of Vaughan Official Plan (‘VOP 2010’), as amended, ‘NAPCO-Royal’ seeks zoning compliance for its outside storage use on the HONI lands so as:

- To clarify that the proposed zoning per the ‘Comprehensive Zoning By-law Review’ is incorrect, as the ‘HONI’ lands are no longer part of the ‘Parkway Belt West Plan’ (‘PBWP’);
- To maintain ‘outdoor storage’ per the VOP 2010, as amended, and ‘outside storage’ per the ‘Comprehensive Zoning By-law Review’ as a permitted use on the ‘NAPCO-Royal’ licenced ‘HONI’ properties, to support the planned functions, development standards and regulations applicable contributing to the business operations locate on the abutting 101, 131 and 155 Regalcrest Court lands;
- To clarify and reconcile the proposed Exception Zone Schedules or Mapping, as determined;
- And, to address any related zoning matters as the Comprehensive Zoning By-law Review evolves.

B. THE ‘VOP 2010’ LAND USE PLANNING CONTEXT - ‘HONI’ OUTSIDE STORAGE AREAS

Aerial Image 2 and Figure 1: City of Vaughan Official Plan (VOP 2010), Office Consolidation June 2019 - Schedule 13, correctly describes the existing ‘Infrastructure and Utilities’ land use designation per the ‘NAPCO-Royal’ licenced ‘HONI’ outside storage areas or properties, with the following characteristics:

TABLE 1: THE ‘NAPCO-ROYAL’ LICENCED LANDS FROM HYDRO ONE NETWORKS INC. (‘HONI’)

| VOP, 2010, as amended ‘Infrastructure and Utilities’ Land Use Designation | Tenure | Proposed ‘Comprehensive Zoning By-law’ Zoning Designation 3 rd Draft | Block or Land Area |
|---|--------|---|-----------------------|
| Access to the Northern ‘Open Storage’ Block (‘HONI’) | Leased | ‘PB2 – Parkway Belt Complementary Use Zone’ | 0.094 ha. |
| Northern ‘Open Storage’ Block (‘HONI’) | Leased | ‘PB1(S) – Parkway Belt Linear Facilities’ | 3.21 ha. |
| Southern ‘Open Storage’ Block (‘HONI’) | Leased | ‘PB1(S) – Parkway Belt Linear Facilities’ | 2.69 ha. |
| Total | | | 5.944 ha. |



C. APPROVED PARKWAY BELT WEST PLAN ('PBWP') AMENDMENT NO. 201

Please refer to the approved Parkway Belt West Plan Area ('PBWP') Amendment No. 201 (MAH File 19-PBA-028-201), dated April 23, 2012 (**See Appendix 'A'**). The 'PBWP' amendment results from an amendment application, filed by my client, with 'HONI' and Infrastructure Ontario authorizations, the registered owner of the lands.

The Amendment No. 201 land area is located south east of Highway Nos. 7 & 27 and deletes or revokes 11.7 hectares (28.2 acres) of land area from the 'PBWP', as outlined in red on Schedule B of the attached Amendment No. 201 document.

In addition, a small triangular block of land provides for driveway access to the 'NAPCO-Royal' outside storage areas or blocks. This triangular block was removed as well from the 'PBWP' by Amendment No. 8 on January 24, 1985. Similarly, this block no longer comprises part of the 'PBWP', and these matters may be reconciled through the proposed Comprehensive Zoning By-Law review, which indicates that these lands continue to remain part of the 'PBWP'.

D. THE 'INFRASTRUCTURE AND UTILITIES' – LAND USE DESIGNATION

The in-effect City of Vaughan Official Plan, 2010, as amended, accurately reflects approved 'PBWP' Amendment Nos. 201 and 8, as these lands are designated '*Employment Areas*' per Schedule 1 – Urban Structure and '*Infrastructure and Utilities*' per Schedule 13 – Land Use. See **Figure 1: City of Vaughan Official Plan (VOP 2010)**.

More specifically, the '*Infrastructure and Utilities*' land use designation permits the following:

9.2.2.26. In areas designated on Schedule 13 as Infrastructure and Utilities, the following policies shall apply:

a. The Infrastructure and Utilities designation applies to lands which are used at grade for the provision of infrastructure, such as utility corridors and stormwater management ponds.

b. The following uses are permitted in areas designated as Infrastructure and Utilities:

i. all uses and structures associated with the provision of a utility or municipal service;



ii. secondary uses such as passive or active recreation, community gardens, other utilities, parking lots and outdoor storage that are accessory to adjacent land uses subject to the review/approval of the utility provider.

E. 'NAPCO-ROYAL' LICENCED LANDS PER IN EFFECT ZONING BY-LAW 1-88, AS AMENDED

Per the City's in effect Zoning By-law 1-88, as amended, the 'HONI' lands remain zoned 'PB1(S) – Parkway Belt Linear Facilities' and 'PB2 – Parkway Belt Complementary Use Zone', (See **Figure 2 - Zoning Key Map** attached).

As noted above, this zoning and a specific Zoning Exception, related to the northern block or area, is redundant as well, as these lands are no longer located within the boundary of the 'PBWP' per **Appendix 'A'**.

The lands zoned PB1(S) are governed by Zoning By-law Exception 9(924) attached as **Appendix 'B'**, which permits the following:

9(924) Notwithstanding the provisions of Subsection 3.10 regarding public uses and Subsection 7.6 regarding uses permitted in a PB1(S) Parkway Belt Linear Facilities Zone; the following provisions shall apply to the lands shown as "Subject Lands" on Schedule E-1008:

In addition to the uses permitted in a PB1(S) Parkway Belt Linear Facilities Zone, open storage of plastic pipe by a non-public user shall be permitted. The open storage area shall not exceed 3.0 ha and shall be completely enclosed with a fence of at least 2.0 m in height. The maximum height of open storage material shall be 4.9 m.

As well, a small triangular parcel of land, approximately 0.35 ha (0.86 acre) in land area, abutting the 'PBWP' Amendment No. 201 lands is zoned 'PB2 – Parkway Belt Complementary Use Zone'

These lands, provides for a 'NAPCO-ROYAL' driveway via 101 Regalcrest Court to access the outside storage blocks, where part of a larger land area, which were also previously deleted or revoked by 'PBWP' Amendment No. 8.



F. 'NAPCO-ROYAL' LICENCED LANDS – PHASE 3: FINAL COMPREHENSIVE ZONING BY-LAW

In terms of the 'NAPCO-Royal' licenced 'HONI' lands, the City's latest version of the Comprehensive Zoning By-Law maintains the zoning designations and supporting mapping as per the 'Parkway Belt West Public Use Zone PB1', per Zoning Exception 'PB1-606', and the 'Parkway Belt West Complementary Use Zone PB2'. Please refer to **Figure 3** and **Appendix 'C'**. As noted above, VOP 2010, as amended, acknowledges these lands are no longer part of the 'PBWP', designating them as '*Infrastructure and Utilities*'. This land use designation permits "*secondary uses such as ..., outdoor storage that are accessory to adjacent land uses subject to the review/approval of the utility provider.*"

Therefore, it is recommended that the proposed Comprehensive Zoning By-Law designations and supporting maps be modified in keeping with VOP 2010, as amended, in conformity with provincial land use policies and the Region of York Official Plan.

G. PHASE 3: FINAL COMPREHENSIVE ZONING BY-LAW & 'OUTSIDE STORAGE'

The proposed Comprehensive Zoning By-Law defines 'Outside Storage' as follows:

Means an open area of land used for the temporary storage of materials, equipment, intermodal containers, or finished goods which are associated with the principal use of the lot, and may include the temporary parking of commercial vehicles.

The proposed Comprehensive Zoning By-Law reads under *Sections 4.15 'Permitted Uses in All Zones'* and *4.1.5.1 'Public Uses Permitted in All Zones'* as follows:

The requirements of this By-law shall not apply to the use of any land, or the erection or use of any building or structure by a public authority for the purpose of a watermain, sanitary sewer main, storm sewer main, natural gas main, pipe line, the transmission or distribution of electricity, telecommunications or communication infrastructure, a public use, or any structure required for the purpose of flood control or shoreline erosion mitigation, subject to the following: ...

c. Outside storage accessory to any purpose identified in this section shall be prohibited, unless otherwise expressly permitted in the zone in which the lot is located. Where outside storage is expressly permitted, it shall be subject to Section 5.13 of this By-law.



The proposed Comprehensive Zoning By-Law would improve its conformity with the VOP 2010, as amended, by permitting the following land uses in zone areas designated as 'Infrastructure and Utilities' with the following proviso per VOP 2010, as amended: '*...secondary uses such as passive or active recreation, community gardens, other utilities, parking lots and outdoor storage that are accessory to adjacent land uses subject to the review/approval of the utility provider.*'

The 'NAPCO-Royal' outside storage areas are '*accessory to adjacent land uses*' and are '*subject to the review/approval of the utility provider.*' 'NAPCO-Royal' is a licensee of 'HONI', reviewing and approving of their '*outside storage*'. In terms of the municipal level planning approval, it is recommended for example, that non-public proponents of '*secondary uses*', such as '*outside storage*', be permitted as of right under the City's Comprehensive Zoning By-law subject to Site Plan Control, and the approval of related development standard compliance Variances, as required.

H. HISTORICAL CONTEXT OF 'NAPCO-ROYAL' ZONING APPROVALS

Zoning By-law Exception 9(924) applies to the northern outside storage 'HONI' licensed lands and allows for the private use of public lands for outside storage, and that the stacking of pipes and storage of pipes to a maximum height of 4.9 m. is permitted. In addition, the property must be enclosed by a fence of at least 2.0 m. in height.

Of note in the related City Staff Report P.92.45, per Council Hearing Agenda of May 19, 1992, the following noting that the outside storage will not visibly intrude on the public streets and this acknowledgement.

Given the location of the proposed open storage in relation to Highway Nos. 7 and 27, the travelling public would not have direct view of the open storage. There are industrial buildings in the subdivision to the west, abutting Highway No. 27 and a transformer station and plantings and bermings to the north, abutting Highway No. 7. These intervening uses, plus the distance, would basically conceal the proposed activity on these lands. The open storage may be visible from the properties on the west side of Regina Road, which are zoned M2 Industrial and allowed open storage in the rear yards.

It is also important to acknowledge that the southern block of 'HONI' licensed lands is in a similar context, as a prior 'NAPCO-Royal' Zoning By-law Amendment Application Z.08.023 ('ZBA') has been held in abeyance, pending resolution through this Comprehensive Zoning By-Law.



I. CONCLUSION & RECOMMENDATION

In conclusion, 'NAPCO-Royal' is pleased to provide continuing input to the City's Comprehensive Zoning By-law Review program in support of the following principles:

'Principle #1: Ensure Conformity with the Official Plan';

'Principle #2: Minimizing Legal Non-Conforming Uses and Non-Complying Structures';

'Principle #3: Maintaining Permission's where possible', and;

'Principle #4: Creating a User-Friendly By-law'.

Therefore, in terms of the compliance of 'NAPCO-Royal' outside storage areas, and to ensure clarity and consistency per VOP 2010, as amended, it is recommended:

- That the proposed Comprehensive Zoning By-Law's zoning designations and supporting mapping be modified in keeping with VOP 2010, as amended, provincial land use policies and the Region of York Official Plan in effect;
- That the proposed Comprehensive Zoning By-Law's conformity with VOP 2010, as amended, permit all recognized uses per the 'Infrastructure and Utilities' land use designation, ...*secondary uses such as passive or active recreation, community gardens, other utilities, parking lots and outdoor storage that are accessory to adjacent land uses subject to the review/approval of the utility provider* in the 'Utility Zone'. The 'NAPCO-Royal' outside storage is *'accessory to adjacent land uses'* and is *'subject to the review/approval of the utility provider.'* 'NAPCO-Royal' is a licensee of 'HONI', which has approved their *'outside storage'*;
- That in terms of the municipal level planning approval, it is recommended for example, that a non-public proponent of *'secondary uses'*, such as *'outside storage'*, be permitted in the 'Utility Zone' per the City's Comprehensive Zoning By-law, subject to Site Plan Control, and the approval of related development standard compliance Variances, as required;
- That the regulations of Zoning By-law Exception 9(924) be reviewed and amended in the Comprehensive Zoning By-Law as appropriate;



- That the southern block of 'HONI' licenced lands per 'NAPCO-Royal' Zoning By-law Amendment Application Z.08.023 ('ZBA'), held in abeyance, be resolved through the City's Comprehensive Zoning By-Law.

Zoning By-law definitions, planned functions and development standards and regulations require clarity and consistency to support economic competitiveness and environmental sustainability.

It is acknowledged that the City's Comprehensive Zoning By-law Review program is dynamic, and we reserve the right to provide further input and recommendations regarding its implementation in support of our client's manufacturing and distribution operations. Further, this letter does not preclude any other submission being filed related to these same properties.

We would also appreciate our firm being placed on the City's mailing list regarding any future public notices, updates, reports, Committee and Council Agenda related Items, and any Council decision or actions on the above captioned matter.

Thank-you in advance for your co-operation.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart, RPP, MCIP
la/1711_itr.Royal.HONI.lands.Mar.25.2021

Attachments: As noted herein

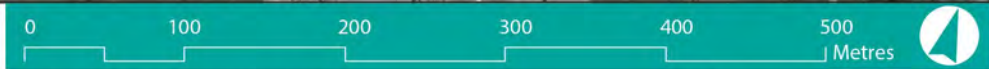
cc. Mr. B. Correia, Project Manager, Comprehensive Zoning By-law Review, City of Vaughan
cc. Hydro One Networks Inc.
cc. Mr. R. Gray, Miller Thomson
cc. Client



**AERIAL IMAGE 1: NAPCO-ROYAL
OUTSIDE STORAGE BLOCKS - CITY OF VAUGHAN COMPREHENSIVE ZONING BY-LAW REVIEW**



1711_Image1_05_Mar01.21



Legend

- 131 & 155 REGALCREST COURT (OWNED)
- 101 REGALCREST COURT (LEASED)
- NORTHERN & SOUTHERN OUTSIDE STORAGE BLOCKS (LICENCED)
- ACCESS ROUTE TO/FROM OUTSIDE STORAGE BLOCKS (LICENCED)
- PARKWAY BELT WEST PLAN AREA



OBLIQUE IMAGE 2 - EAST VIEW
CITY OF VAUGHAN OFFICIAL PLAN, JUNE 2019 OFFICE CONSOLIDATION, SCHEDULE 13, LAND USE
NAPCO-ROYAL - HYDRO ONE NETWORKS INC. OUTSIDE STORAGE BLOCKS AND ACCESS
PART OF LOT 4, CONCESSION 8



- NORTHERN & SOUTHERN OUTSIDE STORAGE BLOCKS (LICENCED)
- ACCESS ROUTE TO/FROM OUTSIDE STORAGE BLOCKS (LICENCED)

**CITY OF VAUGHAN OFFICIAL PLAN
 JUNE 2019 OFFICE CONSOLIDATION
 SCHEDULE 13, LAND USE**

- GENERAL EMPLOYMENT
- PRESTIGE EMPLOYMENT
- EMPLOYMENT COMMERCIAL MIXED-USE
- MID-RISE MIXED-USE
- INFRASTRUCTURE AND UTILITIES
- PARKWAY BELT WEST LANDS





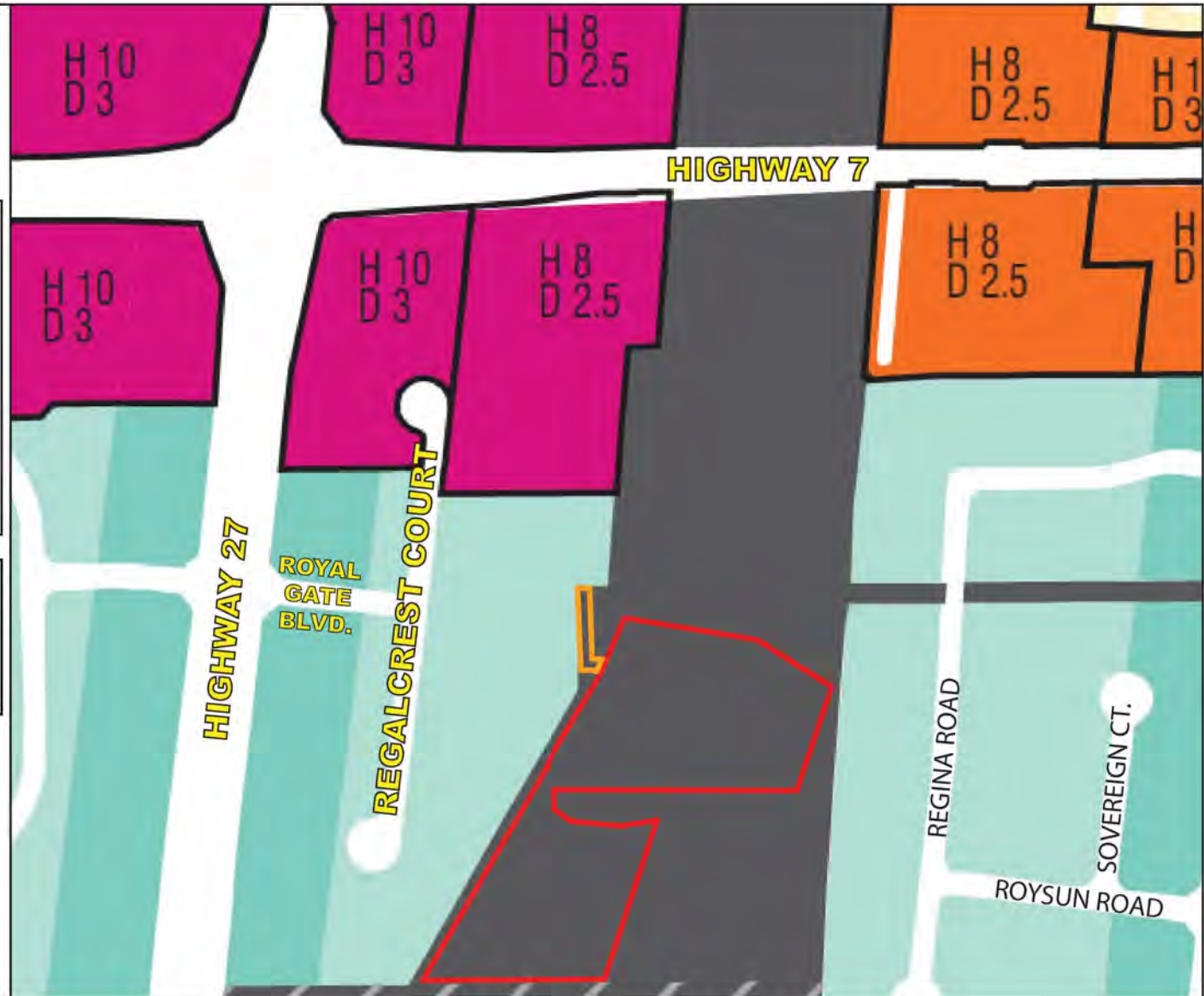
FIGURE 1
NAPCO-ROYAL - HYDRO ONE NETWORKS INC.
OUTSIDE STORAGE BLOCKS AND ACCESS

LEGEND

CITY OF VAUGHAN OFFICIAL PLAN
JUNE 2019 OFFICE CONSOLIDATION
SCHEDULE 13, LAND USE

- GENERAL EMPLOYMENT
- PRESTIGE EMPLOYMENT
- EMPLOYMENT COMMERCIAL MIXED-USE
- MID-RISE MIXED-USE
- INFRASTRUCTURE AND UTILITIES
- PARKWAY BELT WEST LANDS

- NORTHERN & SOUTHERN OUTSIDE STORAGE BLOCKS (LICENCED)
- ACCESS ROUTE TO/FROM OUTSIDE STORAGE BLOCKS (LICENCED)



1711_Figure1_OS_VOP_Sch13_LU_Mar.01.21

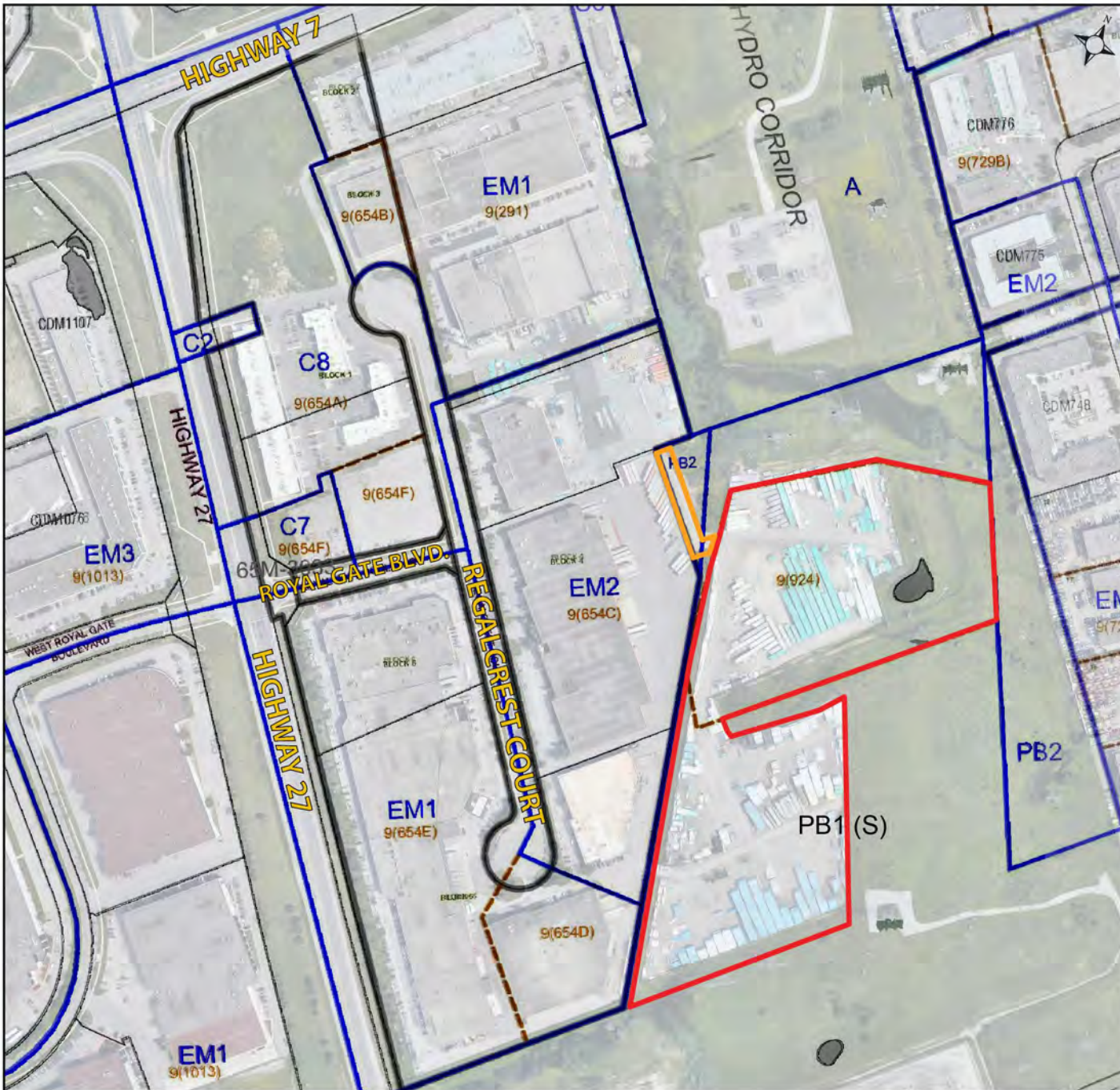


FIGURE 2
NAPCO-ROYAL - HYDRO ONE NETWORKS INC.
OUTSIDE STORAGE BLOCKS AND ACCESS

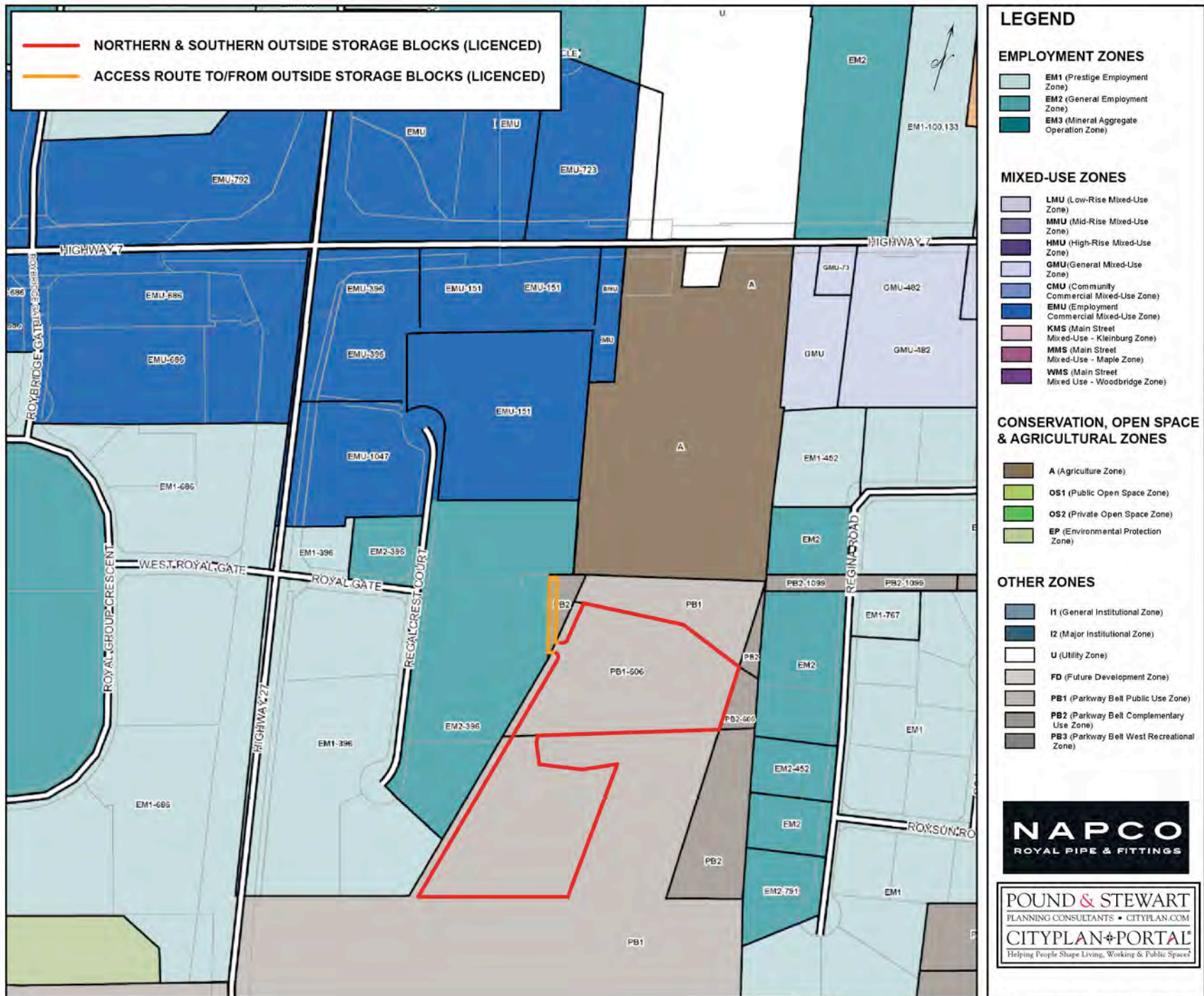
CITY OF VAUGHAN "IN EFFECT"
ZONING BY-LAW 1-88, AS AMENDED
ZONES & PERMITTED USE CATEGORIES

- EM1 - "PRESTIGE EMPLOYMENT AREA"
- EM2 - "GENERAL EMPLOYMENT AREA"
- EM3 - "RETAIL WAREHOUSE EMPLOYMENT"
- C2 - "GENERAL COMMERCIAL "AREA"
- C7 - "SERVICE COMMERCIAL"
- C8 - "OFFICE COMMERCIAL"
- PB1(S) - "PARKWAY BELT LINEAR FACILITIES"

- NORTHERN & SOUTHERN OUTSIDE STORAGE BLOCKS (LICENCED)
- ACCESS ROUTE TO/FROM OUTSIDE STORAGE BLOCKS (LICENCED)



**FIGURE 3: CITY OF VAUGHAN ZONING BY-LAW 1-88, AS AMENDED - 3RD DRAFT ZONING BY-LAW
 NAPCO-ROYAL - HYDRO ONE NETWORKS INC. OUTSIDE STORAGE BLOCKS AND ACCESS
 MARCH 2021**



APPENDIX 'A'

PARKWAY BELT WEST PLAN AMENDMENT No. 201 City of Vaughan

A) THE PREAMBLE

1. Purpose of the Amendment

The Parkway Belt West Plan was approved by the Ontario Cabinet in 1978. The process to amend the Parkway Belt West Plan is provided in the Ontario Planning and Development Act, 1994.

The purpose of the amendment is to delete certain lands from the Parkway Belt West Plan, July 1978, located in the City of Vaughan, in the Regional Municipality of York.

2. The Location and Designation

The subject lands are on the southeast corner of Highway Nos. 7 and 27 as shown on Schedules A and B. The lands are described as Part of Lot 4, Concession 8 in the City of Vaughan, York Region.

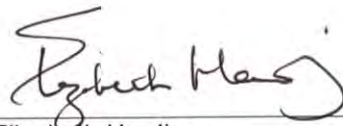
The subject lands are located on Map 4: Northern Link (Milton-Woodbridge) of the Parkway Belt West Plan, July 1978, and are designated as 'Electric Power Facility' within the 'Public Use Area' and 'General Complementary Use Area' of the 'Complementary Use Area' of the Plan.

B) THE AMENDMENT

The following text and map constitutes Amendment Number 201 to the Parkway Belt West Plan, July 1978.

1. Map 1 of the Parkway Belt West Plan is amended, as illustrated on Schedule A attached, by deleting 11.7 hectares (28.2 acres) of land located on Part of Lot 4, Concession 8 in the City of Vaughan from the area covered by the Parkway Belt West Plan, July 1978.
2. Map 4: Northern Link (Milton-Woodbridge) is amended as illustrated on Schedule B attached, by deleting 11.7 hectares (28.2 acres) in the City of Vaughan, from the area covered by the Parkway Belt West Plan, July 1978.

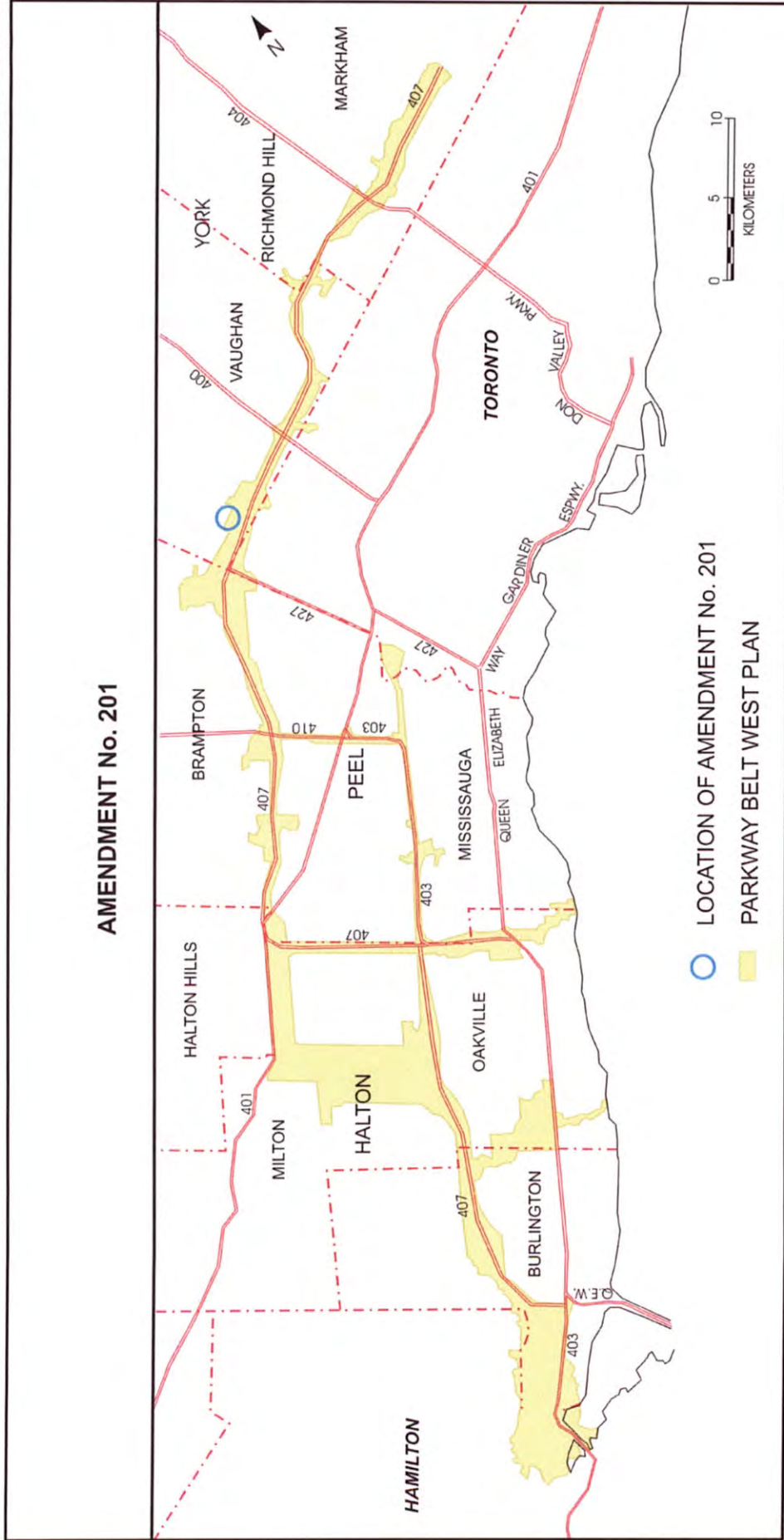
This amendment to the Parkway Belt West Plan is hereby approved under Subsection 8(1) of the Ontario Planning and Development Act, 1994, as Amendment Number 201 to the Parkway Belt West Plan, July 1978.

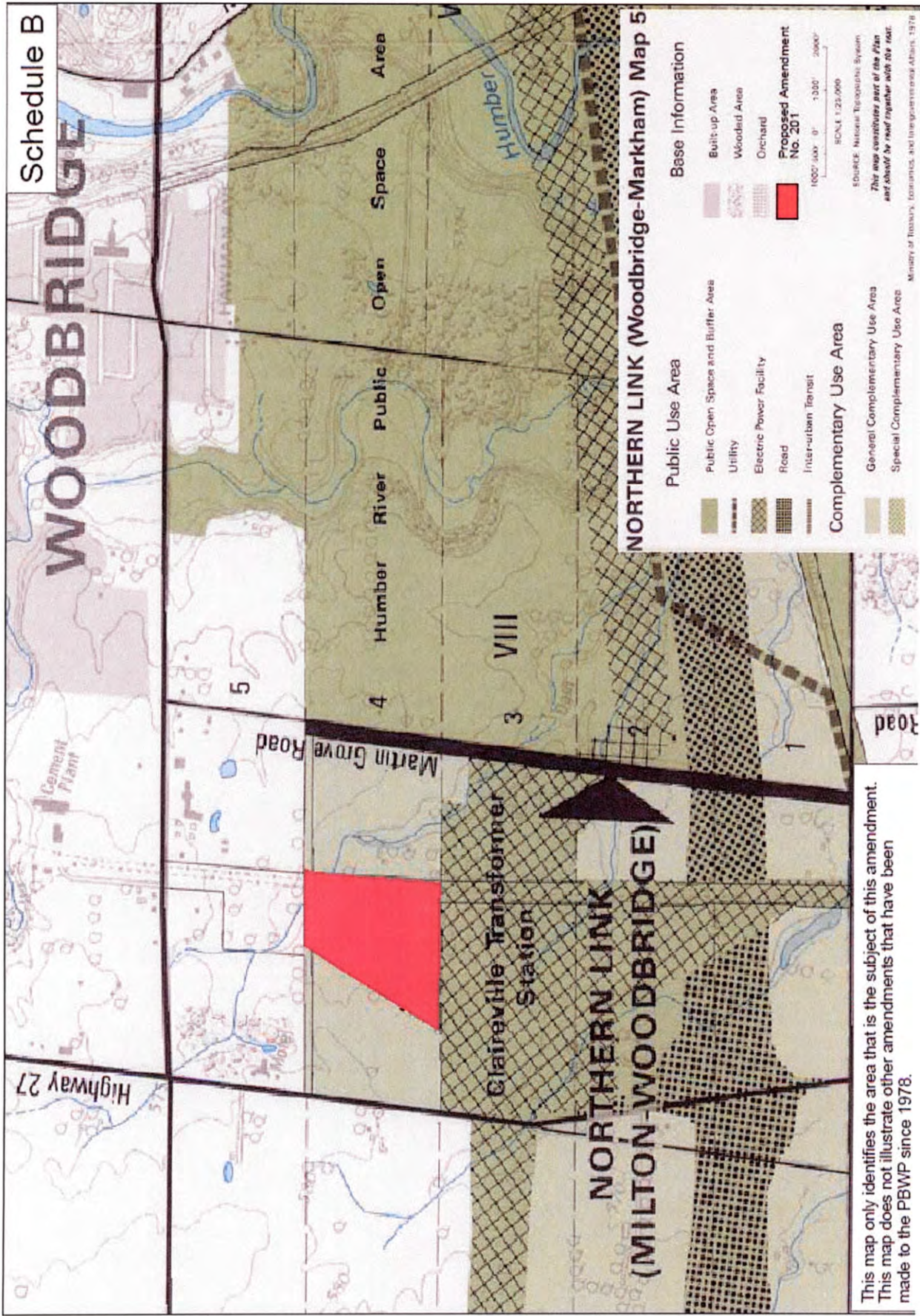


Elizabeth Harding
Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

Dated at Toronto on April 23, 2012

Schedule A



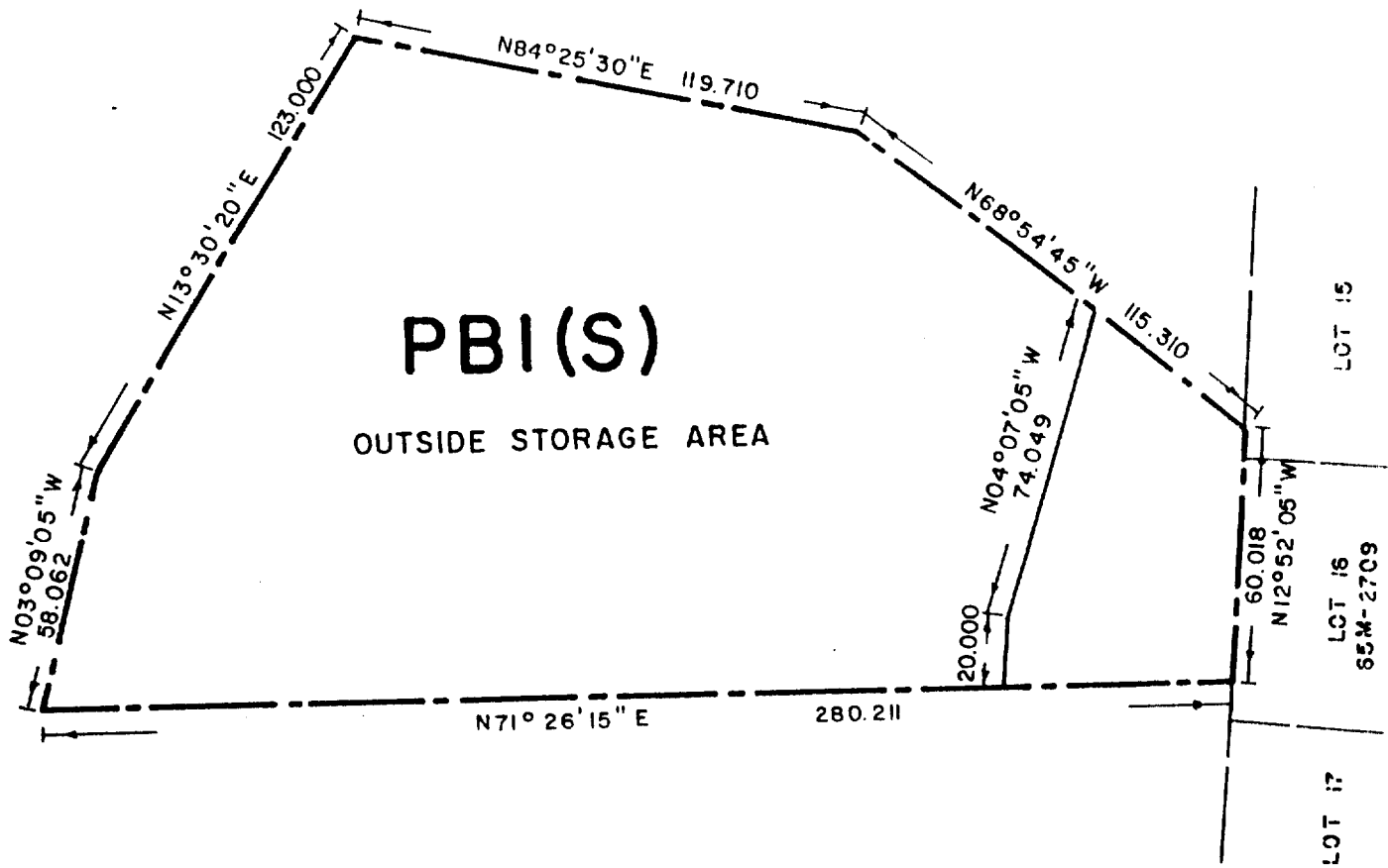


This map only identifies the area that is the subject of this amendment. This map does not illustrate other amendments that have been made to the PBWP since 1978.

APPENDIX 'B'

- 924) Notwithstanding the provisions of Subsection 3.10 regarding public uses and Subsection 7.6 regarding uses permitted in a PB1(S) Parkway Belt Linear Facilities Zone; the following provisions shall apply to the lands shown as "Subject Lands" on [Schedule E-1008](#):

In addition to the uses permitted in a PB1(S) Parkway Belt Linear Facilities Zone, open storage of plastic pipe by a non-public user shall be permitted. The open storage area shall not exceed 3.0 ha and shall be completely enclosed with a fence of at least 2.0 m in height. The maximum height of open storage material shall be 4.9 m.



LEGEND

----- SUBJECT LANDS
 LOCATION: PART OF LOT 4,
 CONCESSION 8
 SCALE: 0 80m

THIS IS SCHEDULE 'E-1008'
 TO BY-LAW 1-88
 SECTION 9(924)

APPENDIX 'C'

14.606

| | |
|--|---|
| Exception Number 606 | Legal Description: 180 Regina Road, 55 Regal Crest Court, 5839 Highway 7, 7290 Martin Grove Road |
| Applicable Parent Zone: PB1, PB2 | |
| Schedule A Reference: 24 | Figure E Link (if applicable) |
| By-law / Tribunal Decision Reference | Figure T Link (if applicable) |
| 14.606.1 Permitted Uses | |
| <p>1. The following provisions shall apply to the lands shown as subject lands on Figure E-1008:</p> <p style="padding-left: 40px;">a. Open storage of plastic pipe by a private user shall be permitted. The open storage area shall not exceed 3.0 ha and shall be completely enclosed with a fence of at least 2.0 m in height. The maximum height of open storage material shall be 4.9 m.</p> | |
| 14.606.2 Figures | |

Figure E-1008

