

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 031-2013

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 28th day of February, 2013 (OMB File No. PL120452), attached hereto as Schedule "1", is hereby designated as By-law Number 013-2013.

Enacted by City of Vaughan Council this 23rd day of April, 2013.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

ISSUE DATE:

February 28, 2013



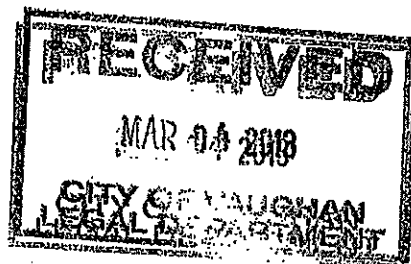
PL120406

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: 2109179 Ontario Inc.
Subject: Site Plan
Property: 3501 King-Vaughan Road/Part of West Half of Lot 34,
Address/Description: Concession 5
Municipality: City of Vaughan
OMB Case No.: PL120406
OMB File No.: PL120406

2109179 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal to enact a proposed amendment to the "A" Agricultural Zone of Zoning By-law 1-88, as amended, of the City of Vaughan for the purpose of maintaining the existing portable dry batch concrete production plant (mixing plant) and accessory office, truck repair and outdoor storage of materials, equipment and machinery use for a temporary maximum period of 3 years (maximum permitted by the *Planning Act*, R.S.O. 1990, c. P. 13, as amended) on a 17.91 hectare (44.26 acres) parcel of land located on the south side of King-Vaughan Road and on the west side of Highway 400, municipally known as 3501 King-Vaughan Road
City of Vaughan File No. Z.10.002
O.M.B. Case No. PL120406
O.M.B. File No. PL120452



APPEARANCES:

Parties

2109179 Ontario Inc.

City of Vaughan

Counsel

Michael Melling, Tanya Nayler

Claudia Storto

MEMORANDUM OF ORAL DECISION DELIVERED BY J. E. SNIEZEK ON FEBRUARY 11, 2013 AND ORDER OF THE BOARD

INTRODUCTION


[1] 2109179 Ontario Inc. (the appellant) applied for a temporary use and site plan approval for a temporary use as a dry concrete batching plant located south of the King-

Vaughan Road and the Board issued an interim decision of the temporary use on October 24, 2012. The subject lands are located east of Highway 400, west of Weston Road and north of Kirby Road. They are presently zoned Agricultural in Zoning By-law 1-88.

[2] At the outset of the hearing on the temporary use by-law and the site plan the Board was presented with a settlement with respect to the wording of the temporary use by-law (Exhibit 5), the draft site plan (Exhibit 7) and conditions of draft approval (Exhibit 6).

[3] The Board accepts the documentation provided and will issue a final order that implements its interim decision of October 24, 2012.

ORDER

 [4] The Board orders that the appeal is allowed and the municipality is directed to amend By-law 1-88 as set out in Attachment 1 (Exhibit 5) to this Order.

"J.E. Sniezek"

J.E. SNIEZEK
MEMBER

ATTACHMENT 1

BY-LAW NUMBER 031-2013

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) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":

q(1383)

Notwithstanding the provisions of:

- a) Section 3.24 respecting "Prohibited Uses" and Subsection 8.2 respecting Permitted Uses in the A Agricultural Zone;
- b) Subsection 3.8, subparagraph k) respecting driveway surfaces;
- c) Section 3.8 respecting Minimum Parking Required:

the following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-1510".

a) a Mixing Plant shall be permitted. For the purposes of this paragraph a Mixing Plant shall be defined as follows:

Mixing Plant – means a building(s) or structure(s) or part of a building(s) or structure(s) where only concrete is mixed or batched, weighed and measured for mixing off-site. The following accessory uses shall be permitted provided such uses are operated accessory to the mixing plant located on the subject lands only:

- i) truck repair located in the existing building shown as "Vehicle Maintenance/Repair Building" as shown on Schedule "E-1510" only having a maximum gross floor area of 465 m²;
- ii) office use located in the existing buildings shown as "Plant Office Trailer" and "Office Trailer" as shown on Schedule "E-1510" only each having a maximum gross floor area of 50 m²;
- iii) open storage of sand, gravel and equipment and machinery accessory to the Mixing Plant use in the areas shown on

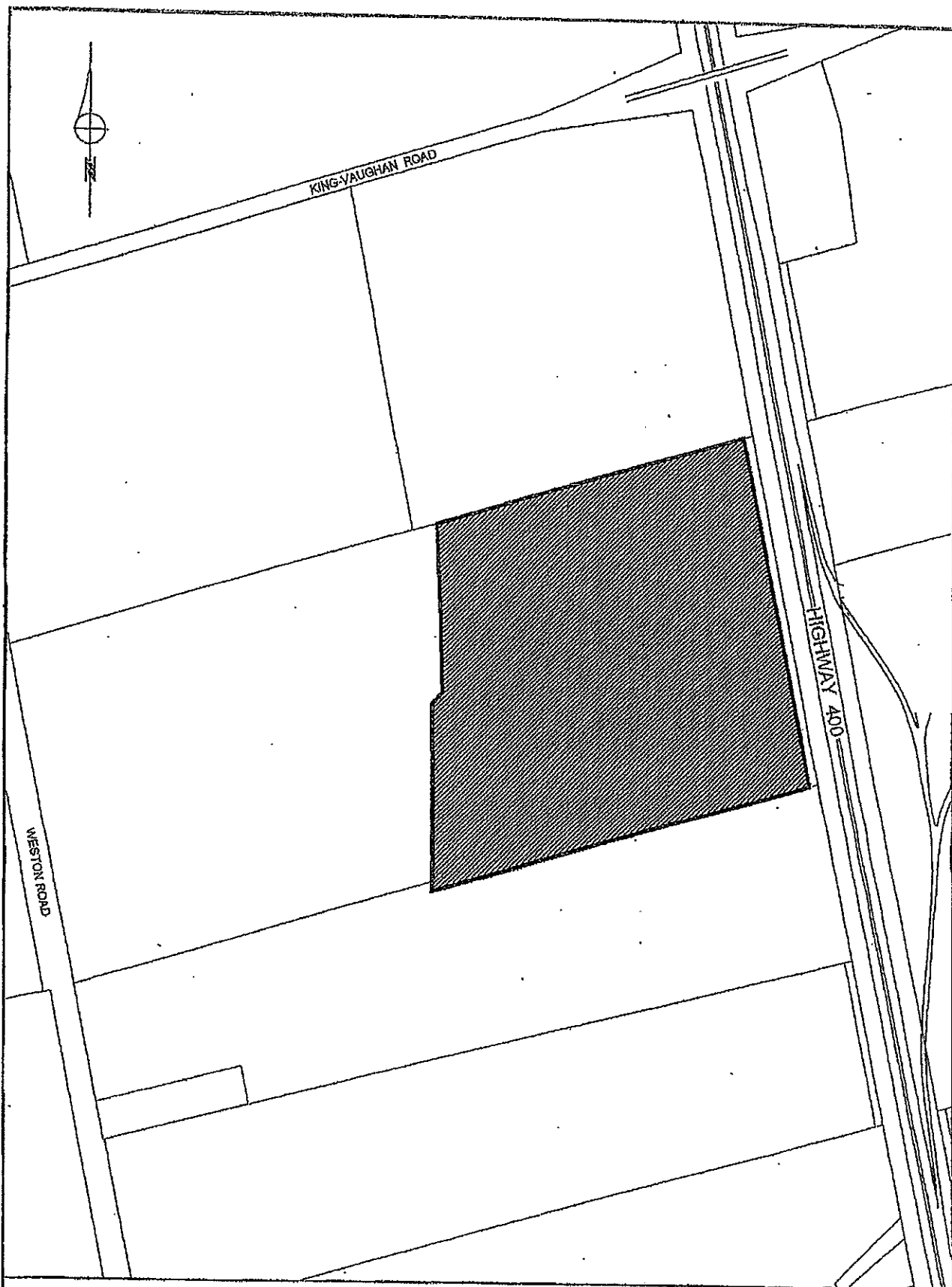
Schedule "E-1510" only. The open storage of all other materials is not permitted;

- iv) an existing building shown as "Existing South Barn" on Schedule "E-1510" having a maximum gross floor area of 235 m²;
 - v) the Mixing Plant and all permitted accessory uses shall only be permitted in the area shown as "Proposed Temporary Area of Use" as shown on Schedule "E-1510". The balance of the Subject Lands shall only be used for uses permitted in the A Agricultural Zone;
 - bi) a driveway and parking area may be constructed of gravel save and except for the portion of the driveway extending a minimum of 30 m from the King Vaughan Road right-of-way which must be paved with hot-mix asphalt or concrete;
 - ci) a minimum of 27 parking spaces shall be provided for the proposed Mixing Plant and accessory uses shown on Schedule "E-1510."
2. Adding Schedule "E-1510" attached hereto as Schedule "1".
 3. Deleting Key Map 5G and substituting therefor the Key Map 5G attached hereto as Schedule "2".
 4. That this Zoning By-law shall be in effect only for the earlier of the following:
 - i) a maximum temporary period of three (3) years only from the date of enactment of By-law 031-2013; or,
 - ii) upon the date of approval by Vaughan Council of a Block Plan for the OPA #637 Amendment area as applicable to the subject land, whichever occurs first.
 - iii) extensions for a Temporary Use By-law on the Subject Lands shown on Schedule "E-1510" may be granted by By-law by Vaughan Council for further periods of not more the 3 years each during which the temporary use is authorized.
 5. Schedules "1" and "2" shall be and hereby form part of this By-law.

SUMMARY TO BY-LAW 031-2013

The lands subject to this By-law are located at 3501 King-Vaughan Road, being on the south side of King-Vaughan Road and west side of Highway #400.

The purpose of this by-law is to permit the maintenance of the existing portable dry batch concrete production plant (mixing plant) and accessory open storage of materials and equipment on the subject lands. This By-law amends Zoning By-law 1-88, specifically the A Agricultural Zone and Section 3.24 "Prohibited Uses", to maintain a portable dry batch concrete production plant (mixing plant) and accessory office, truck repair and open storage of materials, equipment and machinery use for a maximum temporary period of 3 years (maximum permitted by the Planning Act), or upon the date of approval by Vaughan Council of a Block Plan for the OPA #637 Amendment area as applicable to the subject land, whichever occurs first.



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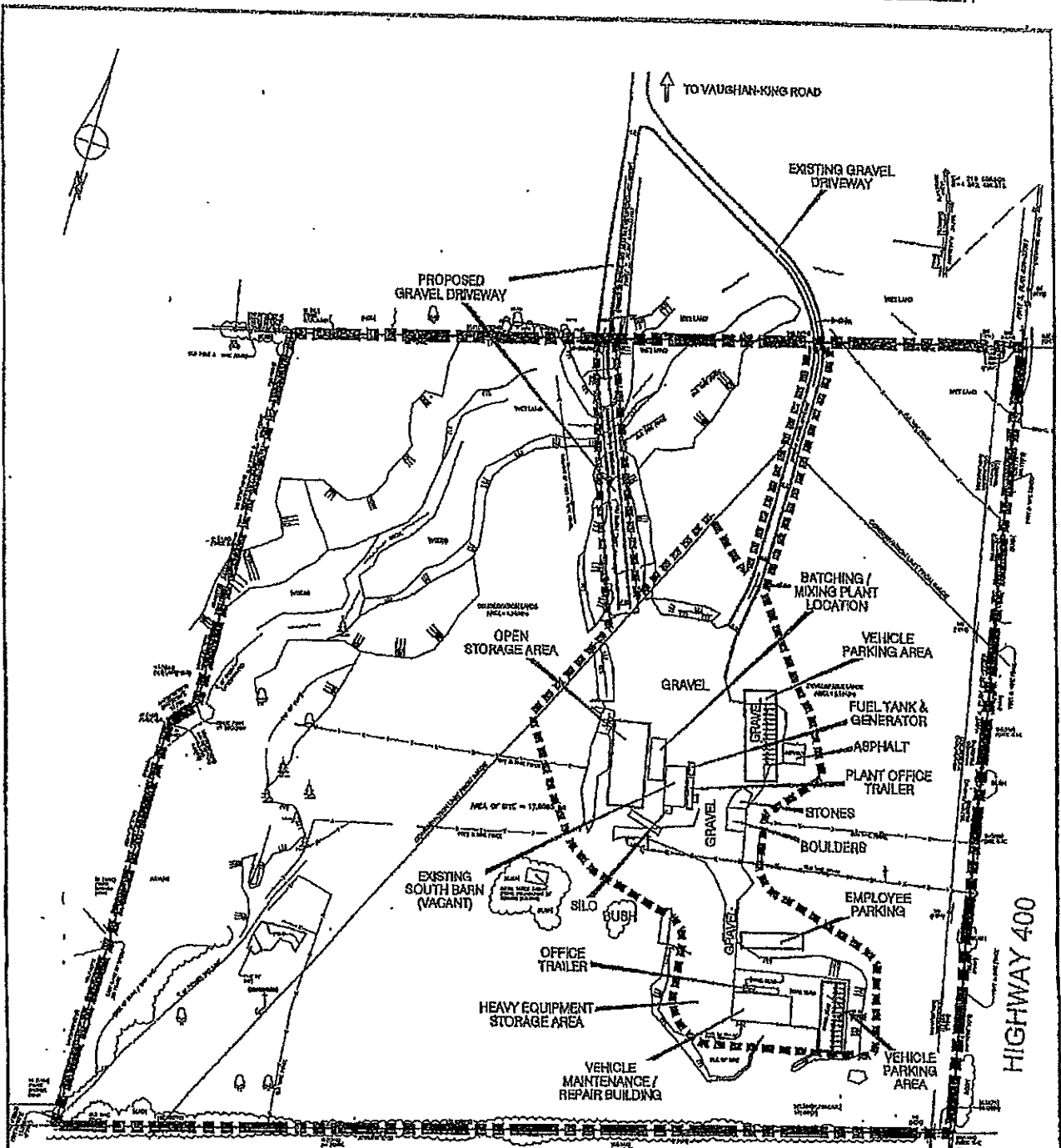
LOCATION MAP TO BY-LAW 031 - 2013

FILE: Z.10.002
RELATED FILE: DA.11.086
LOCATION: PART OF LOT 38, CONCESSION 5
APPLICANT: 2109179 ONTARIO INC.
CITY OF VAUGHAN

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SUBJECT LANDS



Proposed Temporary Area of Use

Subject Lands

THIS IS SCHEDULE 'E-1510'
TO BY-LAW 1-88, SECTION 9(1383)

Not to Scale

THIS IS SCHEDULE '1'
TO BY-LAW 031 - 2013
PASSED THE _____ DAY OF _____, 2013

FILE: Z.10.002
RELATED FILE: DA.11.086
LOCATION: PART OF LOT 38, CONCESSION 5
APPLICANT: 2109179 ONTARIO INC.
CITY OF VAUGHAN

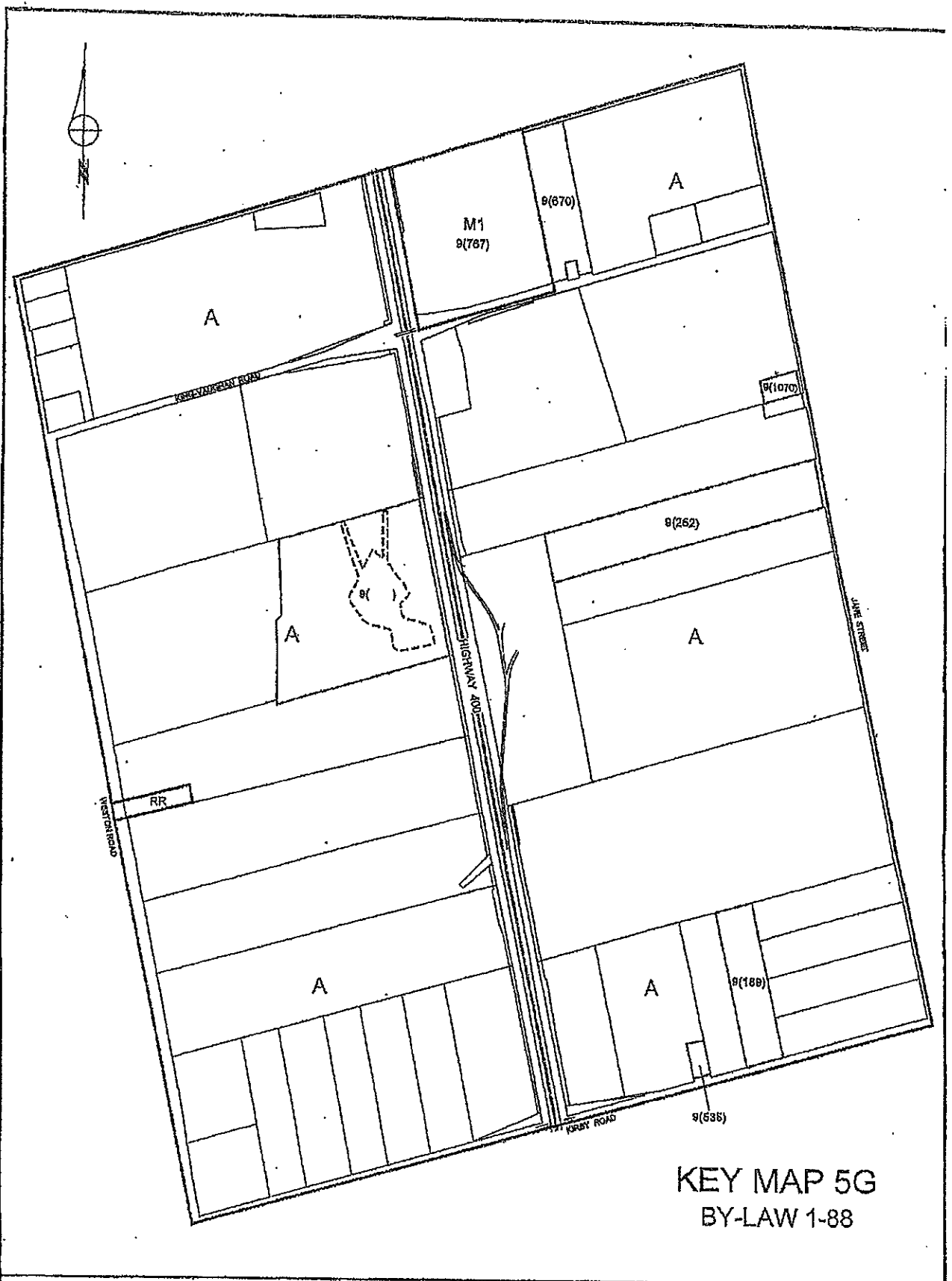
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SIGNING OFFICERS

BOARD ORDER
FEB. 28 / 13

MAYOR

CLERK



Not to Scale

THIS IS SCHEDULE '2'
TO BY-LAW 031 - 2013
PASSED THE _____ DAY OF _____, 2013

FILE: Z.10.002
RELATED FILE: DA.11.086
LOCATION: PART OF LOT 38, CONCESSION 5
APPLICANT: 2109179 ONTARIO INC.
CITY OF VAUGHAN

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SIGNING OFFICERS

BOARD ORDER
FEB 28/13 MAYOR
CLERK