

COMMUNICATION C37
ITEM NO. 9
COMMITTEE OF THE WHOLE (2)
October 13, 2021

Joan MacIntyre
905 513 0170 x115
JMacIntyre@mgp.ca

October 12, 2021

*MGP File: 15-2436,
16-2465*

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

via email: clerks@vaughan.ca

Dear Mayor Bevilacqua and Members of Council:

**RE: City-Wide Comprehensive Zoning By-law– October 13th, 2021 Committee of the Whole
Comments from Nashville Developments (South) Inc. & Nashville Major Developments Inc.
Nashville Southwest Block and Southeast Block
City File No. Z.18.028, 19T-19V001, Z.20.024 & 19T-20V004**

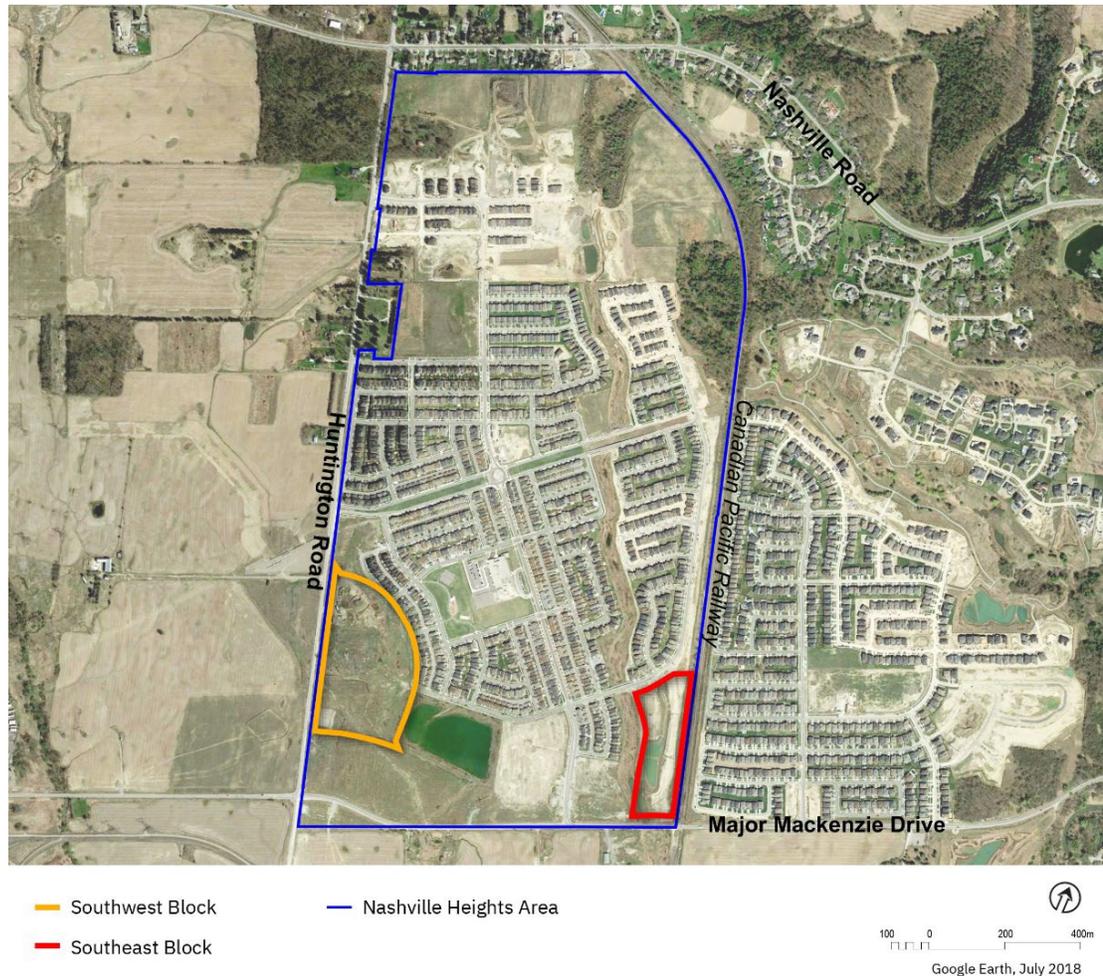
Malone Given Parsons Ltd. (“MGP”) are the Planning Consultants for Nashville Developments (South) Inc. & Nashville Major Developments Inc. (“Nashville Developments”), owners of two blocks within the southwest and southeast corners of the Nashville Heights community, located east of Huntington Road, west of the CP Rail, and north of Major MacKenzie Drive in the City of Vaughan.

On behalf of Nashville Developments, MGP has reviewed the October 13th, 2021 City-Wide Comprehensive Zoning By-law Report and the Draft Final Comprehensive Zoning By-law. Based upon our review, we note that the concerns outlined in our letter, dated August 25th, 2021, have not been addressed or acknowledged in the Comment Matrix. To this end, we ask that Council not approve the Comprehensive Zoning By-law prior to Staff addressing the following:

- That the site-specific zoning standards (Zoning By-law 005-2021) approved under By-law 1-88 for the Southwest Block in Nashville be incorporated into the Final Comprehensive Zoning By-law (see further detail below); and,
- That the Final Comprehensive Zoning By-law include transition policies for complete and in-progress zoning by-law amendments applications such as the Southeast Block (see further details below).

Attached for your reference is the above noted letter (Attachment A). The following letter reiterates Nashville Developments’ concerns. Figure 1 on the following page shows the location of the two subject blocks.

Figure 1 Location of Nashville Developments' Blocks



Source: Google Earth (2018), Malone Given Parsons Ltd (2021)

1. The Southwest Block

Applications for Zoning By-law Amendment and Draft Plan of Subdivision for the Southwest Block were approved by City of Vaughan Committee of the Whole on October 6, 2020, with the Zoning By-law Amendment (Zoning By-law 005-2021) coming into effect on January 6, 2021. The applications included 178 freehold townhouse units and a neighbourhood park. The Conditions of Draft Plan of Subdivision Approval were issued on March 12, 2021, which are currently in process of being cleared so that the Draft Plan of Subdivision may be registered.

Both the registration of the Draft Plan of Subdivision and future Site Plan and Building Permit applications will require a consistent zoning by-law framework transition between Zoning By-law 1-88 to the City-Wide Comprehensive Zoning By-law. Based on our review of the Draft Final Comprehensive Zoning By-law, we note that the Southwest Block is zoned as RT-1006. However, exception 1006 does not include half of the site-specific standards within Zoning

By-law 005-2021, which the Draft Plan of Subdivision was approved in tandem with. These outstanding exceptions are also not addressed under general standards.

Through our review of the Draft Final Comprehensive Zoning By-law, we note the following standards of Zoning By-law 005-2021 remain outstanding:

- Provision ‘bv’ pertaining to the minimum Rear Yard ;
- Provision ‘bvi’ pertaining to the minimum Interior Side Yard;
- Provision ‘bviii’ pertaining to Building Height;
- Provisions ‘bix’ and ‘bx’ pertaining to an Attachment between the dwelling unit and garage; and,
- Provision ‘ci’ pertaining to the maximum height of an Accessory Building.

As these provisions have not been contemplated, we ask that Final Comprehensive Zoning By-law include site-specific policies that would permit the above noted approved standards for the Southwest Block. A copy of Zoning By-law 005-2021 is attached to this letter for your reference.

In addition, in our August 25 letter, we noted new provisions under the Draft Comprehensive Zoning By-law that would affect the design of the Southwest Block. This included:

- Table 7-7 under Section 7.3.2 contains a new minimum lot coverage provision of 50m, which assume is meant as 50%. This is not included under Zoning By-law 1-88; and,
- Section 4.1.5.b. requires a 5.7m setback for detached private garages where access is provided from a driveway, crossing the exterior side lot line. Under Zoning By-law 1-88, a 4.5m setback would be required.

We ask that the site-specific exception for the Southwest Block under the Final Comprehensive Zoning By-law include exemption from these provisions, as they were not contemplated at the time of Draft Plan of Subdivision approval.

2. The Southeast Block

Applications for Zoning By-law Amendment and Draft Plan of Subdivision for the Southeast Block were submitted on September 9, 2020 to develop 85 residential units with a mix of single detached, semi-detached and townhouse units. The applications were deemed complete on September 25, 2020 and a Statutory Public Meeting was held on January 19, 2021. Subsequently, a revised application package was submitted on July 6, 2021.

The applications have been extensively reviewed under the existing Zoning By-law 1-88 framework. If the current Draft Final Comprehensive Zoning By-law comes into effect prior to the approval of the Southeast Block development applications, City staff and the consultant team for the Southeast Block would be required to wholly review the applications again under the new City-Wide Comprehensive Zoning By-law, effectively nullifying the work completed to date.

Presently, the Draft Final Comprehensive Zoning By-law does not include transition for zoning by-law amendment applications that are currently in progress. Although Section 1.6.3.3 now states that the requirements of the Comprehensive Zoning By-law do not apply to prevent the

approval of a zoning by-law amendment application that has been filed on or before the effective date of the Comprehensive Zoning By-law, one of the two clauses requires the application to be in compliance with Zoning By-law 1-88, as amended. It is unclear how an application to amend Zoning By-law 1-88 can be deemed in compliance with Zoning By-law 1-88.

Therefore, we ask that the transition policies (Section 1.6 of the Comprehensive Zoning By-law) be clarified to acknowledge in-progress and complete zoning by-law amendment applications, such as the Southeast Block. Further, we request that this transition continue to allow for a consistent zoning framework at the time of Draft Plan of Subdivision registration as well as future Site Plan and Building Permit applications for the Southeast Block.

We would welcome a meeting with staff to discuss our request in greater detail, if needed.

Should you have any questions or wish to discuss our comments in greater detail, please contact me at (905) 513-0170.

Yours very truly,

Malone Given Parsons Ltd.



Joan MacIntyre, MCIP, RPP

Principal

Att Attachment A – Correspondence RE: June 8, 2021 Committee of the Whole, dated August 25, 2021

Attachment B – Zoning By-law 005-2021 for Nashville Southwest Block

cc Nashville Developments (South) Inc. & Nashville Major Developments Inc.
Haiqing Xu, City of Vaughan
Brandon Correia, City of Vaughan
Jennifer Kim, City of Vaughan
Judy Jeffers, City of Vaughan

August 25, 2021

*MGP File: 15-2436,
16-2465*

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

via email: clerks@vaughan.ca

Dear Mayor Bevilacqua and Members of Council:

**RE: City-Wide Comprehensive Zoning By-law – June 8, 2021 Committee of the Whole Report
Comments from Nashville Developments (South) Inc. & Nashville Major Developments Inc.
Nashville Southwest Block and Southeast Block
City File No. Z.18.028, 19T-19V001, Z.20.024 & 19T-20V004**

Malone Given Parsons Ltd. are the Planning Consultants for Nashville Developments (South) Inc. & Nashville Major Developments Inc. (“Nashville Developments”), owners of two blocks within the southwest and southeast corners of the Nashville Heights community, located east of Huntington Road, west of the CP Rail, and north of Major MacKenzie Drive in the City of Vaughan.

On behalf of Nashville Developments, we have reviewed the City-Wide Comprehensive Zoning By-law Report dated June 8, 2021 and the attached Draft City-Wide Comprehensive Zoning By-law. Based on our review, we note that there are new zoning regulations that would apply to the Southwest Block, not contemplated as part of the development review and approvals under Zoning By-law 1-88. Further, the Draft City-Wide Comprehensive Zoning By-law does not provide transition for current zoning by-law amendment applications that are in-process, such as the Southeast Block. Therefore, we ask that the City-Wide Comprehensive Zoning By-law address the following:

- That site-specific Zoning By-law 005-2021 for the Southwest Block be incorporated into the City-Wide Comprehensive Zoning By-law;
- That the new site-specific zoning exception for the Southwest Block also include provisions to address additional zoning regulations in the City-Wide Comprehensive Zoning By-law that were not contemplated as part of the application review and approval under Zoning By-law 1-88; and,
- That the City-Wide Comprehensive Zoning By-law provide transition policies for current zoning by-law amendment applications, such as the Southeast Block.

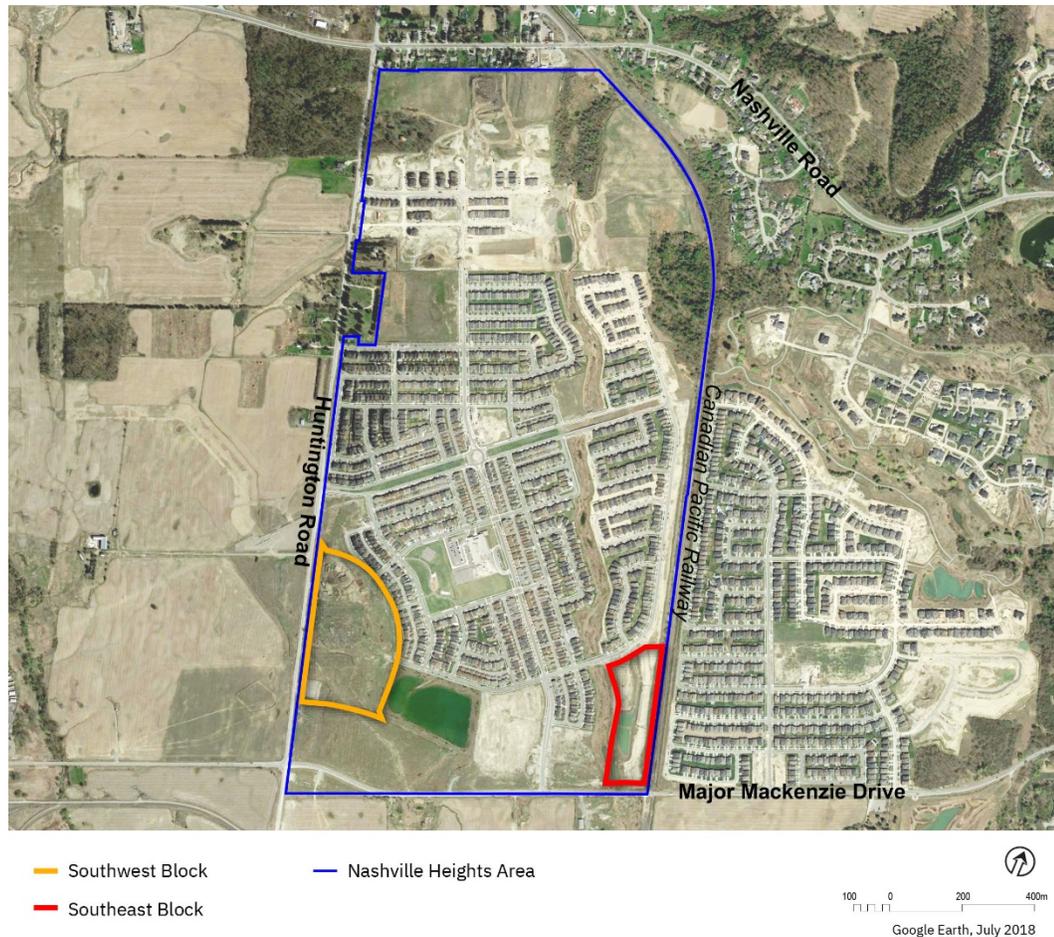
The Southwest Block

Nashville Developments owns an 8.37 hectares (20.68 acres) block, located east of Huntington Road and north of Major Mackenzie Drive, within the southwest corner of Nashville Heights.

Applications for Zoning By-law Amendment and Draft Plan of Subdivision for the Southwest Block were approved by City of Vaughan Committee of the Whole on October 6, 2020, with the Zoning By-law Amendment coming into effect on January 6, 2021. The Conditions of Draft Plan of Subdivision Approval were issued on March 12, 2021, which are currently in process of being cleared so that the Draft Plan of Subdivision may be registered.

The location of the Southwest Block is shown in Figure 1.

Figure 1 Southwest and Southeast Block Locations



The Draft Plan of Subdivision includes 178 freehold townhouse units and a neighbourhood park. As part of the future Site Plan applications for the freehold townhouses, detailed design of each block is being undertaken under the Zoning By-law 1-88 standards, as amended by site-specific Zoning By-law 005-2021.

Both the registration of the Draft Plan of Subdivision and future Site Plan applications will require a consistent zoning by-law framework from Zoning By-law 1-88 to the City-Wide Comprehensive Zoning By-law. As site-specific Zoning By-law 005-2021 came into effect during the Comprehensive Zoning By-law Review process, we understand it has not yet been included in the Draft City-Wide Comprehensive Zoning By-law. We ask that the final draft brought forward to Council for consideration incorporate site-specific Zoning By-law 005-2021 through a site-specific exception for the Southwest Block.

In addition, through our review of the Draft City-Wide Comprehensive Zoning By-law, we note the following standards are inconsistent with the zoning by-law framework for the Southwest Block under Zoning By-law 1-88:

- Table 7-7 under Section 7.3.2 contains a new minimum lot coverage provision of 50m, which assume is meant as 50%. This is not included under Zoning By-law 1-88; and,
- Section 4.1.5.b. requires a 5.7m setback for detached private garages where access is provided from a driveway, crossing the exterior side lot line. Under Zoning By-law 1-88, a 4.5m setback would be required.

As these provisions were not contemplated, we ask that the site-specific exception for the Southwest Block under the City-Wide Comprehensive Zoning By-law include exemption from the above noted standards.

The Southeast Block

Nashville Developments also owns a 4.23 hectares (10.45 acres) block, located west of the CP Rail and north of Major Mackenzie Drive, within the southeast corner of Nashville Heights. Applications for Zoning By-law Amendment and Draft Plan of Subdivision for the Southeast Block were submitted on September 9, 2020 to develop 85 residential units with a mix of single detached, semi-detached and townhouse units. The applications were deemed complete on September 25, 2020 and a Statutory Public Meeting was held on January 19, 2021. Subsequently, a revised application package was submitted on July 6, 2021.

The location of the Southeast Block is also shown in the above Figure 1 for reference.

The applications have been extensively reviewed under the existing Zoning By-law 1-88. However, the Draft City-Wide Comprehensive Zoning By-law does not include transition for in-progress zoning by-law amendment applications. If the City-Wide Comprehensive Zoning By-law comes into effect, shortly before the approval of the Southeast Block development applications, City staff and the consultant team for the Southeast Block would be required to wholly review the applications again under the new City-Wide Comprehensive Zoning By-law, resulting in a delay in the development process.

Therefore, we ask that transition be provided for in-progress and complete zoning by-law amendment applications, such as the Southeast Block. And further that this transition continue to allow for a consistent zoning framework at the time of Draft Plan of Subdivision registration as well as future Site Plan applications for the proposed freehold townhouses. Alternatively, we would ask that staff exclude the Southeast Block entirely from the City-Wide Comprehensive Zoning By-law.

We would welcome a meeting with staff to discuss our request in greater detail.

Should you have any questions or wish to discuss our comments in greater detail, please contact me at (905) 513-0170.

Yours very truly,

Malone Given Parsons Ltd.



Joan MacIntyre, MCIP, RPP
Principal

cc Nashville Developments (South) Inc. & Nashville Major Developments Inc.
Haiqing Xu, City of Vaughan
Brandon Correia, City of Vaughan
Jennifer Kim, City of Vaughan
Judy Jeffers, City of Vaughan

Attachment B

Nashville Developments (South) Inc. and Nashville Major Developments Inc.

THE CORPORATION OF THE CITY OF VAUGHAN

**IN THE MATTER OF Section 34,
Subsections (18) and (19) of
the Planning Act, R.S.O. 1990, c.P.13**

I, **TODD COLES**, of the Township of King City, make oath and say:

1. **THAT** I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
2. **THAT** By-law Number 005-2021 was passed by the Council of the Corporation of the City of Vaughan on the 26th day of January, 2021, and written notice was given on the 9th of February, 2021 in the manner and form and to the persons prescribed in Regulation 199/96.
3. **THAT** no notice of appeal setting out an objection to By-law 005-2021 was filed with me within twenty (20) days from the date of written notice of the passing of the by-law.
4. **THAT** By-law Number 005-2021 is deemed to have come into effect on the 26th of January, 2021.

SWORN BEFORE ME in the City)
of Vaughan, in the Regional)
Municipality of York, this)
2nd day of March, 2021)
)



TODD COLES



A Commissioner, etc.

Isabel Leung
Deputy City Clerk, City of Vaughan
A Commissioner, etc.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 005-2021

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 A Agricultural Zone to RT1 Residential Townhouse Zone, 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":

"(1510) A. Notwithstanding the provisions of:

 - a) Subsection 2.0 respecting Definitions
 - b) Subsection 4.22.3 respecting the Residential Zone Requirements and Schedule "A3" respecting the Zone requirements in the RT1 Residential Townhouse Zone;
 - c) Subsection 4.1.1 respecting Accessory Buildings and Structures

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-1641":

- ai) For the purposes of this By-law, the following definition shall apply:

An Attachment – Means a covered passage that is open and unenclosed or enclosed connecting a dwelling unit and a garage that is located in the rear yard of the lot that is accessed by a lane;

- bi) The Minimum Lot Area shall be 162m² per unit for Blocks 1 to 10;
- bii) The Minimum Lot Depth shall be 26m per unit for Blocks 1 to 10;
- biii) The Minimum Front Yard for a lot accessed by a lane shall be 3m per unit for Blocks 1 to 10;
- biv) The Minimum Rear Yard to the dwelling for a lot accessed by a lane shall be 12.5m per unit for Blocks 1 to 10;
- bv) The Minimum Rear Yard for a lot shall be 7 m per unit for Blocks 11 to 35;
- bvi) The Minimum Interior Side Yard for a lot accessed by a lane shall be 1.0m (End Unit) for Blocks 1 to 10;
- bvii) The Minimum Exterior Side Yard shall be 3.9m for Blocks 20 and 21;
- bviii) The Maximum Building Height for the Townhouse Dwellings shall not exceed 11.5m;
- bix) The minimum distance between the garage and nearest wall of the dwelling shall be 5.0m for Blocks 1 to 10 and the garage and dwelling unit may be connected by an Attachment;
- bx) The portion of the Attachment between a dwelling unit and a garage accessed by a lane shall not exceed a maximum width of 2.5m and shall not be included in any lot coverage requirement;
- ci) The maximum height of an Accessory Building located in the rear yard with or without an Attachment shall not

exceed 6.5m, and the said Accessory Building shall be measured from the average finished grade level at the garage door to the highest point of the said building or structure and the nearest part of the roof which shall not be more than 3m above finished grade;

- c) Adding Schedule "E-1641" attached hereto as Schedule "1".
- d) Deleting Key Map 9E and substituting therefor the Key Map 9E attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

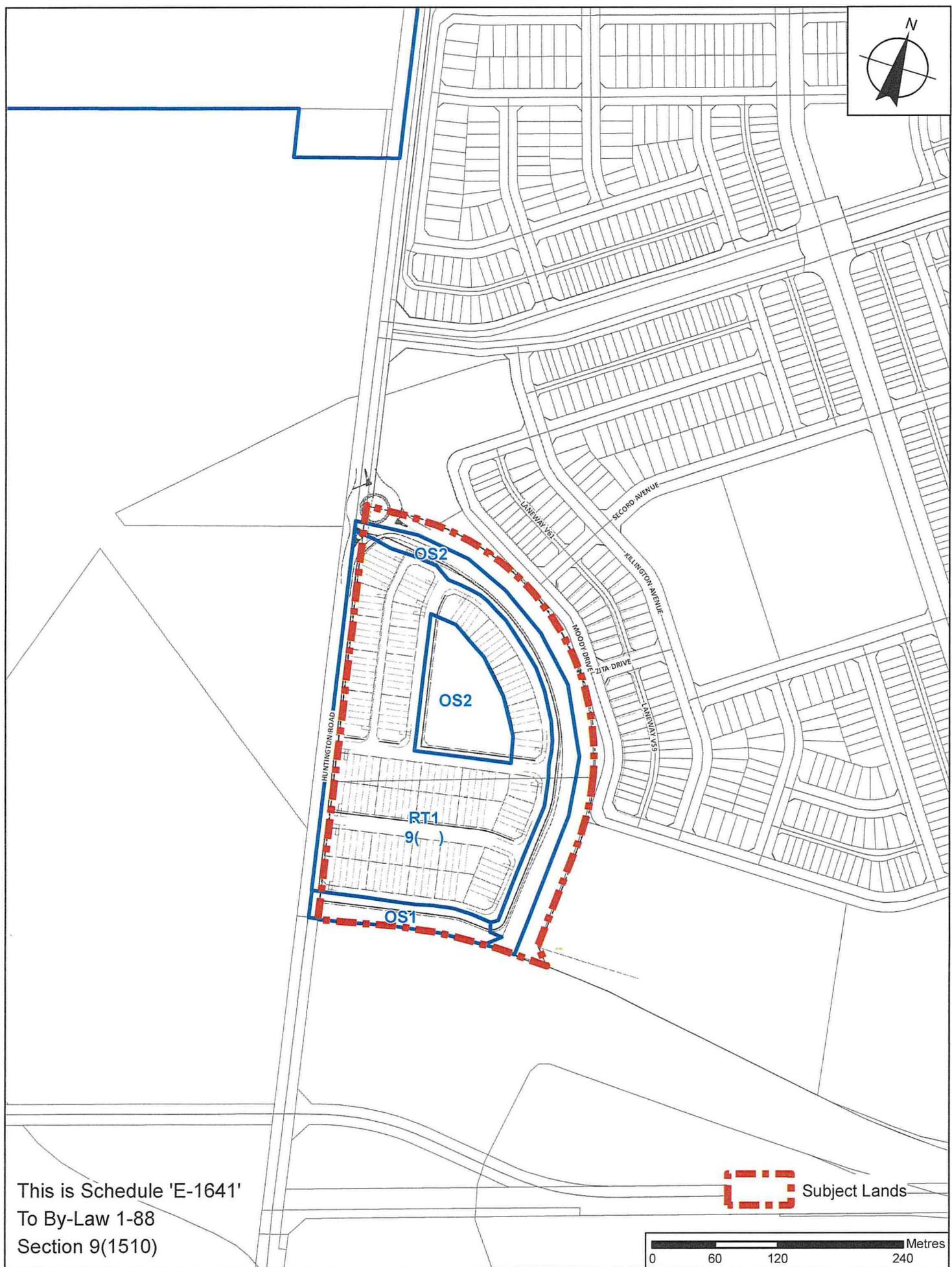
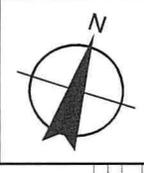
Enacted by City of Vaughan Council this 26th day of January, 2021.



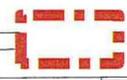
Hon. Maurizio Bevilacqua, Mayor



Todd Coles, City Clerk



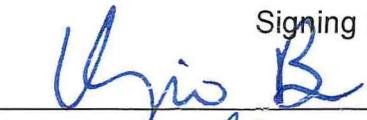
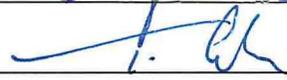
This is Schedule 'E-1641'
To By-Law 1-88
Section 9(1510)

 Subject Lands

0 60 120 240 Metres

This is Schedule '1'
To By-Law 005-2021
Passed the 26th Day of January, 2021

File: Z.19.004
Related File: 19T-19V001
Location: Part of Lots 21 and 22, Concession 9
Applicant: Nashville Developments (South) Inc. and
Nashville Major Developments Inc.
City of Vaughan

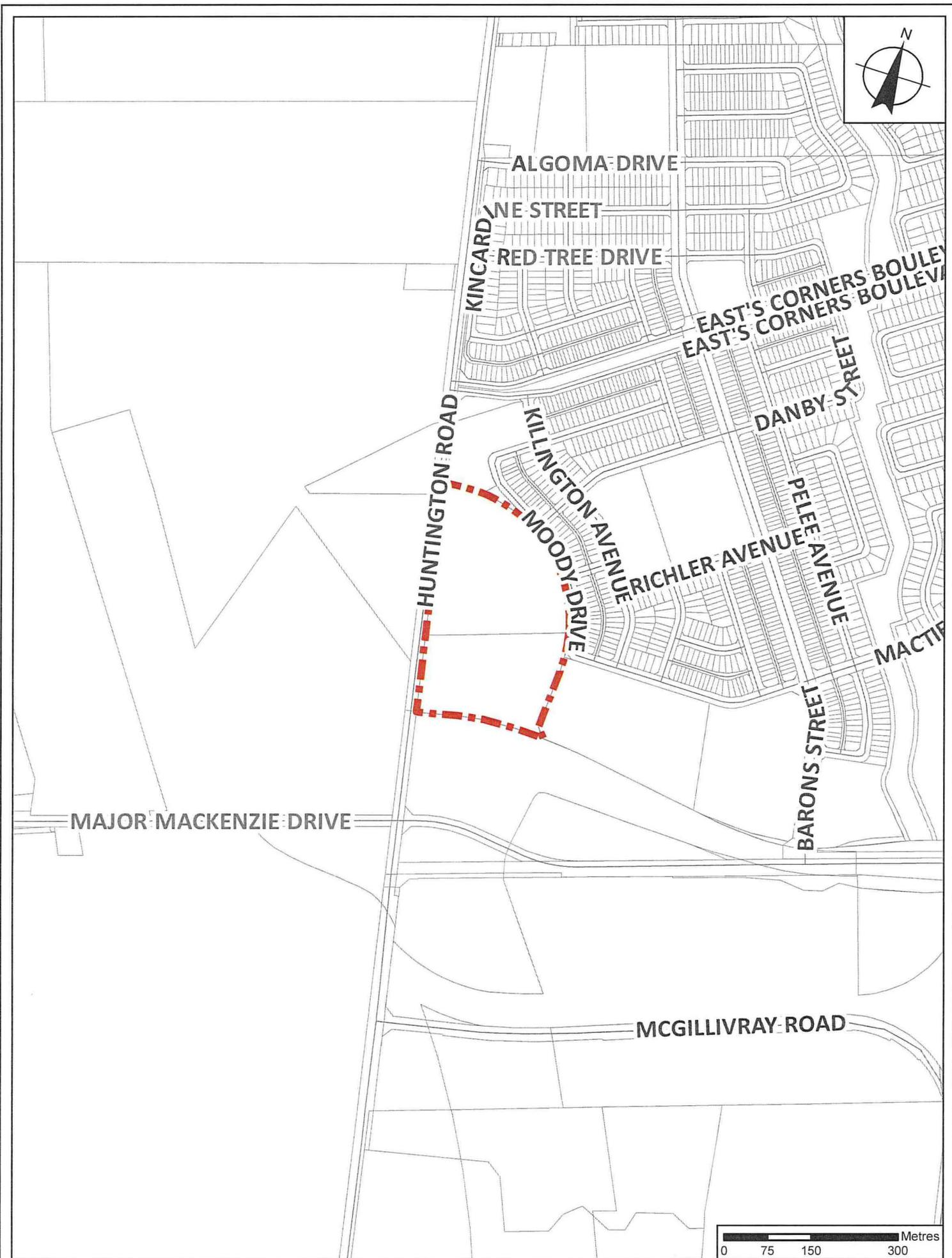
Signing Officers

Mayor

Clerk

SUMMARY TO BY-LAW 005-2021

The lands subject to this By-law are located north of Major Mackenzie Drive and east of Huntington Road being Part of the West Half of Lot 21 and Part of Lot 22, Concession 9, City of Vaughan.

The purpose of this by-law is to rezone the subject lands from A Agricultural Zone to RT1 Residential Townhouse Zone, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone. The By-law will facilitate thirty-five (35) blocks for 178 street townhouse dwellings, 4 public streets and a neighbourhood park.

This By-law also provides for site-specific development standards including, exceptions to the permitted minimum lot area, lot depth, front yard, rear yard, exterior and interior side yards, maximum building height and minimum distance between the garage and nearest wall of dwelling.



Location Map To By-Law 005-2021

File: Z.19.004

Related File: 19T-19V001

Location: Part of Lots 21 and 22, Concession 9

Applicant: Nashville Developments (South) Inc. and
Nashville Major Developments Inc.

City of Vaughan



Subject Lands