

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 143-2017

A By-law to designate by Number an amendment to City of Vaughan By-law Number 1-88, as effected by the Ontario Municipal Board.

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 Ontario Municipal Board Order Issue, dated the 24th day of October 2017 (OMB File No. PL 160758), attached hereto as Attachment "1", is hereby designated as By-law Number 143-2017.

Enacted by City of Vaughan Council this 21st day of November, 2017.

Hon. Maurizio Bevilacqua, Mayor

Barbara A. McEwan, City Clerk

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 24, 2017

CASE NO(S): PL160758

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: City Park Homes et al
Subject: Site Plan
Property Address/Description: 7803 & 7815 Dufferin Avenue
Municipality: City of Vaughan
OMB Case No.: PL160758
OMB File No.: PL160758
OMB Case Name: City Park Homes 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: City Park Homes et al
Subject: Proposed Plan of Subdivision - Failure of City of Vaughan to make a decision
Purpose: To permit townhouse development
Property Address/Description: 7803 & 7815 Dufferin St.
Municipality: City of Vaughan
Municipality File No.: 19CDM-16V002
OMB Case No.: PL160758
OMB File No.: PL161137

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: City Park Homes et al
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning: R1 9(329) Residential Zone
Proposed Zoning: RM2-XX Multiple Residential Zone
Purpose: To permit townhouse development

Property Address/Description: 7803 & 7815 Dufferin Avenue
 Municipality: City of Vaughan
 Municipality File No.: Z.16.001
 OMB Case No.: PL160758
 OMB File No.: PL160814

Heard: August 31, 2017 in Vaughan, Ontario and
 September 28, 2017 by telephone conference
 call

APPEARANCES:

Parties

2464879 Ontario Inc.
 Ultra Towns Inc.
 (c.o.b. City Park Homes)

City of Vaughan

Regional Municipality of York

Counsel

Leo Longo

Caterina Facciolo

Bolajoko Ogunmefun

DECISION DELIVERED BY PAULA BOUTIS AND C. CONTI AND ORDER OF THE BOARD

[1] This decision is further to the Board's oral decision rendered on July 25, 2017 and its written decisions and orders issued on August 4, 2017 and September 26, 2017 through which the appeal was allowed in part, the Official Plan Amendment was approved, and the other planning instruments were approved in principle. The Board reconvened this hearing on August 31, 2017 in Vaughan, and again by Telephone Conference Call ("TCC"), on September 28, 2017 to hear evidence on any outstanding matters, further to its approvals in principle of the proposed Zoning By-law Amendment, Draft Plan of Condominium and Site Plan.

Zoning By-law Amendment

[2] Both proceedings considered changes to the Zoning By-law Amendment ("ZBLA") for development of the subject property which had been approved in principle through the decision of July 26, 2017.

[3] At the August 31st proceeding, John Zipay provided planning evidence on a ZBLA (Exhibit 18) which had been revised to include a sidewalk on the western end of the centre townhouse block. He indicated that this was reflected in changes to the schedule and an adjustment had also been included for landscaped area. Some minor changes had also been included in the text. Based upon the submissions and at the request of the parties, the Board approved the revised ZBLA in principle and withheld the final order pending receipt of confirmation that servicing allocation had been provided for the development.

[4] During the September 28, 2017 TCC, Julia Pierdon, Planner for the Applicant, City Park Homes, advised that certain technical changes had been made to the ZBLA that had been previously provided to the Board on August 31, 2017 (Exhibit 18). Ms. Pierdon advised that the following were added: a minimum front yard to an unenclosed porch; minimum landscape areas for front and exterior yards; and setbacks to exterior side yards for unenclosed porches. In addition, Schedule 1 to the ZBLA was updated to correspond to any minor changes made to the site plan to ensure the text corresponds to the site plan.

[5] Ms. Pierdon confirmed that the amended ZBLA text and schedule are consistent with the Provincial Policy Statement, 2014 ("PPS"), conform to the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan") and conform to the City's Official Plan ("OP").

[6] The Board further understood that the necessary pre-condition to the final approval of the ZBLA had now been fulfilled regarding servicing allocation. At the conclusion of its September 28, 2017 TCC, the Board approved the ZBLA (Exhibit 19) subject to receiving the final paper work confirming the servicing allocation had been made, which paperwork has since been received (Exhibits 22, 23 and 24, being,

respectively, the staff report, items for the consideration of the Committee of the Whole, and the extract from the Meeting Minutes of Council related to the servicing allocation).

Site Plan and Plan of Condominium

[7] For information purposes, the Board received a revised Plan of Condominium (Exhibit 20) and revised Site Plan (Exhibit 21) at the TCC.

[8] Regarding the revised Plan of Condominium, the Board was advised that the main change was that the City of Vaughan ("City") requested a side walk on one side of the street running north-south in the development, parallel to Dufferin Street.

[9] Final approval for the Plan of Condominium will continue to be withheld until the Board is advised that a signed condominium agreement has been executed with the City.

[10] Regarding the revised Site Plan, at the TCC, the Board was advised by counsel for the Applicant and Ms. Pierdon that technical notes were added to the Site Plan, with comments from the Regional Municipality of York ("Region") regarding a noise wall and comments regarding the easement access. Further, it reflects the right-in-right-out access condition previously ordered by the Board. Ms. Pierdon confirmed that the Site Plan still conforms to the PPS, Growth Plan and OP.

[11] Final approval for the Site Plan will continue to be withheld pending confirmation to the Board that a separate site plan agreement has been entered into by the Applicant with each of the City and the Region.

[12] The parties were directed to provide an update to the Board by October 30, 2017 regarding the aforementioned outstanding matters.

ORDER

[13] The Board orders that City of Vaughan By-law No. 1-88 is amended as set out in Attachment 1 (Exhibit 19).

"Paula Boutis"

PAULA BOUTIS
MEMBER

"C. Conti"

C. CONTI
VICE-CHAIR

If there is an attachment referred to in this document
please visit www.elfo.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfo.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

THE CITY OF VAUGHAN

BY-LAW

Exhibit:	19
File #:	PL160758

BY-LAW NUMBER - 2017

A By-law to amend City of Vaughan Zoning 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;

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" of this by-law, attached hereto, from R1 Residential Zone and R1 Residential Zone subject to site-specific Exception 9(329) to RM2-Multiple Residential Zone, in the manner shown on Schedule "1";
 - b) Deleting site-specific Exception 9(329) to By-law 1-88 in its entirety and replacing it with the following:

"(329) A. Notwithstanding the provisions of:

 - a) Subsection 2.0 respecting the Definition of a Street Townhouse Dwelling, Street Line and Unenclosed Porch;
 - b) Subsection 3.13 respecting Minimum Landscaping;
 - c) Subsection 3.21 respecting Frontage on a Public Street and Subsection 4.9 respecting Uses Permitted in the RM2 Multiple Residential Zone;
 - d) Subsection 4.1.4 b) i) respecting landscaping requirements around an outdoor parking area;
 - e) Subsection 4.1.4 f) respecting Dimensions of Driveways and Minimum Landscaping Requirements;
 - f) Subsection 4.1.6 b) respecting Minimum Amenity Area;
 - g) Subsection 4.1.8 and Schedule "A" respecting Residential Zone Requirements and the Minimum Zone Standards in the RM2 Multiple Residential Zone.

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-341":

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

DWELLING, STREET TOWNHOUSE - means a townhouse dwelling in which each dwelling unit is situated on its own lot, which lot abuts a public or private common element condominium road;

STREET LINE - Means the dividing line between a lot and a street or private common element condominium road;

PORCH, UNENCLOSED (COVERED OR UNCOVERED) - Means a platform with or without a foundation and with at least one side open which is uncovered or

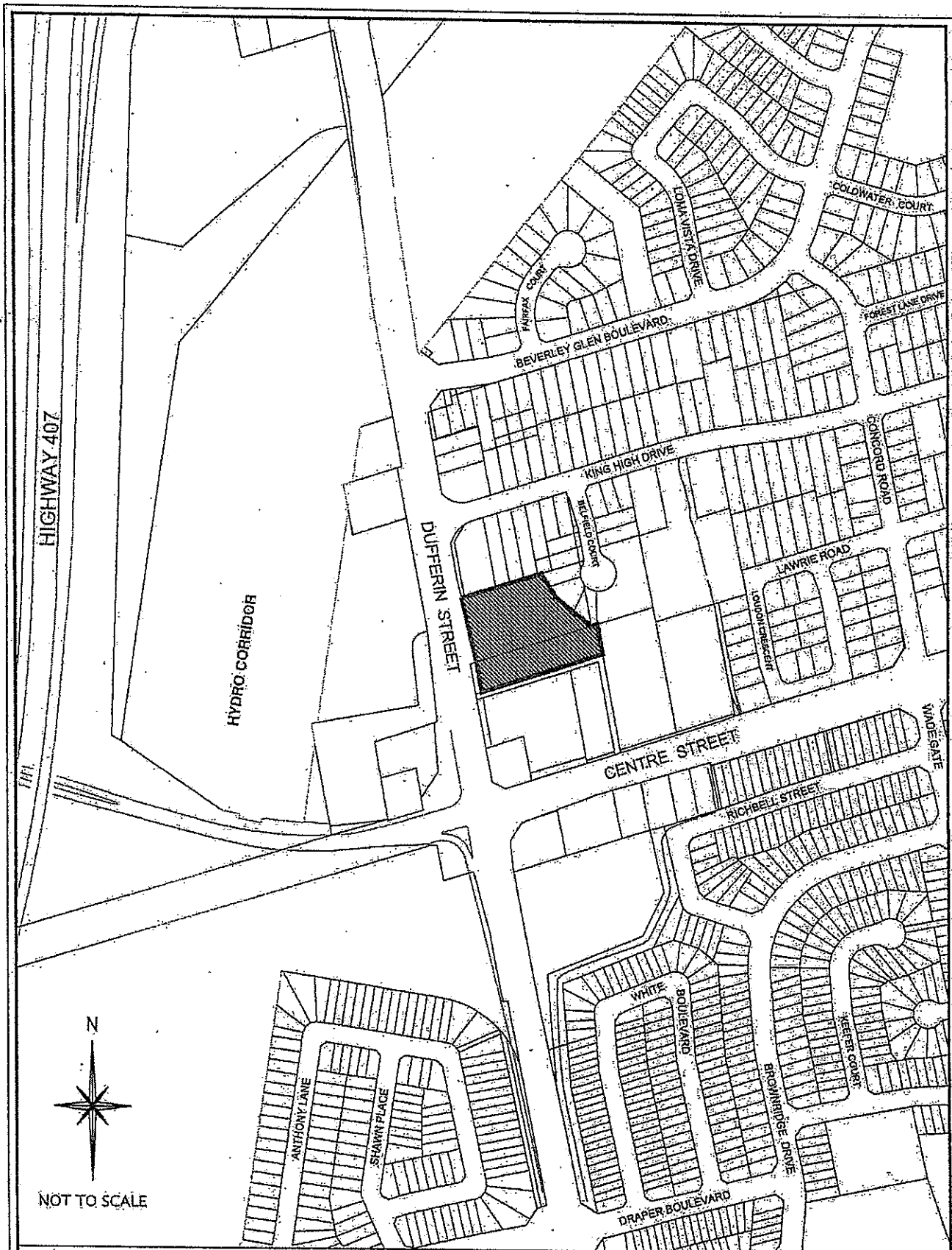
covered by either a roof, balcony or enclosed space or room, with or without a foundation;

- b) A minimum landscape strip of 2 m in width shall be provided along Dufferin Street;
 - c) A maximum of 56, three-storey street townhouse dwelling units shall be permitted;
 - di) A strip of land not less than 1.5 m in width around the periphery of an outdoor parking area and within the lot on which the said parking area is situated shall be used for no other purpose than landscaping, but this shall not prevent the provision of access driveways across the said strip;
 - ei) The maximum width of a driveway shall be 3.2 m;
 - eii) The lot frontage for all lots shall be comprised of a minimum of 26% landscaped front or exterior side yard, of which a minimum 23% of the landscaped front or exterior side yard shall consist of soft landscaping;
 - fi) The minimum amenity area shall be 280 m² as shown on Schedule "1";
 - gi) The following minimum zone requirements shall apply as shown on Schedule "1" and in accordance with the following:
 - i. the minimum lot area shall be 110 m²;
 - ii. the minimum lot frontage shall be 5.5 m;
 - iii. the minimum front yard to an unenclosed porch shall be 3 m;
 - iv. the minimum exterior side yard to a dwelling and unenclosed porch shall be 0.40 m;
 - v. the minimum interior side yard shall be 1.25 m;
 - vi. the minimum setback to a garage wall shall be 6.0 m;
 - vii. the maximum lot coverage shall be 65% for each lot;
- B. - The following provision shall apply to the lands shown as "Subject Lands" on Schedule "E-341":
- a) Notwithstanding any provision contained in By-law 1-88, as amended, or this site-specific By-law to the contrary, development of the subject lands shall be permitted as shown on Schedule "1".
 - c) Deleting Schedule "E-341" and substituting therefor Schedule "E-341" attached hereto as Schedule "1".
 - d) Deleting Key Map 2B and substituting therefore revised Key Map 2B attached hereto as Schedule "2";
 - e) Schedules "1" and "2" shall hereby form part of this by-law.

Summary to By-law -2017

The lands subject to this By-Law are located on the east side of Dufferin Street, north of Centre Street, municipally known as 7803 and 7815 Dufferin Street in the City of Vaughan.

The purpose of this amendment is to rezone the subject lands from "R1" Residential Zone and "R1" Residential Zone subject to site-specific Exception 9(329) to RM2 Multiple Residential Zone with site-specific provisions to facilitate the development of 56 townhouse dwelling units accessed by a private common element condominium road.

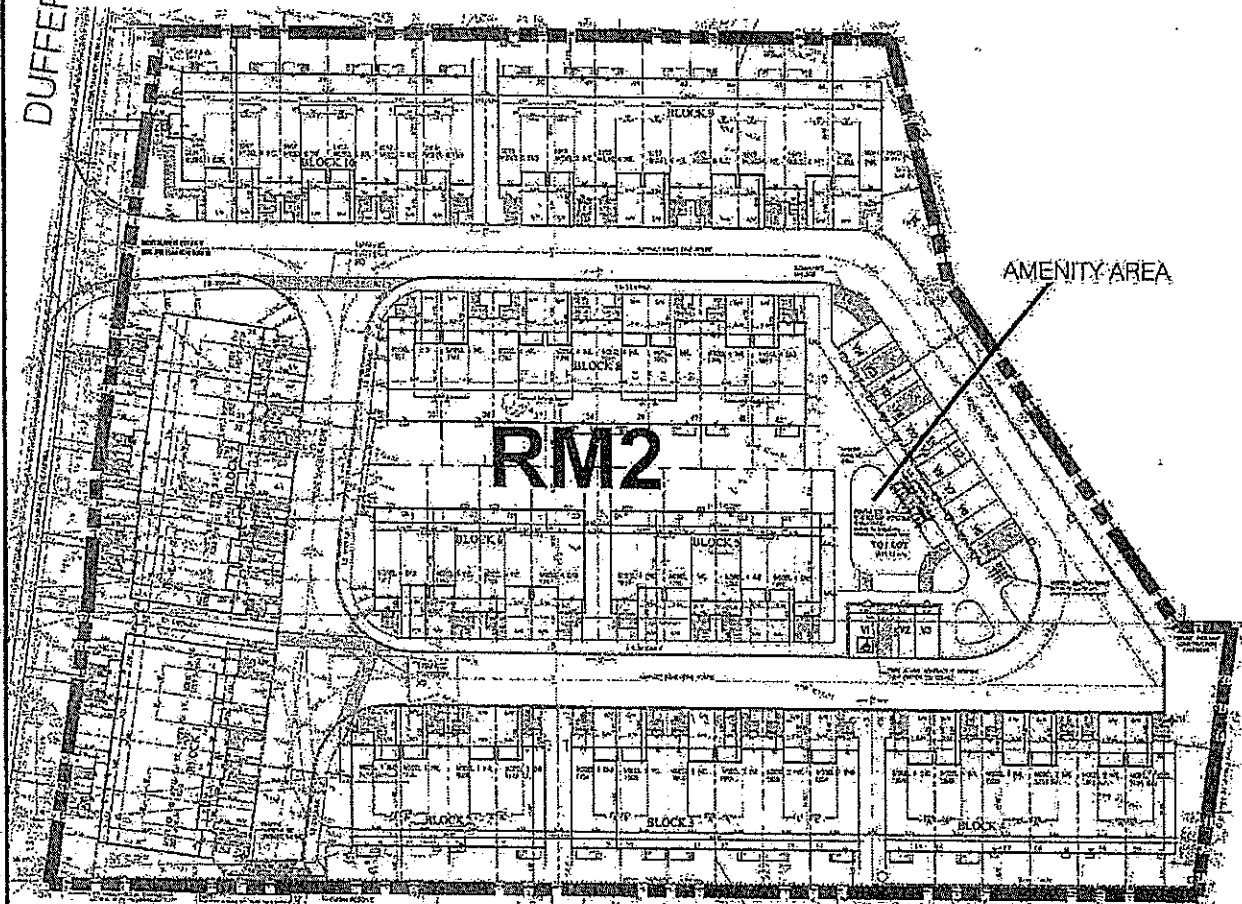


LOCATION MAP TO BY-LAW _____ - 2017

FILE No. Z.16.001
 RELATED FILES: OP.16.001, DA.16.003 & 19CDM-16V002
 LOCATION: Part of Lot 6, Concession 2
 APPLICANT: 2464879 Ontario Inc. (City Park Homes)
 CITY OF VAUGHAN


 SUBJECT LANDS

DUFFERIN STREET



AMENITY AREA

RM2

THIS IS SCHEDULE 'E-341'
TO BY-LAW 1-88,
SECTION 9(329)

SUBJECT LANDS

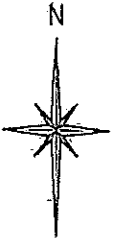


NOT TO SCALE.

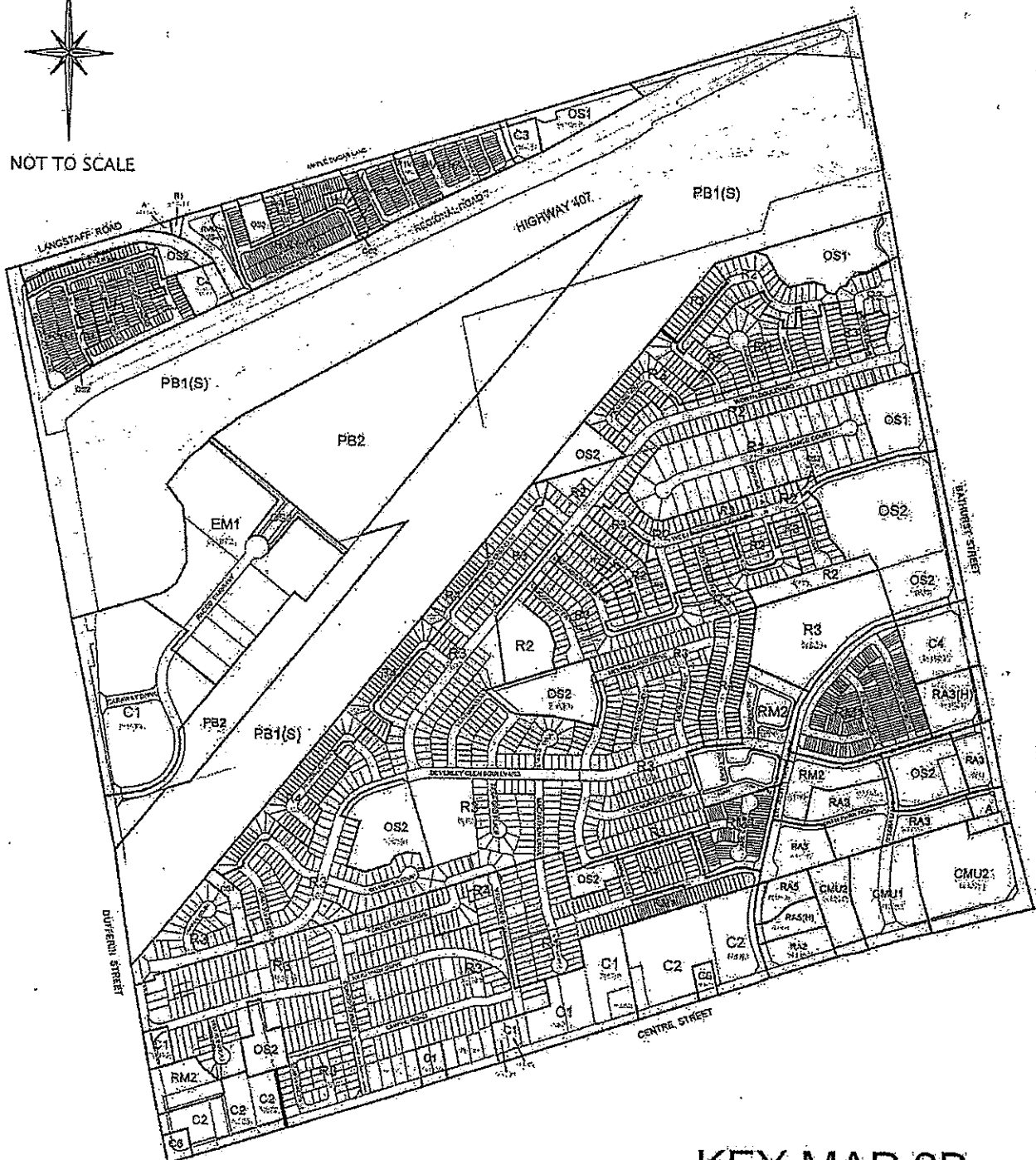
THIS IS SCHEDULE '1'
TO BY-LAW _____ - 2017
PASSED THE _____ DAY OF _____, 2017

FILE No. Z.16.001
RELATED FILES: OP.16.001, DA.16.003 & 19CDM-16V002
LOCATION: Part of Lot 6, Concession 2
APPLICANT: 2464879 Ontario Inc. (City Park Homes)
CITY OF VAUGHAN

SIGNING _____ ICERS
BOARD ORDER: PL 160758
ISSUE DATE: October 24, 2017
MAYOR
CLERK



NOT TO SCALE



KEY MAP 2B BY-LAW 1-88

THIS IS SCHEDULE '2'
TO BY-LAW _____ - 2017

PASSED THE _____ DAY OF _____, 2017

FILE No. Z.16.001
RELATED FILES: OP.16.001, DA.16.003 & 19CDM-16V002
LOCATION: Part of Lot 6, Concession 2
APPLICANT: 2464879 Ontario Inc. (City Park Homes)
CITY OF VAUGHAN

SIGNATURE _____
BOARD ORDER: PL 160758
ISSUE DATE: October 24, 2017
MAYOR _____
CLERK _____