

The town of vaughan BY-LAW

BY-LAW NUMBER 88-90

A By-law to designate an Official Plan Amendment Number for an amendment to the Official Plan of the Vaughan Planning Area, as effected by the Ontario Municipal Board.

The Council of The Corporation of the Town of Vaughan ENACIS AS FOLLOWS:

1. THAT the Official Plan Amendment of the Vaughan Planning Area, as effected by an Order of the Ontario Municipal Board, dated the 24th day of January, 1990 (O 890131), is hereby designated as <u>Official Plan Amendment</u> Number 344 and is attached hereto.

READ a FIRST and SECOND time this 3rd day of April, 1990.

<u>"M. Di Biase"</u> M. Di Biase, Acting Mayor

"J.D. Leach" J.D. Leach, Deputy Clerk

READ a THIRD time and finally passed this 3rd day of April, 1990.

"M. Di Biasan M. Di Biase "J.D. J.D. Leach NAHOUAL



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O 890131 S 880076 Z 880236

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Ontario Municipal Board Commission des affaires municipales de l'Ontario

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IN THE MATTER OF Section 22(1) of the <u>Planning Act</u>, 1983

AND IN THE MATTER OF a referral to this Board by the Honourable John Sweeney, Minister of Municipal Affairs on a request by Acumen Investments Limited for consideration of a proposed amendment to the Official Plan for the Town of Vaughan to redesignate the lands comprising Parts of Lots 7 and 8, Concession 8, in the Town of Vaughan, from "Special Use" to "Residential Low Density", "Institutional", and "Park and Recreation" to permit the development of a plan of subdivision Minister's File No. 19-OP-1500-A31 O.M.B. File No. O 890131

- and -

IN THE MATTER OF Section 50(15) of the <u>Planning Act</u>, 1983

IN THE MATTER OF a referral to this Board by The Regional Municipality of York on a request by Acumen Investments Limited for consideration of a Proposed Plan of Subdivision comprising Part of Lots 7 and 8, Concession 8 in the Town of Vaughan Region's File No. 19T-88091 O.M.B. File No. S 880076

- and -

IN THE MATTER OF Section 34(11) of the <u>Planning Act</u>, 1983

AND IN THE MATTER OF an appeal to this Board by Acumen Investments Limited for an order amending Zoning By-law 2523 as amended of the Corporation of the Town of Vaughan to rezone the lands comprising Part of Lots 7 and 8, Concession 8 in the Town of Vaughan from Agricultural (A) Zone to Fourth Density Residential (R4) Zone and Temporary Open Space (OS) Zone to permit a proposed residential plan of subdivision O.M.B. File No. Z 880236 RECEIVED

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TOWN OF VAUGHAN CLERK'S OFFICE BEFORE:

K. D. BINDHARDT Member

- and -

R. B. EISEN Member Wednesday, the 24th day of January, 1990

O 890131 S 880076 Z 880236

THESE MATTERS having come on for public hearing this day and after the hearing;

THE BOARD ORDERS that the application for an amendment to the Official Plan is allowed and the Official Plan is hereby amended as set out in Schedule "I" attached hereto and forming part of this order;

AND THE BOARD ORDERS that the appeal is allowed and Zoning By-law 1-88 is hereby amended as set out in Schedule "II" attached hereto and forming part of this order. The municipality is hereby authorized to assign a By-law or other number to this document for record keeping purposes;

AND THE BOARD FURTHER ORDERS that the draft plan of subdivision of lands comprising Part of Lots 7 and 8, Concession 8 in the Town of Vaughan is hereby draft approved subject to conditions as set out in Schedule "III" attached hereto and forming part of this order.

SECRETARY



O 890131 S 880076 Z 880236

Ontario Municipal Board Commission des affaires municipales de l'Ontario

Schedule "I .

to the order of the Ontario Municipal Board made on the 24% day of JANMARY , 1990

AMENDMENT NUMBER . 344

TO THE

OFFICIAL PLAN OF THE VAUGHAN PLANNING AREA

The following text and Schedule "I" entitled "Schedule "I" to Amendment to the Official Plan of the Vaughan Planning Area" constitutes Amendment Number **344**

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I <u>PURPOSE</u>

The purpose of this Amendment is to redesignate the lands shown as "Area subject to Amendment 2--" on the attached Schedule "1" and hereinafter called "Subject Lands" from "Special Use" to "Residential Low Density", "Institutional", and "Park and Recreation" to permit the development of the subject lands for a residential plan of subdivision which includes single family residential housing, a neighbourhood park and elementary school.

II LOCATION

The subject lands being part of Lots 7 and 8, Concession 8, in the Town of Vaughan comprise a total area of approximately 27.5 ha. The lands are situated to the east of Highway 27 north of Highway 7. They lie immediately to the south of a residential neighbourhood which was recently developed in accordance with the provisions of Official Plan Amendment 189 in the north west sector of the Woodbridge Community.

III BASIS

The lands subject to this Amendment are presently designated "Special Use" in Amendment 240 to the Official Plan of the Vaughan Planning Area. This designation was placed on the lands because at the time of adoption of the original Official Plan for the area, Official Plan Amendment 189, they fell within the Ministry of the Environment's required 1200 foot buffer area between residential and industrial uses. Amendment 189 provided that if the buffer area were adjusted, this designation could be amended. Until such time as an amendment redesignating the lands to another use was approved, the lands could only be used for common field crop production.

Since the approval of Official Plan Amendment 189, there have been a number of steps undertaken to determine the most appropriate size of the buffer and the most compatible uses for the subject lands. The decision to redesignate the subject lands from "Special Use" to "Residential Low Density, Institutional and Park and Recreation" is based on the following considerations.

- 1. An independent consultant was retained to conduct a detailed study of the air quality within the 1200 foot buffer to determine what would be acceptable.
- 2. Based on the results of this study, the Ministry of the Environment advised that institutional and recreational uses would be appropriate in the southernmost part of the subject property, accordingly a revised draft plan for the Special Use Area was prepared which placed those

land uses which are least sensitive to the impact of any industrial area at the southerly limit of the plan.

- 3. The consultants report also indicated that, based on their theoretical models, residential uses would also be appropriate. However, the Town of Vaughan requested that an ambient air quality monitoring program be established to verify the results of the technical analysis.
- 4. A report on Air Quality Monitoring was completed in October 1988 and concluded that there were no odours of industrial or commercial origin detectable on the site; that the levels of total suspended particulate matter were typical for a suburban area; and that the measured ambient air quality does not preclude residential, institutional or recreational land uses from the subject area. This report has been reviewed and approved by the Ministry of the Environment.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

The lands which are the subject of the Amendment shall be specifically designated to permit their development for low density residential purposes in accordance with the policies of Amendment No. 240 to the Official Plan of the Vaughan Planning Area and the following additional policies. Official Plan Amendment Number 240 is accordingly amended by:

1.

on Schedule "I"[#] from "Special Use" to "Residential Low Density", "Institutional", and "Park and Recreation";

- The maximum density of development shall not exceed 14 units per net hectare. The average density of development shall not be less than 11 units per net hectare.
- 3. No construction traffic shall enter the Amendment Area from existing residential streets east of the Hydro Corridor within the West Woodbridge Area.

In conjunction with the development of the subject lands prior to the issuance of final approval of any plan of subdivision, the Town of Vaughan shall have entered into any necessary agreements with the Regional Municipality of York regarding the provision of sanitary sewage disposal and water supply.

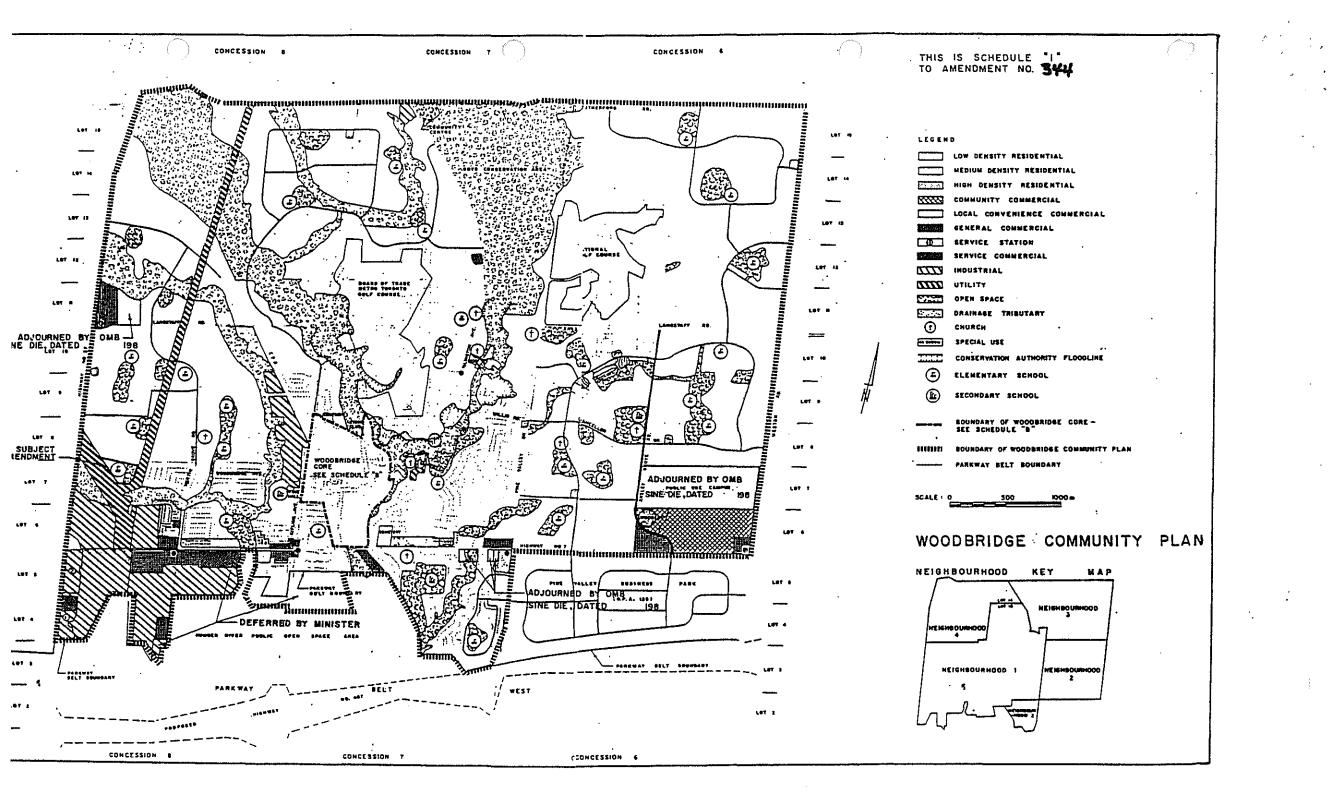
V IMPLEMENTATION

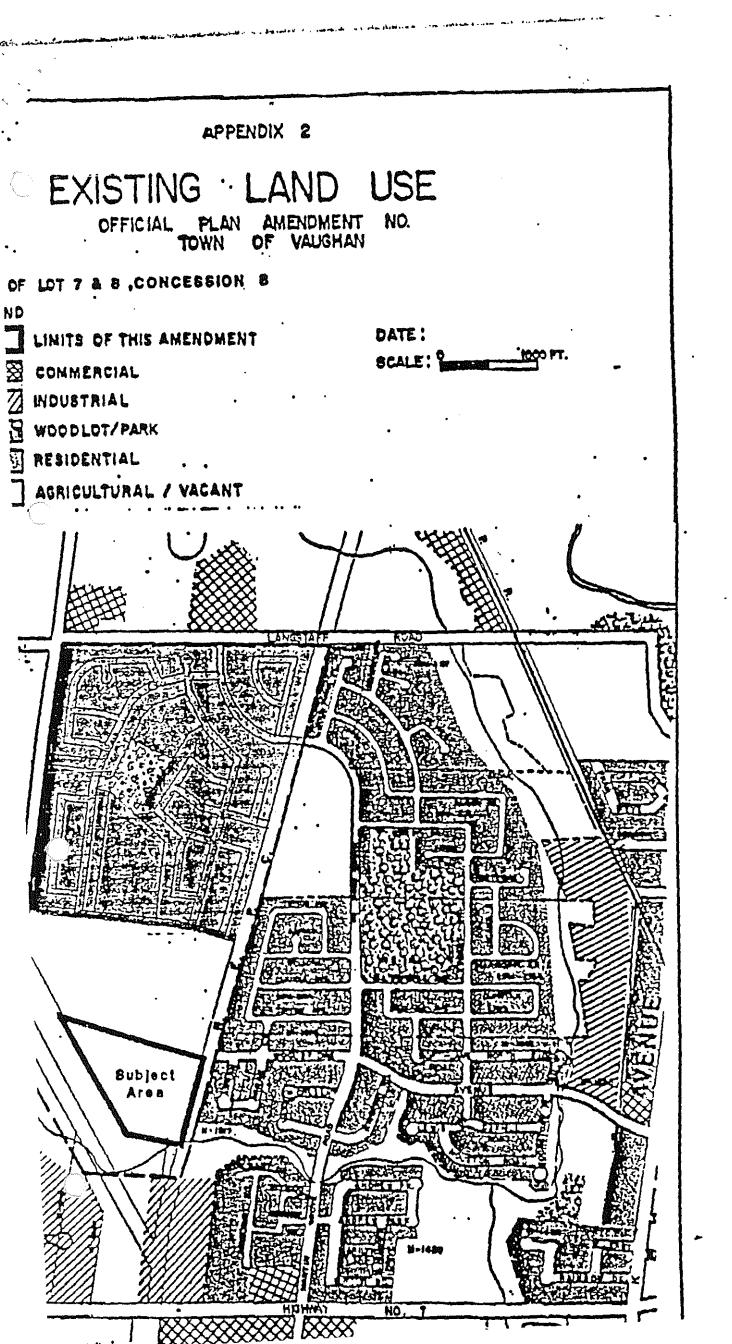
The policies of this Amendment shall be implemented through the processing of subdivision plans and amendments to the Town of Vaughan Zoning By-law in accordance with Planning Act, and the policies of the Vaughan Official Plan, including those set out in this Amendment.

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.

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O 890131 S 880076 Z 880236

Ontario Municipal Board Commission des affaires municipales de l'Ontario

Schedule "TTT."

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to the order of the Ontario Municipal Board Made on the 24/h day of JANUARY , 1990

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RECOMMENDED CONDITIONS OF APPROVAL FOR SUBDIVISION PROPOSAL 19T-88091 TOWN OF VAUGHAN

- Approval shall relate to a draft plan of subdivision prepared by East Woodbridge Developments Limited, dated October 13, 1988, incorporating red-line revisions as follows:
 - (a) a 0.3 metre reserve adjacent to Highway No. 27 as required by the Ministry of Transportation; and
 - (b) revisions to the boundaries of Blocks H and I, with corresponding relocation of Lots 912 and 913.
- The road allowances included within this draft plan of subdivision shall be dedicated as public highways.
- 3. The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning Department.
- 4. Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the area municipality free of cost and encumbrances, to be held by the area municipality until required for future road allowances or development of adjacent lands.
- 5. The owner shall convey lands in an amount not exceeding five percent of the lands included within this draft plan of subdivision to the area municipality for parks purposes pursuant to the provisions of the Planning Act; alternatively, the area municipality may require payment of cash in lieu of the said conveyance, and under the provisions of the Planning Act the area municipality is hereby authorized to do so; lands conveyed to the area municipality in accordance with this condition shall be included within Block I as shown on the approved draft plan.
- 6. The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the Planning Act.
- 7. The owner shall enter into a subdivision agreement with the area municipality, agreeing to satisfy all conditions, financial and otherwise, of the area municipality; prior to final approval the area municipality shall confirm that the subdivision agreement will be registered by the area municipality against the lands to which it applies as provided for in the Planning Act.

- 8. Such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 9. The owner shall agree in the subdivision agreement not to remove trees without the written approval of the area municipality.
- 10. Public highways shall be designed in accordance with the area municipality's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 metre reserves.
- 11. The owner shall agree in the subdivision agreement that no building permits will be applied for or issued until the area municipality is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 12. Prior to final approval, a soils report prepared at the owner's expense shall be submitted to the area municipality.
- 13. Prior to final approval, and prior to the initiation of any grading, a preliminary archaeological evaluation of the entire area within this draft plan of subdivision shall be carried out at the owner's expense, and a report which will identify significant archaeological sites shall be prepared, also at the owner's expense, and submitted to the area municipality.
- 14. The owner shall agree in the subdivision agreement that no development or grading shall occur on any site identified as being archaeologically significant by the evaluation referred to in Condition 13, or by Heritage Vaughan, until archaeological excavations of all significant sites within any phase for which final approval has been given have been carried out to the satisfaction of the area municipality; the owner shall agree in the subdivision agreement to take whatever protective measures are required by the area municipality for any archaeologically significant sites.
- 15. The layout of Blocks H and I, and adjacent lots, may be adjusted on the final plan to provide more parallel boundaries for the Separate school site and the park site to the satisfaction of the York Region Roman Catholic Separate School Board and the area municipality, as shown on the approved draft plan; however, extensive revisions to the Separate school site and/or relocation of the park site within the final plan shall require amendment to this approval.

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- 16. The owner shall agree in the subdivision agreement that the noise control features and noise warning clauses recommended by the study prepared by <u>Senes-Consultants</u> Limited dated February 22, 1987, shall be implemented as approved; a copy of the fully executed subdivision agreement shall be forwarded to the Ministry of the Environment.
- 17. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise control features within the development area and within the individual building units, noise levels may continue to be of concern, occasionally interfering with some activities of the building occupants."

Such clause shall be registered in accordance with applicable guidelines of the Ministry of the Environment and shall be required to be included in all offers of purchase and sale for the lots or blocks affected.

- 18. The Regional Engineering Commissioner shall confirm that adequate water supply capacity and sewage treatment capacity are available for the development proposed within this draft plan of subdivision or any phase thereof and have been allocated thereto by the area municipality.
- 19. The owner shall pay to The Regional Municipality of York a special charge for the cost of the Regional works necessary to provide sewage treatment servicing capacity for the lands within this draft plan of subdivision.
- 20. Prior to final approval, the owner shall have made an agreement satisfactory to the York Region Roman Catholic Separate School Board for the transfer of one separate elementary school site of the size, shape, and location as shown as Block H on the approved draft plan; Block H must contain not less than 2.515 hectares.
- 21. The owner shall agree in the subdivision agreement in wording satisfactory to the York Region Roman Catholic Separate School Board:

- (a) to grade the separate school site to conform to the overall grading plan of the subdivision and in doing so to replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands; if, in compliance with this requirement, the addition of fill, the removal of existing soil, or, in any way, the alteration of the existing grading results in increased costs to the Board, then, and in that event, the owner shall, upon demand, reimburse the Board for such additional costs;
- (b) to construct a chain link fence, 1.8 metres in height, along all boundaries of the school property wherever the school property adjoins residential lots (walkway entrances excepted);
- (c) to construct the fences at such time as the construction of the adjacent dwellings is completed;
- (d) to erect and maintain a sign on the separate school site at such time as the school access street is constructed, indicating that the date has not been set for the construction of the school; and
- (e) to provide the foregoing at no cost to the Board.
- 22. The owner shall submit to the York Region Roman Catholic Separate School Board, at no cost to the Board, a report from a qualified consultant concerning:
 - (a) the suitability of Block H for construction purposes, relating to soil bearing factors, surface drainage, and topography; and
 - (b) the availability of natural gas, electrical, water, storm sewer, and sanitary sewer services to accommodate the entire site.
- 23. The area municipality shall submit to the York Region Roman Catholic Separate School Board, at no cost to the Board, a certificate concerning:
 - (a) the availability of a satisfactory water supply; and
 - (b) an acceptable method of sewage disposal.
- 24. The owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Roman Catholic Separate School Board, that the services referred to in Condition 23 shall be installed to the property line of the separate school site and positioned as designated by the Board, at no cost to the Board.

- 25. Prior to final approval, the area municipality shall advise the York Region Roman Catholic Separate School Board if any easements, walkways, or water retention areas are planned for or adjacent to the selected school site, as this will determine the acceptability of the site.
- 26. Prior to the initiation of grading, and prior to the registration of this draft plan of subdivision or any phase thereof, the owner shall submit to the Ministry of Natural Resources for review and approval a report or reports describing the following:
 - (a) the manner in which stormwater will be conveyed from the site, including any stormwater management techniques that may be required in accordance with the Provincial "Urban Drainage Design Guidelines" dated April, 1987, and the manner in which this drainage system will tie into the system to the north;
 - (b) the means whereby erosion and sedimentation and their effects will be controlled and minimized on-site and in downstream areas during and after construction, in accordance with the Provincial "Guidelines on Erosion and Sediment Control for Urban Construction Sites" dated May, 1987;
 - (c) site soil conditions, including grain size distribution profiles; and
 - (d) overall grading plans for the lands within this draft plan.
- 27. The owner shall submit an application under the Lakes and Rivers Improvement Act to the Ministry of Natural Resources for review and approval for any alterations to the watercourse affecting the lands within this draft plan of subdivision; three copies of all necessary material shall be submitted in conjunction with the said application.
- 28. The owner shall agree in the subdivision agreement, in wording satisfactory to the Ministry of Natural Resources:
 - (a) to carry out, or cause to be carried out, to the satisfaction of the Ministry, the works provided for in any and all reports or plans referred to in Conditions 26 and 27;
 - (b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Ministry; and

- (c) to advise the Ministry at least forty-eight hours prior to commencement of grading or the initiation of any work within this draft plan of subdivision.
- 29. The owner shall enter into an agreement with either the Metropolitan Toronto and Region Conservation Authority or the area municipality with respect to the acquisition of Block J.
- 30. The zoning by-law referred to in Condition 6 shall contain provisions which will have the effect of:
 - (a) prohibiting all buildings and structures of any kind, the removal or placement of fill, or the alteration of a watercourse, other than as required for flood or erosion control, within Block J; and
 - (b) requiring a minimum setback for all buildings from Block J of 10 metres or such other distance as is satisfactory to the Conservation Authority.
- 31. Prior to the initiation of grading, and prior to the registration of this draft plan of subdivision or any phase thereof, the owner shall submit to the Metropolitan Toronto and Region Conservation Authority for review and approval the following:
 - (a) a detailed engineering report that describes the storm drainage system for the proposed development within this draft plan, which report shall include:
 - (i) plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
 - (ii) the location and description of all outlets and other facilities which may require permits under Provincial regulations;
 - (iii) stormwater management techniques which may be required to control minor or major flows;
 - (iv) proposed methods for controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction; and
 - (b) overall grading plans for the lands within this draft plan.

- 32. The owner shall agree in the subdivision agreement, in wording satisfactory to the Metropolitan Toronto and Region Conservation Authority:
 - (a) to carry out, or cause to be carried out, to the satisfaction of the Conservation Authority, the recommendations set out in any and all reports referred to in Condition 31;
 - (b) to obtain all necessary permits for works referred to in Condition 31;
 - (c) to erect, prior to the initiation of grading or construction within this draft plan, a snow fence or other suitable temporary barrier along the boundary of Block J where it abuts Blocks H and I, which barrier shall remain in place until all grading and construction within this draft plan are completed; and
 - (d) to erect a permanent fence to the satisfaction of the Conservation Authority and the area municipality along the boundary of Block J where it abuts Blocks H and I once all grading and construction are complete.

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- 33. A widening, adjacent to the east side of Highway No. 27, being Block K as shown on the approved draft plan, shall be dedicated as public highway.
- 34. A reserve, 0.3 metres in width, adjacent to the widening referred to in Condition 33 shall be conveyed to the Queen in right of the Province of Ontario as represented by the Minister of Transportation.
- 35. Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of the drainage plan showing the intended treatment of the calculated runoff.
- 36. The owner shall agree in the subdivision agreement, in wording satisfactory to Ontario Hydro:
 - (a) that a copy of the lot grading and drainage plan, showing existing and proposed grades, and designed so that drainage is controlled and directed away from Ontario Hydro property, shall be submitted to Ontario Hydro for review;
 - (b) that prior to the start of construction, temporary fencing shall be installed at the owner's expense along the edge of the Ontario Hydro property where it abuts this draft plan of subdivision;

- (c) that after construction is completed permanent fencing shall be installed along the edge of the Ontario Hydro property where it abuts this draft plan of subdivision;
- (d) that Ontario Hydro property is not to be used without the express written permission of Ontario Hydro and that the owner will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision; and
- (e) that the following warning clause shall be included in a registered portion of the subdivision agreement:

"Ontario Hydro owns a right-of-way which is typically 610 feet wide and runs from the Kleinburg Transformer Station to the Clairville Transformer Station. The right-of-way abuts the south-westerly boundary of the proposed subdivision, being in Lots 7 and 8, Concession 8, and more specifically, Lots 912 through 962 inclusive and Blocks H, I, and J as shown on this draft plan of subdivision.

"The right-of-way was acquired pursuant to Order-in-Council 789/77, dated March 10, 1977, under the Power Corporation Act. Ontario Hydro has approval to construct and maintain transmission line facilities in addition to the facilities currently erected on the right-of-way, pursuant to Exemption Order OHK-11, dated October 14, 1976, under the Environmental Assessment Act."

Such clause shall be registered in accordance with appropriate provisions of the Land Titles Act and shall be required to be included in all offers of purchase and sale for the lots or blocks affected.

- 37. The owner shall enter into an agreement with The Regional Municipality of York, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; any Regional charges shall be payable following draft plan approval, and Regional Development Charges shall be calculated at the rate prevailing when the payment is actually made prior to final approval.
- 38. Final approval for registration may be issued in phases provided that:

(a) phasing is proposed in an orderly progression; and

- (b) all agencies agree to registration by phases and provide clearances as required in Conditions 39 to 48 inclusive; clearances will be required for each phase proposed for registration by the owner; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- 39. The area municipality shall advise that Conditions 1 to 17 inclusive have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.

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- 40. The Regional Planning Department shall advise that Conditions 3 and 38 have been satisfied, stating briefly how each condition has been met.
- 41. The Regional Engineering Commissioner shall advise that Conditions 18 and 19 have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
- 42. The York Region Roman Catholic Separate School Board shall advise that Conditions 15 and 20 to 25 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
- 43. The Ministry of Natural Resources shall advise that Conditions 26 to 28 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
- 44. The Metropolitan Toronto and Region Conservation Authority shall advise that Conditions 29 to 32 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
- 45. The Ministry of the Environment shall advise that Conditions 16 and 17 have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
- 46. The Ministry of Transportation shall advise that Conditions 33 to 35 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.

- 47. Ontario Hydro shall advise that Condition 36 has been satisfied; the clearance letter shall contain a brief statement detailing how the condition has been met.
- 48. The Regional Treasurer shall advise that Condition 37 has been satisfied; the clearance letter shall contain a brief statement detailing how the condition has been met.
 - 49. The Regional Municipality of York must be advised of the fulfillment of all conditions which are to be cleared with the various authorities stipulated in foregoing conditions."