

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 238-95

A By-law to designate by Number Official Plan Amendment Number 454, as effected by a Joint Board Hearing and an Order in Council from the Provincial Cabinet.

The Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT Official Plan Amendment Number 454, as effected by a Joint Board Hearing decision dated the 20th day of September, 1994, and an Order in Council from the Provincial Cabinet, dated the 19th day of January, 1995, a copy of which is attached, is hereby designated as By-law Number 238-95.

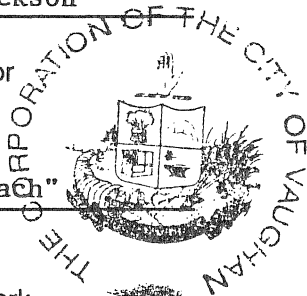
READ a FIRST, SECOND and THIRD time and finally passed this 5th day of September 1995.

"L.D. Jackson"

LD. Jackson, Mayor

"J.D. Leach"

J.D. Leach, City Clerk





Ontario

Executive Council
Conseil des ministres

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS the Metropolitan Toronto and Region Conservation Authority ("MTRCA") owns a parcel of land located in those parts of Lot 1, Concession 5, and those parts of the road allowance lying between Concessions 4 and 5, City of Vaughan, designated as Parts 1, 2, 3, 4, 11 and 14 on Plan of Survey of Reference Plan No. 65R-9104;

AND WHEREAS MTRCA wishes to convey the land to 970545 Ontario Limited to construct a senior citizens' residence, and a community and cultural centre with ancillary uses, to be operated by Serena Non-Profit Housing Corporation ("Serena") upon completion;

AND WHEREAS in order to permit such construction it is necessary to amend the Official Plan and Zoning By-Law Number 1-88 of the City of Vaughan and to remove the land from the Parkway Belt Plan;

AND WHEREAS sections 17 and 21 of the Planning Act, R.S.O. 1990, c. P.13 provide for amendments to be made to Official Plans;

AND WHEREAS section 34 of the Planning Act provides for amendments to be made to zoning by-laws;

AND WHEREAS section 8 of the Ontario Planning and Development Act, R.S.O. 1990, c. O.35, and section 2 of the Parkway Belt Planning and Development Act, R.S.O. 1990, c. P.3, provide for amendments to be made to the Parkway Belt Plan;

AND WHEREAS section 2 of the Consolidated Hearings Act, R.S.O. 1990, c. C.29 provides that the Act applies in respect of an undertaking in relation to which more than one hearing is required by more than one tribunal;

AND WHEREAS a joint board was established under the Consolidated Hearings Act to consider the application of MTRCA and Serena to amend the Official Plan of the City of Vaughan, to amend Zoning By-Law Number 1-88 of the City of Vaughan, and to remove the land from the Parkway Belt Plan;

AND WHEREAS the joint board in its decision dated September 20, 1994 approved the application;

AND WHEREAS section 13 of the Consolidated Hearings Act provides that an application may be made to the Lieutenant Governor in Council respecting a decision of a joint board;

AND WHEREAS United Parcel Service Canada Ltd. owns land abutting the subject land and filed an application on October 18, 1994 respecting the decision of the joint board dated September 20, 1994;

AND WHEREAS the Lieutenant Governor in Council has duly considered the application;

NOW THEREFORE under clause 13(1)(a) of the Consolidated Hearings Act the decision of the joint board be varied by deleting the words "senior citizens" from line 4 of the first paragraph of clause 1 of subsection 1(b)(ci) of Appendix "B" to the decision, Amendment to Zoning By-Law 1-88, so that the provision will read:

within Building Envelope "A": an Apartment Building and a seniors' day care centre, with a total maximum gross floor area of 10,970 square metres having a maximum height of six stories and a maximum and a minimum number of 150 dwelling units;

and the decision of the joint board be confirmed in all other respects.

Recommended

Al Chubbey
Minister of Consumer
and Commercial Relations and
Chair, Cabinet Committee on
Legislation/Regulations

Concurred

Francis...
Chair of Cabinet

Approved and Ordered

JAN 19 1995

Date

[Signature]
Lieutenant Governor

APPLICATION TO THE LIEUTENANT GOVERNOR
IN COUNCIL OF UNITED PARCEL
SERVICE CANADA LTD.

STATEMENT OF CABINET

In its decision dated September 20, 1994, regarding the application by the Metropolitan Toronto and Region Conservation Authority and Serena Non-Profit Housing Corporation to amend the Official Plan and Zoning By-Law 1-88 of the City of Vaughan, the joint board granted the application and appended to its decision proposed amendments as Appendices "A" (the Official Plan) and "B" (Zoning By-Law 1-88).

The proposed amendment to the Zoning By-Law purported to provide that only certain uses were to be permitted within the one project. In particular, clause 1 of subsection 1(b)(ci) provided:

within Building Envelope A: an Apartment Building and a seniors day care centre, with a total maximum gross floor area of 10,970 square metres having a maximum height of six stories and a maximum and a minimum number of 150 senior citizens dwelling units;

Subsection 34(1) of the Planning Act, R.S.O. 1990, c. P.13, provides that zoning by-laws may be passed...for prohibiting the use of land, for or except for such purposes as may be set out in the by-law. However, there is no authority for a zoning by-law to be passed which would affect the user of land.

Accordingly, Cabinet has decided to vary the joint board's decision by deleting the words "senior citizens" from line 4 of the first paragraph of clause 1 of subsection 1(b)(ci) of Appendix "B" to the decision, Amendment to Zoning By-Law 1-88, so that the provision will read:

within Building Envelope "A": an Apartment Building and a seniors' day care centre, with a total maximum gross floor area of 10,970 square metres having a maximum height of six stories and a maximum and a minimum number of 150 dwelling units;

Cabinet has also decided to confirm the joint board's decision in all other respects.

AMENDMENT NUMBER 454
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedules "1" and "2" to Amendment Number 454 to the Official Plan of the Vaughan Planning Area constitute Amendment Number 454.

Also attached hereto but not constituting part of the Amendment are Appendices I and II.

I. PURPOSE

The purpose of this Amendment is to provide a site specific amendment to the City's Parkway Belt West Plan, to permit a senior citizen's residence and community and cultural centre with associated retail and service uses.

II. LOCATION

The land subject to this Amendment is located at the north east corner of Steeles Avenue and Jane Street, being Parts 1, 2, 3, 4, 11 and 14 on Plan 65R-9104 in those parts of Lot 1, Concession 5, and those parts of the road allowance lying between Concessions 4 and 5, City of Vaughan, herein after referred to as the "Subject Lands", and shown as "Area Subject to Amendment Number 454" on Schedule "1" attached hereto.

III. BASIS

The decision to amend the Official Plan is based on the following:

1. The proposed senior citizen's community and cultural centre uses are considered an appropriate use for this site, which is located on the north east corner of Steeles Avenue and Jane Street. The site is bounded on the south and west by Black Creek Pioneer Village and the north and east by light industrial uses. The proposed uses are compatible with these existing adjacent land uses.
2. The subject land is presently vacant and designated for public open space and buffer area uses as per the policies of the City's Official Plan which reflects the Parkway Belt West Plan. This amendment permits the subject land to be developed for residential and institutional uses. Development for public open space and buffer area uses is considered to be inappropriate given the location, size and configuration of the subject land. The subject land is small in size, triangular in shape and isolated in nature. Such attributes do not reinforce the purpose of the Parkway Belt West Plan.
3. This development will serve the Woodbridge-Vaughan Community and will respond to the Vaughan Housing Statement and Land Use Planning for housing, by providing housing for the elderly, economically disadvantaged, and daycare facilities.
4. The subject land has access to municipal transit services and two arterial roads, and is in close proximity to recreational facilities, and commercial areas.
5. This development will respond to the need for additional senior facilities in the Vaughan Community as outlined in the City of Vaughan Parks and Recreation Master Plan.
6. This development will utilize land which otherwise has been deemed to be surplus to the needs of the MTRCA.
7. On October 4, 1993, Council of the City of Vaughan considered the Official Plan and Zoning Amendment applications at a public hearing. At the meeting, Council recommended the Official Plan be approval subject to conditions and that the Zoning By-law be received and brought back to a future Council Committee Meeting for consideration in conjunction with the site plan application.

IV. DETAILS OF THE ACTUAL AMENDMENT AND THE POLICIES RELATIVE THERETO

The Official Plan for the Vaughan Planning Area is hereby amended by redesignating the lands subject to Amendment Number 454 from "Public Open Space and Buffer Area" to "Medium Density Residential", subject to the following development policies:

- a) A maximum of 150 senior citizens' dwelling units and a residence for the religious order, with accommodation for 10 nuns, shall be permitted.

Note: A senior citizen' dwelling means a dwelling unit in a multiple family dwelling building

(apartment and other) occupied by a person who has attained the age of sixty, or persons at least one of whom has attained the age of sixty.

- b) For the purposes of this amendment the following additional uses shall be permitted in the "Medium Density Residential" designation:
- a community centre
 - limited retail, eating establishment, office and personal service uses as specified in the implementing zoning by-law
 - daycare services, for children and senior care
 - chapel
- c) The floor space dedicated to the uses shall specified in the implementing zoning by-law.
- d) The definition of "Medium Density" shall be specified in the implementing zoning by-law.
- e) The recommendations contained in Section 13 of the Noise Impact Study of John E. Coulter, May 20, 1994, shall be fulfilled, namely:
1. Air conditioning for all residential units identified in development policy (a) in this amendment.
 2. Upgraded and window components (double glazing, 3 mm with a minimum 6 mm air gap with STC 30 for the operable portion and STC 33 for the fixed portion) for all residential units (with a maximum window area to floor area ratio of 40%) and brick veneering (STC 55) for all residential units at the northern portion of the development exposed to rail traffic.
 3. The proposed helicopter activities should be reviewed by the proponent prior to the site approval to determine whether any mitigation measures may be required.
 4. Warning Clause A (attached as Schedule "2") shall be inserted into the *Agreement of Purchase and Sale* for all residential units in the "area subject to this amendment" (as identified in Schedule "1" attached), indicating that sound levels exceeded Ministry of Environment and Energy's noise criteria.
 5. Warning Clause B (attached as Schedule "3") for any residential development within 300 m of the CN Railway Right-of-Way shall be required.

V. IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of an amendment to the Vaughan Zoning By-law.

VI. INTERPRETATION

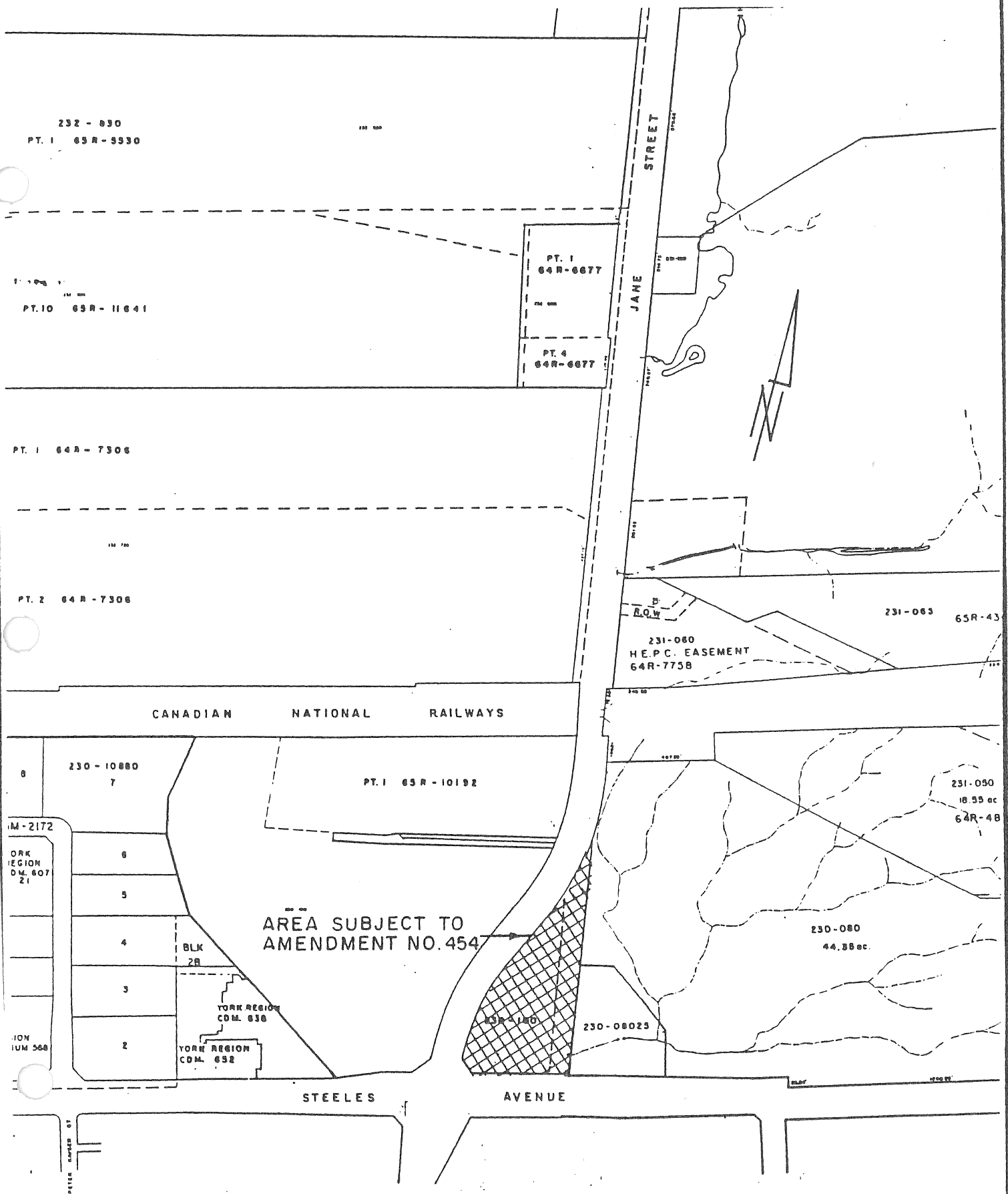
The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

THIS IS SCHEDULE "1"
 TO AMENDMENT NO. 454
 ADOPTED THE 5th DAY OF SEPT., 1995.

 JOINT BOARD HEARING and MAYOR
 ORDER IN COUNCIL FROM THE
 PROVINCIAL CABINET CLERK

LOCATION: PART OF LOT I, CONCESSION 5

SCALE : 0 200 m



Schedule "2"

WARNING CLAUSE "A"

PURCHASERS

"Purchasers are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels from increasing road (and/or rail) traffic will continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the municipality's and the Ministry of the Environment's noise criteria. Air conditioning has been installed to achieve adequate interior sound levels".

"This dwelling unit was fitted with a central air conditioning unit. (Note: locate air-cooled condenser unit in a noise-insensitive area.)"

The Ministry of Environment requires that the central air conditioning devices must have a sound rating not exceeding 7.6 bels for those manufactured after January 1, 1992, (see Table NPC 116-2 below for a further Sound Emission Standard for Residential Central Air Conditioning and Heating Pumps).

TABLE NPC 116-2
SOUND EMISSION STANDARD
FOR
RESIDENTIAL CENTRAL AIR CONDITIONER AND HEAT PUMPS

Date of Manufacture	Size (BTUH)	Maximum Sound Power Level Lw (bel)	Measurement Procedure
After 1990-12-31 & Before 1992-01-01	< 38,900	8.0	ARI Standard 270-84
After 1991-12-31 & Before 1995-01-01	< 38,900	7.6	
After 1994-12-31	< 38,900	(Under discussion with the industry to assess the feasibility of reduction)	

Note: BTUH = British Thermal Unit for an hour

Schedule "3"

WARNING CLAUSE "B"

CN RAILWAY

The Owner shall insert in all offers of sale and purchase or lease and register on title to the land, where noise levels from Railway operations are above 50 dBA L_{eg} (night time) and 55 dBA L_{eg} (day time) at the outside wall as determined in a study by a reputable Acoustic Consultant, the following clause:

"All persons intending to acquire an interest in the real property by purchase or lease are advised of the existence of the right-of-way and/or classification yard of the Canadian National Railway. In future, it is possible that such rail facility and Railway infrastructures (plant and facilities) may be altered or expanded, which expansion or alteration may affect the living environment of residents despite the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units and that the Canadian National Railway Company or its assigns or successors cannot be responsible due to its Regulatory obligations and mandates for complaints or claims arising from the use and expansion of its infrastructure and/or operations on, over or under the aforesaid right-of-way and/or Yard."

(Environmental Warning Clause/Notice for Railway Yards or Terminals and an option to the minimum 300 metre requirement for through Railway corridor right-of-way).

APPENDIX I

The subject lands are located at the north east corner of Steeles Avenue and Jane Street, being Part 1, 2, 3, 4, 11 and 14 on Plan 65R-9104, in Lot 1, Concession 5, City of Vaughan.

At a Public Hearing on October 4, 1993, Council considered applications to amend the Official Plan and Zoning By-law and resolved:

- "A. THAT Official Plan Amendment Application OP.17.93 (MTRCA) BE APPROVED to allow the following uses:
- a seniors residence only;
 - a seniors daycare centre;
 - accommodation for members of a religious order who will administer the facility;
 - space for community programs which included a child daycare centre; and
 - a small component.
- B. THAT Zoning By-law Amendment Z.36.93 (M.T.R.C.A) BE RECEIVED and brought back to a future Council meeting for consideration in conjunction with the site plan application and at that time, the concerns expressed by the deputant on behalf of United Parcel service be considered, as follows:
- * that appropriate arrangements to mitigate the effects of the operation be made;
 - * and that potential purchasers be advised of the possible impact from the United Parcel Service facility.
- C. THAT this report and Council's minutes be forwarded to the Ministry of Housing for information purposes.
- D. THAT this report and Council's minutes be forwarded to the Ministry of Municipal Affairs (Parkway Belt West Branch) as Council's comments on the application to remove the lands from Parkway Belt West Plan."



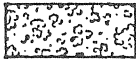
EXISTING LAND USE

OFFICIAL PLAN AMENDMENT NO. 454

CITY OF VAUGHAN

LOCATION: PART OF LOT 1, CONCESSION 5

LEGEND

-  AGRICULTURAL / VACANT
-  INDUSTRIAL
-  OPEN SPACE

DATE: 94 / 10 / 27

SCALE: 0  200 m

