

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 08, 2021

CASE NO(S): PL190473

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Metropolitan Square Inc.
Subject: Request to amend the Official Plan - Failure of Town of Aurora to adopt the requested amendment

Existing Designation: "Promenade General – Special Design Areas"
Proposed Designation: To add a site-specific policy to the "Promenade General – Special Design Areas" designation

Purpose: To permit the development of two (2) 10-storey residential buildings joined together with a common lobby with a total of 296 residential units and 401 underground parking spaces

Property Address/Description: Part of Lot 106, Registered Plan 246, Lot 81, Concession 1, EYS, Town of Aurora/ 180, 190 & 220 Wellington Street East

Municipality: Town of Aurora
Approval Authority File No.: OPA-2015-05
LPAT Case No.: PL190473
LPAT File No.: PL190473
LPAT Case Name: Metropolitan Square Inc. v. Aurora (Town)

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

Applicant and Appellant: Metropolitan Square Inc.
Subject: Application to amend Zoning By-law No. 2213-78, as amended – Neglect of application by the Town of Aurora

Existing Zoning: "General Industrial (M2) Zone"
Proposed Zoning: "Third Density Apartment Residential (RA3-XX) Exception Zone"

Purpose: To permit the development of two (2) 10-storey residential buildings joined together with a common lobby with a total of 296 residential units

Property Address/Description: and 401 underground parking spaces
Part of Lot 106, Registered Plan 246, Lot 81,
Concession 1, EYS, Town of Aurora/ 180, 190 &
220 Wellington Street East

Municipality: Town of Aurora

Municipal File No.: ZBA-2015-15

LPAT Case No.: PL190473

LPAT File No.: PL190474

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

Subject: Site Plan

Referred by: Metropolitan Square Inc.

Property Address/Description: Part of Lot 106, Registered Plan 246, Lot 81,
Concession 1, EYS, Town of Aurora/ 180, 190 &
220 Wellington Street East

Municipality: Town of Aurora

LPAT Case No.: PL190473

LPAT File No.: PL190475

Heard: April 28, 2021 via video hearing

APPEARANCES:

Parties

Metropolitan Square Inc.

Town of Aurora

Counsel

Pitman Patterson
Katie Butler

Christie Gibson
Patricia De Sario

MEMORANDUM OF ORAL DECISION DELIVERED BY CARMINE TUCCI ON APRIL 28, 2021 AND INTERIM ORDER OF THE TRIBUNAL

[1] The matters before the Ontario Land Tribunal (the “Tribunal”) are appeals filed by Metropolitan Square Inc. (the “Appellant”) under s. 2(7), 34(11) and 41(12) of the *Planning Act* (“Act”) as a result of the failure of the Town of Aurora to make a decision within the timeframes prescribed in these subsections of the Act.

[2] The Appellant chose to exercise their statutory rights and appeal the Official Planning Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”) applications based on Council’s failure to adopt the requested OPA and failure to make a decision on the ZBLA.

[3] Prior to the Hearing of the merits, the parties entered into the Minutes of Settlement.

[4] The Hearing scheduled on April 28, 2021 took place as a Settlement Hearing.

[5] The Tribunal heard the land-use planning evidence of the Appellant’s Planner Angela Sciberras, in support of the settlement, the OPA and ZBLA, and received the submissions of Counsel.

[6] The Tribunal being satisfied by the evidence provided, gave an oral decision allowing the appeals in part, and approving the OPA and ZBLA, with written decision and reasons to follow.

BACKGROUND AND CONTEXT

[7] This matter relates to planning instruments to permit a development on three parcels of land owned by the Applicant, municipally known as 180, 190 and 220 Wellington Street East, in the Town of Aurora, in the Regional Municipality of York (the "Region"). The Site is located at the northeast corner of the intersection of Industrial Parkway North and Wellington Street East.

[8] The Tribunal was informed that the Site is approximately 1.088 hectares (2.69 acres) in area. It has frontage of approximately 78.5 metres (“m”) (257.5 feet) along Wellington Street East and 111.26 m (365.0 ft) along Industrial Parkway North. The Site is presently occupied by Aurora Tire and Wheel at the intersection (180 Wellington Street West), and The Royal Wood Shop Ltd., a custom wood trim, moulding and related materials retail store, and a number of accessory buildings and

structures, which are no longer utilized, on the balance of the Site.

[9] The Tribunal heard that the Site is within a proposed Major Transit Station Area and is 285 m from the Aurora GO station. More specifically, to the south of the Site, west of Industrial Parkway, fronting on Wellington Street East, is the Aurora GO Train and Bus Station and a large multi-storey car park.

[10] The Site falls within the Aurora Promenade Secondary Plan (the "APSP") which extends for approximately 1.6 kilometres along Wellington Street East from Yonge Street to John West Way. There currently exists a wide variety of uses and built forms both adjacent to and surrounding the Site. The Site is at a prominent intersection which is identified in the APSP as a Key Corner Site and is in close proximity to a Secondary Entryway and the Aurora GO Train and Bus Station, as noted above. In addition, there are at least five (5) active development applications in the neighbourhood as of January 14, 2021 as shown on the Town's Application Status Map, supporting a variety of development forms including multi-storey offices, multi-storey commercial plaza, mixed use condominium buildings, stacked townhouses and single detached lots.

THE APPLICATIONS

[11] The Tribunal heard that Pre-submission meetings between the Appellant, MSH, and Town staff took place on May 19, 2015, May 27, 2015 and November 24, 2016. The Appellant provided numerous reports and studies in support of the initial Applications.

[12] The Tribunal heard the Appellant applied to the Town for an amendment to the Town's Official Plan (OPA 2015-05) and for an amendment to Zoning By-law No. 2213-78 (the By-law in effect at the time) (ZBA-2015-15) on November 2, 2015, and for Site Plan approval (SP-2016-10) on December 23, 2016 (collectively, the "Applications"), to permit the development of a ten (10) storey, condominium apartment building, comprised of two (2) towers with a common two (2) storey

podium and a total of 296 units.

[13] The Site is designated "Promenade General" in the APSP, which permits the proposed use. Development within this designation is limited to a maximum five (5) storey height limit with an opportunity for additional height (up to 6 storeys) subject to bonusing provisions contained within the Town's Official Plan.

[14] The Tribunal was informed that given the request to increase the height to ten (10) storeys, an amendment to the Official Plan was required. All other provisions of the Official Plan and Secondary Plan were complied with. The Applicant sought a ZBLA to amend the 'General Employment (E2) Zone' to 'Third Density Apartment Residential (RA3-xx) Exception Zone', adjusted for height consistent with the OPA application; and, site specific provisions. The zoning category was subsequently changed to 'Second Density Apartment Residential (RA2-xx) Exception Zone, to be consistent with the Town's new Zoning By-law No. 6000- 17 zone categories.

[15] Preliminary Staff Report PDS16-004, dated January 27, 2016 provided Council with a status report regarding the applications and recommended the scheduling of a statutory public meeting.

[16] The Tribunal was informed that a statutory public meeting was held on June 29, 2016, at which time a revised application for an eight (8) storey building was presented to Council in Staff Report PDS16-055. The comments received were primarily favourable. The main public comments raised were in respect of height, setbacks, building design, traffic/intersection issues, and potential for affordable housing component.

[17] The Tribunal heard that staff recommended to Council, in Staff Report No. PDS18-099 dated September 11, 2018 (the "Staff Report"), that the Applications be approved. Staff concluded that the proposed applications are considered to be in keeping with the Town's development standards.

[18] Town Council deferred the matter.

[19] On September 11, 2019, the Appellant appealed, to the Local Planning Appeal Tribunal (the "Tribunal"), the Town's failure to make a decision in respect of the original Applications (the "Appeals").

[20] The Tribunal having been provided the Participant Statement of Ian Powell, note their objection to the Proposal. Issues raised by the Participant generally focus on the Proposal's magnitude (height and size), shadowing and traffic congestion.

SETTLEMENT HEARING

[21] The Tribunal was informed that the Appellant and Town entered into Minutes of Settlement to resolve the Appeals.

[22] The Settlement addresses the following applications:

- An Official Plan Amendment to increase the maximum height to eight storeys as set out in the Draft Official Plan Amendment
- A Zoning By-law Amendment to amend the 'General Employment (E2) Zone' to 'Second Density Apartment Residential (RA2-xx) Exception Zone', including the Exception Zone parameters, as set out in the Draft Zoning By-law Amendment
- Site plan drawings to permit the construction of one Building comprised of two 8-Storey towers joined by a common podium and lobby area with a total of 223 units
- The parties agreed to adopt the definitions of Building, Average Finished Grade, Storey, First Storey, and Structure, as the terms were defined in the Town's Zoning By-law 6000-17 as of the date of the Minutes of

Settlement. In exchange for the additional height, the Appellant must provide 14 affordable rental units (8 one-bedroom units, and 6 two-bedroom units) for 15 years, secured by a Section 37 Agreement

PLANNING OPINION

[23] The Tribunal heard the uncontested professional planning evidence and opinion of Angela Sciberras.

[24] Ms. Sciberras opined and concluded that the Proposal including the OPA and ZBLA sought;

Planning Act

- **Satisfied all the Provincial Interests** in s. 2 of the Act, which includes s. 2(h) of the orderly development of safe and healthy communities; s. 2(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies and s.2(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

Provincial Policy Statement, 2020 ("PPS")

- **Are consistent with the PPS** including **Policy 1.1.3.4** requiring promotion of appropriate development standards to facilitate *intensification, redevelopment* and compact form; **Policy 1.4.3**, "provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs"

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)("GP")

- **Conform to the GP**, including **Policy 2.2.1.2 c)**, that, "within *settlement*

areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, areas with existing or planned public service facilities”; **Policy 2.2.1.4**, that “supporting the achievement of *complete communities* that, among other things, feature a diverse mix of land uses, with convenient access to local stores, services, and *public service facilities*, provide a diverse range and mix of housing options, including additional residential units and *affordable* housing” and in particular **Policy 2.2.6.1 a) and e)** require “municipalities to support housing choice through the achievement of minimum intensification and density targets, which can be achieved by: identifying a diverse range and mix of housing options and densities, including affordable housing, and by implementing the policies of 2.2.6.1 through official plan policies, designations, and zoning by-laws”.

The York Region Official Plan (2010) ("Region's OP")

- **Conform to the Region’s OP**, including and of particular importance policies within **Section 5.3 – Intensification**, whereby the Region directs municipalities to identify areas suitable for intensification within the built-up areas. These areas are to support and encourage high levels of transit, walkability and general easy access for daily activities and interests. Emphasis is placed on well-designed development and community elements.

The Town of Aurora Official Plan (2010) ("Town OP")

- **Conform to the Town OP**, including **Sections, 2.1** identifying the Town's fundamental principles in developing the Town into a healthy, strong and complete community, providing for a range of opportunities to live, work and play. One of the fundamental principles is promoting responsible

growth management by directing projected population growth to appropriate locations. This will be achieved by developing policies which promote higher density forms of *development* and *intensification* in appropriate areas. **(2.1 a) i.)**

The Aurora Promenade Secondary Plan (APSP)

- **Conform to the APSP.** The sections and policies of the APSP primarily intended to protect, revitalize and rejuvenate the heritage area of Downtown at Yonge Street and Wellington, and to redevelop and intensify underutilized sites or brownfield sites along the Wellington corridor to create a more pedestrian-friendly, and vibrant community. Within the APSP, **Section 11.6.1** sets out land use policies, including a wide range and mix of permitted uses. The apartment building towers contemplated by the Proposal are permitted uses and thus conform to the Town's APSP.

The Aurora Promenade Concept Plan - Urban Design Strategy (UDS)

- **Conform to the UDS** and particularly **Section 3.2.3** which sets out key land uses and built form objectives. The Proposal satisfies all other recommended performance standards.

Aurora GO Station Focus Area (AGSFA)

- The AGSFA is one of five focus areas identified in the UDS intended to seize the opportunity of intensifying mixed use development near the GO Station.
- It recognizes the transit connections to Downtown Toronto and the Regional Centres of Richmond Hill and Newmarket, and that the increased density in the area attracts people and pedestrian traffic, creating a more vibrant area.

- **The Proposal meets** the design guidelines and reflects the vision of the Urban Design Strategy.

DECISION

[25] In adjudicating these appeals, the Tribunal must have regard to matters of provincial interest enumerated in s. 2 of the Act (including but not limited to: the orderly development of safe and healthy communities; adequate provision of a full range of housing and appropriate location of growth and development). As well, the Tribunal must be convinced that the Proposal is consistent with the Provincial Policy Statement, 2020 (the “PPS”). The Tribunal must also find that the Proposal conforms with policies of the OP, both of the Town and the Region, and represents good land-use planning in the public interest.

[26] The Tribunal, having reviewed all evidence provided and having heard the opinion of Ms. Sciberras, accepts the uncontroverted expert land-use planning evidence provided by the witness. The Tribunal finds that the proposed planning instruments, as it will permit the development have appropriate regard for the matters of Provincial Interest. The Tribunal also finds that the OPA and ZBLA are consistent with the PPS, conform to the GP, conform to both the Region and the Town’s OPs, and represent good land-use planning, in the public interest.

ORDER

[27] **THE TRIBUNAL ORDERS** that the appeals are allowed in part, and:

- **THE TRIBUNAL ORDERS** that the appeal is allowed, and the Official Plan for the Town of Aurora is amended as follows in the form attached hereto as Attachment 1;
- **THE TRIBUNAL ORDERS** that the proposed zoning by-law amendment is approved, and By-law Number No. 6000- 17 as amended, is hereby further

amended, in the form attached hereto as Attachment 2;

- **THE TRIBUNAL ORDERS** the approval in principle of the site plan drawings contained herein subject to the site plan conditions attached hereto as Attachment 3, but withholds its Final Order granting site plan approval; and
- **THE TRIBUNAL ORDERS** that a Final Order granting site plan approval, subject to the conditions at Attachment 3, after receiving written confirmation from the parties that a site plan agreement has been registered on title to the property municipally known as 180, 190 and 220 Wellington Street East, Aurora, pursuant to subsection 41(10) of the *Planning Act*.

[28] So orders the Tribunal.

“Carmine Tucci”

CARMINE TUCCI
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

The Corporation of the Town of Aurora

By-law Number XXXX-21

Being a By-law to amend By-law Number 5285-10, as amended, to adopt Official Plan Amendment No. [REDACTED].

Whereas on September 28, 2010, the Council of The Corporation of the Town of Aurora (the "Town") enacted By-law Number 5285-10, as amended, to adopt the Official Plan for the Town of Aurora (the "Official Plan");

And whereas on [REDACTED] Month, [REDACTED] Day, 2021, the Local Planning Appeal Tribunal issued a Memorandum of Oral Decision and Order, under LPAT Case No. PLXXXXXX (the "Order") approving an amendment to the Official Plan respecting the lands municipally known as [REDACTED] Address, following an appeal pursuant to section 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

Now therefore the Official Plan is amended by the Local Planning Appeal Tribunal as follows:

1. Official Plan Amendment No. [REDACTED] to the Official Plan, attached and forming part of this by-law, be and is hereby adopted.
2. This By-law shall come into full force subject to compliance with the provisions of the Planning Act and subject to compliance with such provisions, this By-law will take effect from the date of final passage hereof.

Pursuant to the Order of the Local Planning Appeal Tribunal issued on [REDACTED] Month, [REDACTED] Day, 2021, under LPAT Case No. PLXXXXXX.

Amendment No. XX

To the Official Plan for the Town of Aurora

Statement of Components

Part I – The Preamble

1. Introduction
2. Purpose of the Amendment
3. Location
4. Basis of the Amendment

Part II – The Amendment

1. Introduction
2. Details of the Amendment
3. Implementation and Interpretation

Part III – The Appendices

Part I – The Preamble**1. Introduction**

This part of Official Plan Amendment No. XX (the "Amendment"), entitled Part 1 – The Preamble, introduces the Amendment and describes the context and planning process leading to the document's preparation. It is for explanatory purposes only and does not form part of the Amendment.

2. Purpose

The purpose of this amendment is to change the land use designation from "General Employment (E2) Zone" to "Second Density Apartment Residential (RA2-xxx) Exception Zone". The provision of this amendment to establish site specific policies to permit an eight (8) storey residential building comprised of two (2) towers with a common two (2) storey podium and an overall building height of eight (8) storeys, inclusive of bonusing provisions, and to remove the requirement for an urban square.

3. Location

The Subject Lands affected by this amendment are municipally known as 180, 190 and 220 Wellington Street East, and are legally described as Part of Lot 106, Registered Plan 247, Town of Aurora, Regional Municipality of York (the "Subject Lands"). The Subject Lands are located at the north east corner of Wellington Street East and Industrial Parkway North, and are comprised of approximately 1.088 hectares (2.69 acres) of land.

4. Basis of the Amendment

The basis of the Amendment is as follows:

- 4.1 A request by Metropolitan Square Inc., for an official plan amendment and zoning by-law amendment to permit an eight (8) storey residential apartment building, comprised of two (2) towers with a common two (2) storey podium, and to remove the requirement for an urban square at this location.
- 4.2 The Subject Lands are designated "Promenade General – Special Design Area" in The Aurora Promenade Secondary Plan Area. The existing land use designations permit the proposed residential use; however, a site-specific amendment is being sought in order to permit an increase in height from 6 storeys (inclusive of bonusing) to 8 storeys, which reflects the special characteristics of the Subject Lands and the proposed development.
- 4.3 The proposed development complies with the policies the Town's Official Plan, Secondary Plan and related Design Guidelines.
- 4.4 The Subject Lands are underutilized, having been used for automotive uses and as a lumber and millwork facility and for related retail uses. Development will provide an improved urban design component along the Wellington Street frontage in this area.
- 4.5 The proposed development will complement the surrounding residential, commercial and institutional uses in the immediate and larger catchment area.
- 4.6 The Subject Lands are centrally located and are located well within 500 metres of a Major Transit Station Area as identified in A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") and by the Region of York.

- 4.7 The proposed development helps to achieve the Growth Plan's Minimum Density Target of 150 people and jobs per hectare.
- 4.8 The proposed development facilitates the Region of York's vision for intensification within Major Transit Station Areas.
- 4.9 The proposed development facilitates the vision established in the Town's Official Plan for this area.
- 4.10 Road and sidewalk improvements along this section of Wellington Street will be facilitated through the proposed development.
- 4.11 Adequate parking and traffic circulation has been accommodated on site.

Part II – The Amendment

1. Introduction

All of this part of the document entitled Part II – The Amendment, consisting of the following text and attached maps, designated as Schedule "A" (Land Use Plan) and Schedule "H" (Site Specific Policy Areas) constitutes Amendment No. XX to the Official Plan.

2. Details of the Amendment

The Official Plan of the Town of Aurora be and is hereby amended as follows:

- Item (1): That Schedule "H" – Site Specific Policy Areas to the Official Plan, attached hereto and forming part of this amendment as Schedule "B", is hereby amended by adding section "xxx".
- Item (2) Section 16.0 Site Specific Policies is hereby amended by adding the following as Clause 43 [NTD: Town to confirm/revise clause #]:

The following policies apply to the lands designated as "Promenade General – Special Design Area" and "Site Specific Policy Area "xxx" on Part of Lot 106, Registered Plan 247, Aurora, as shown on Schedules "xxx" and "xxx", attached hereto and forming part of this plan.

- i) The Subject Lands may hereby be developed to permit an eight (8) storey residential apartment building, containing two (2) towers with a common two (2) storey podium and to remove the requirement for an urban square at this location.
- ii) Council shall require high standards in design, implemented through the site plan approval process. Conformity with The Aurora Promenade Urban Design policies shall be enforced. The design of the site shall provide for safe vehicular and pedestrian access to the site. A control architect may be retained by the Town to review the site plan application and the cost of such shall be borne by the applicant.

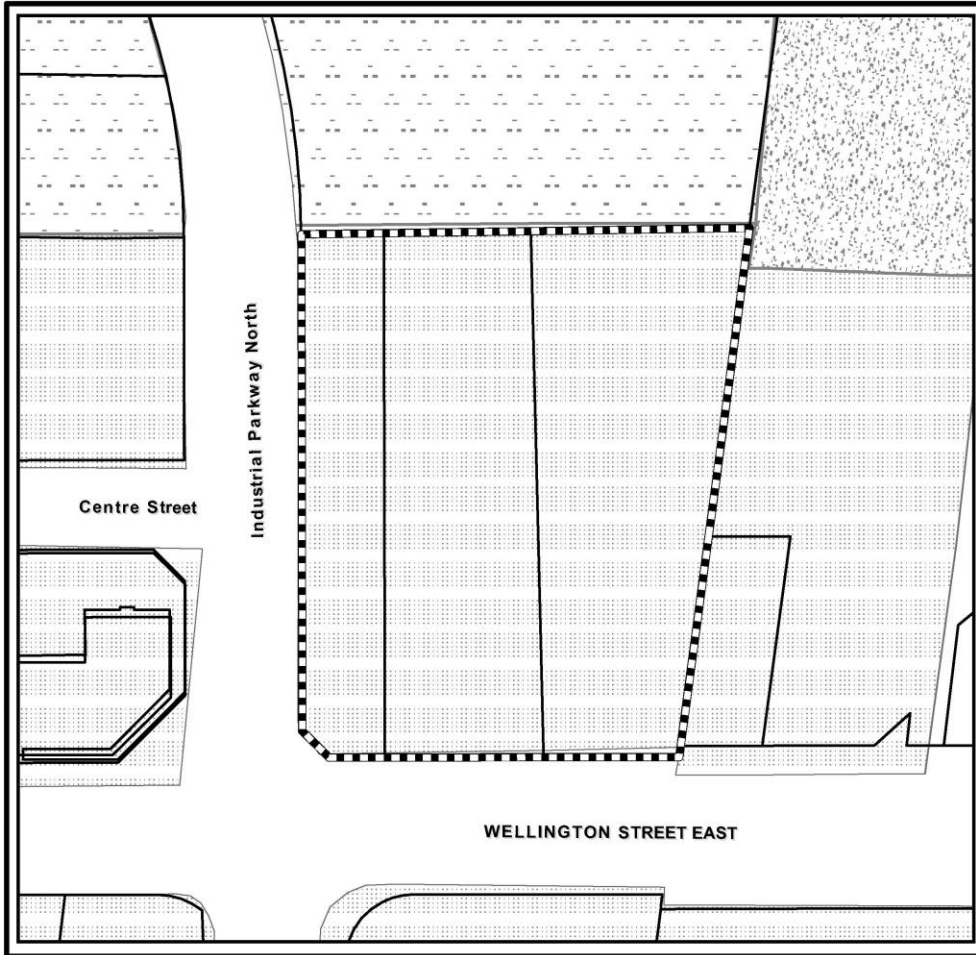
3. Implementation and Interpretation

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Aurora Official Plan, Zoning By-law, and any Site Plan Agreement.

Part III – The Appendices

Schedule "A" – Land Use Plan






Schedule "B" – Site Specific Policy Areas

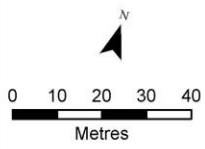


SCHEDULE "A" Land Use Plan

Official Plan
Amendment No. 23

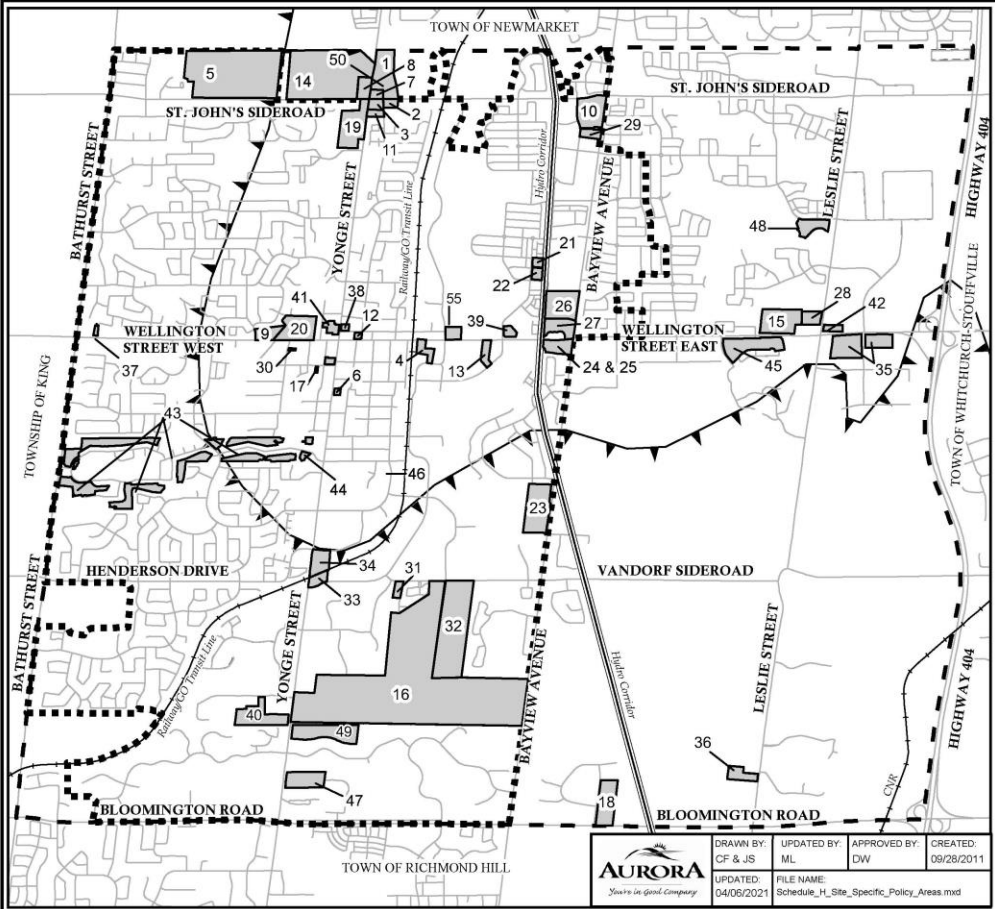
LEGEND

-  Subject Lands
-  Parcels
-  The Aurora Promenade
-  Existing Employment - General Industrial
-  Existing Employment - Light Industrial/Service



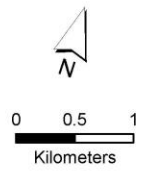
Map created by the Town of Aurora Planning and Development Services Department - GIS Division, April 6, 2021. Base data provided by York Region

**SCHEDULE 'B'
TO OPA NO. 23
SCHEDULE 'H'
- SITE SPECIFIC
POLICY AREAS**



- LEGEND**
- Municipal Boundary
 - Road
 - - - Proposed Road
 - ▲ Oak Ridges Moraine Boundary
 - Precinct One (Map Date: 1982)
 - Precinct Two (Map Date: 1982)
 - Precinct Three (Map Date: 1982)
 - Built Boundary

Site Specific Policy Areas
 [Shaded Box] Site Specific Policy Area



THIS SCHEDULE IS A CONSOLIDATION AND IS PREPARED FOR CONVENIENCE ONLY. FOR ACCURATE REFERENCES, THE ORIGINAL OPA SCHEDULES SHOULD BE CONSULTED. COPIES OF THE ORIGINALS ARE AVAILABLE IN THE CORPORATE & FINANCIAL SERVICES OR PLANNING & BUILDING SERVICES DEPARTMENTS.

		DRAWN BY: CF & JS	UPDATED BY: ML	APPROVED BY: DW	CREATED: 09/28/2011
UPDATED: 04/06/2021	FILE NAME: Schedule_H_Site_Specific_Policy_Areas.mxd				

ATTACHMENT 2

The Corporation of the Town of Aurora

By-law Number XXXX-21

Being a By-law to amend By-law Number 6000-17, as amended, respecting the lands municipally known as Address (Applicant).

Whereas under section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "Planning Act"), zoning by-laws may be passed by the councils of local municipalities to prohibit and regulate the use of land, buildings and structures;

And whereas on June 27, 2017, the Council of The Corporation of the Town of Aurora (the "Town") enacted By-law Number 6000-17, as amended (the "Zoning By-law"), which Zoning By-law was appealed to the Ontario Municipal Board (the "OMB");

And whereas on January 29, 2018, the OMB made an order, in accordance with subsection 34(31) of the Planning Act, providing that any part of the Zoning By-law not in issue in the appeal shall be deemed to have come into force on the day the Zoning By-law was passed;

And whereas the OMB is continued under the name Local Planning Appeal Tribunal (the "LPAT"), and any reference to the Ontario Municipal Board or the OMB is deemed to be a reference to the LPAT;

And whereas on Month, Day, 2019, the LPAT issued a Memorandum of Oral Decision and Order, under LPAT Case No. PLXXXXXX (the "Order") approving an amendment to the Zoning By-law respecting the lands municipally known as Address, following an appeal pursuant to section 34(11) of the Planning Act;

Now therefore the Zoning By-law is amended by the Local Planning Appeal Tribunal as follows:

1. The Zoning By-law be and is hereby amended to replace the "General Employment (E2) Zone" zoning category applying to the lands shown in hatching on Schedule "A" attached hereto and forming part of this By-law with "Second Density Apartment Residential (RA2-XXX) Exception Zone".
2. The Zoning By-law be and is hereby amended to add the following:

"XX Second Density Apartment Residential (RA2-XXX) Exception Zone

24.x.1 Permitted Uses

Apartment Building

24.x.2 Zone Requirements

24.x.x.1 Density

Maximum of 223 units in total

24.x.x.3 Lot Area

Lot Area (minimum)	10,264.0 square metres
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24.x.x.4 Lot Frontage

Lot Frontage (minimum)	30.0 metres
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24.x.x.5 **Siting Specifications**

Minimum Setback Provisions:

North Property Boundary	
Main Building Wall	15.0 metres
South Property Boundary	
Main Building Wall	3.0 metres
East Property Boundary	
Main Building Wall	3.0 metres
West Property Boundary	
Main Building Wall	3.0 metres

24.x.x.6 **Building Specifications**

Lot Coverage	(minimum) 50 percent
Height (maximum)	8 storeys

Parapet shall be excluded in the measurement of *Building Height*.

24.x.x.7 **Amenity Space**

Notwithstanding Section 7.5.2 a minimum indoor and outdoor amenity space shall be provided as follows:

Common Outdoor Amenity Space	1126.0 square metres
Private Outdoor Amenity Space	1560.0 square metres
Common Indoor Amenity Space	1346.0 square metres

24.x.x.8 **Ingress and Egress**

Notwithstanding Section 5.5.4 the maximum *Driveway* width measured along the *Street Line* shall be:

South driveway	25.0 metres
North driveway	15.0 metres

24.x.3 **Landscaping**

A minimum landscape strip of 3.0 metres shall be located along the North Property Boundary.

A maximum 1.8 metre solid wood privacy fence shall be provided along the East Property Boundary.

A 1.8 metre solid privacy wood fence shall be provided along the North Property Boundary.

24.x.4 **General**

The minimum setback for all parking spaces and/or driveway manoeuvring areas abutting the main building shall be nil.

Uncovered terraces, patios or decks may be permitted to encroach into any required front or exterior side yard.

Stairs may be permitted to encroach into any required front or exterior yard.

3. For the additional building height on the Lands, the execution and registration of an agreement, pursuant to Section 37 of the Planning Act and in accordance with the Town's Official Plan policies, between the Town and the Owner for the following (the "Agreement"):
 - i) the provision of 14 affordable rental housing units for a period of 15 years, comprised of 8 one-bedroom units and 6 two-bedroom units, which will be secured through a Rent Subsidy Agreement between the Owner and The Regional Municipality of York.
4. This By-law shall come into full force subject to compliance with the provisions of the Planning Act and subject to compliance with such provisions, this By-law will take effect from the date of the Order.

Pursuant to the Order of the Local Planning Appeal Tribunal issued on the XXnd day of Month, 2021, under LPAT Case No. PLXXXXXX.

Explanatory Note

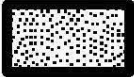
Re: By-law Number XXXX-21

By-law Number XXXX-21 has the following purpose and effect:

To amend By-law Number 6000-17, as amended, being the Zoning By-law in effect in the Town of Aurora, to rezone the subject lands from "General Employment (E2) Zone" to "Second Density Apartment Residential (RA2-xxx) Exception Zone". The rezoning will permit the development of one (1) residential apartment building comprised of two (2) towers with a common two (2) storey podium and increase the permitted building height.

Schedule "A"

Location: Part of Lot 106, Registered Plan 246, Town of Aurora, Regional Municipality of York



Lands rezoned from "General Employment (E2) Zone" to "Second Density Apartment Residential (RA2-xxx) Exception Zone".



ATTACHMENT 3

Site plan conditions of the Town of Aurora

1. That the Owner enters into a site plan agreement with the Town to address requirements of the Town and external agencies, including but not limited to, provision for payment by the Owner of all applicable fees (including outstanding urban design review fees), securities and any other financial obligations and the conveyance of lands along Industrial Parkway North for future road widening;
2. That the Owner addresses all the outstanding comments from the Regional Municipality of York, to the satisfaction of the Regional Municipality of York and the Director of Planning & Development Services; and
3. That the Owner enters into a Section 37 Agreement with the Town and a rent subsidy agreement with the Regional Municipality of York to secure 14 affordable rental units at or below Average Market Rent, for 15 years.

Site plan conditions of The Regional Municipality of York

1. The Owner acknowledges and agrees that no site development works shall be undertaken on the site and/or the right-of-way of Wellington Street without appropriate Engineering approvals issued by the Region of York.
2. The Owner acknowledges and agrees to obtain an Encroachment Permit from the Region of York before encroaching onto the right-of-way of Wellington Street with dewatering infrastructure, hoarding, shoring and/or crane swing(s).
3. The Owner acknowledges and agrees to execute a Site Plan Agreement with the Region of York prior to the registration of the condominium.
4. The Owner acknowledges that the subject property is within a Wellhead Protection area and must adhere to the Wellhead Protection Policies outlined in the York Region Official Plan (ROP, 2010) and Regional Official Plan Amendment 5 (ROPA 5, 2013).
5. The Owner shall convey, prior to the execution of the Site Plan Agreement with the Region of York, the following lands, along the entire frontage of the site adjacent to Wellington Street East, to The Regional Municipality of York, free of costs and encumbrances:
 - sufficient property to provide for a right-of-way width of 18.0 meters measured from the centerline of construction of Wellington Street; and

- sufficient property to provide a 10.0 meter by 10.0 meter daylighting triangle at the northeast corner of Wellington Street and Industrial Parkway measured from the widened limit of Wellington Street.

Site plan conditions of Lake Simcoe Region Conservation Authority

1. That the owner shall agree to carry out, or cause to be carried out, the recommendations and requirements contained within the plans and reports as approved by the LSRCA and the Town.
2. That the owner shall agree to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans and reports as approved by the LSRCA and the Town.
3. That the owner shall agree to ensure that proper erosion and sediment control measures will be in place in accordance with the approved Grading and Drainage Plan, and Erosion and Sediment Control Plan prior to any site alteration or grading.
4. That the owner shall agree to grant any easements required for storm water management purposes to the Town.
5. That the owner shall agree to maintain all existing vegetation up until a minimum of 30 days prior to any grading or construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
6. That the owner shall agree to indemnify and save harmless the Town and LSRCA from all costs, losses, damages, judgements, claims, demands, suits, actions or complaints resulting from any increased flooding or erosion to property and people as a result of the approved storm water management scheme. The owner shall obtain and maintain in full force and effect during the term of this Agreement general liability insurance with respect to the storm water management works and system.