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Town of Aurora

Committee of the Whole Report

No. PDS25-048

Subject: Zoning By-law Amendment and Draft Plan of Subdivision
1000504782 Ontario Inc.
15385 and 15395 Bayview Avenue
Part of Lot 21, Concession 2
File Numbers: ZBA-2019-03, SUB-2019-01
Related File Numbers: CDM-2019-02, SP-2021-02

Prepared by: Katherine Gatzos

Department: Planning and Development Services

Date: May 13, 2025

Recommendation

1. That Report No. PDS25-048 be received; and
2. That Draft Plan of Subdivision application SUB-2019-01 be approved, as shown in Figure 5, subject to conditions in outlined in Appendix "A"; and
3. That Zoning By-law Amendment application ZBA-2019-03 be approved to rezone the subject lands from "Rural (RU)" to "Townhouse Dwelling Residential (R8-XX(H)) Exception Zone" with a Holding Symbol, as outlined in Appendix "B"; and
4. That the implementing Zoning By-law Amendment be brought forward to a future Council meeting for enactment.

Executive Summary

This report seeks Council's approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications for the lands located at 15385 and 15395 Bayview Avenue to permit 15 freehold townhouses on a common elements condominium road. Details of the proposal are as follows:

- The proposed Zoning By-law Amendment is seeking to rezone the subject lands from Rural (RU) to a Townhouse Residential (R8) exception zone with a Holding (H) provision.
- The Holding (H) provision is in place to restrict development until site servicing allocation is granted by the Town
- The proposed development conforms to the policy directions from the Province, Region, and Town
- The proposed townhouse development is permitted within the “Medium-High Density Residential” designation and is to be developed on full urban services as required by OPA 30.
- The proposed Zoning By-Law Amendment will facilitate the proposed Draft Plan of Subdivision, which is compatible with the surrounding local neighbourhood.
- The proposal provides for appropriate infill development of an underutilized parcel along an Arterial Road.
- The proposed applications were circulated to Town staff and external agencies, and all are satisfied.
- Public Comments related to construction impacts and timelines, tree preservation and landscaping, parking, and built form impacts to adjacent properties have been adequately addressed.

Background

Application History

The applicant originally pre-consulted with the Town in 2018. The applicant applied for a Zoning By-Law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium application and Staff deemed the applications complete on September 5, 2019. A statutory Public Planning Meeting was held on October 23, 2019. At this meeting, Council passed a motion to receive Report No. PDS19-082 and to have comments presented at the Public Planning meeting be addressed by Planning and Development Services in a report to a future Committee of the Whole meeting. Subsequently, the applicant applied for a Site Plan application and Staff deemed the application complete on February 1, 2021.

Location / Land Use

The subject lands are located on the east side of Bayview Avenue, south of River Ridge Boulevard, west of Conover Avenue and north of Wellington Street East (Figure 1). The site consists of two properties, municipally known as 15385 and 15395 Bayview Avenue with a combined area of approximately 3,498.7 sq m (0.35 ha) and a frontage of approximately 60.96 m (200 ft) on Bayview Avenue.

On 15395 Bayview Avenue (northern parcel), there is an existing one-storey single detached dwelling, a detached garage, and two sheds. On 15385 Bayview Avenue (southern parcel), there is a one-storey dwelling and two sheds.

Surrounding Land Uses

The surrounding land uses are as follows:

- | | |
|--------|---|
| North: | Stormwater management pond and public lands, single detached residential properties |
| South: | Residential properties consisting of single detached and townhouse dwellings |
| East: | Stormwater management pond and public lands, single detached residential properties |
| West: | Bayview Avenue and the Aurora Centre Commercial Plaza |

Policy Context

Provincial Policies

All *Planning Act* development applications are subject to provincial policies. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns. The Lake Simcoe Protection Plan (LSPP) is a provincial document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation.

Town of Aurora Official Plan – Bayview Northeast Area 2B Secondary Plan (OPA 30)

The Secondary Plan seeks to address the need to accommodate new residential neighbourhoods providing a range and mix of primarily at-grade housing, promote development density and form that contributes to a high-quality streetscape, support the provision and use of transit, and complement the anticipated low-profile development on adjacent land.

The subject lands are designated “Medium-High Density Residential” in the Town of Aurora Bayview Northeast Area 2B Secondary Plan (OPA 30) (Figure 2). OPA 30 intends to permit a range of housing forms including townhouses and low-rise apartments.

OPA 30 indicates that along Bayview Avenue, medium to high-density housing, in the form of townhouses and low-rise buildings is permitted. This is intended to ensure that a full range of housing types are available within the expansion area east of Bayview Avenue.

The maximum net residential density of any individual lot and/or block within the “Medium-High Density Residential” designation shall generally not exceed 99 units per hectare (40 units per acre). Further, building height shall generally not exceed four storeys.

The Town’s Official Plan anticipates small scale intensification and infill development based on local context. It is anticipated that a minimum of 50 per cent of all residential development between 2021 to 2041, and 55 per cent from 2041 to 2051 will occur annually.

Regional Road 34 (Bayview Avenue) has a planned street width of up to 36m.

The subject lands are located within the 5-25 Year Wellhead Protection Area (WHPA-D) Zone and are not located within the Oak Ridges Moraine Conservation Plan (ORMCP) area.

Zoning By-law 6000-17, as amended

The subject lands are zoned “Rural (RU) Zone” by the Town’s Comprehensive Zoning By-law 6000-17, as amended (Figure 3). The RU zone permits agricultural uses, detached dwellings, second suite dwellings, greenhouses, home occupations, and places of worship. Townhouses are presently not a permitted use in the RU zone. As such, the applicant is proposing to rezone the subject property to “Townhouse Dwelling Residential (R8-XX) Exception Zone”, which permits townhouse dwellings. Additional

information regarding site specific zoning exceptions required to facilitate the proposed development are addressed further in this report.

Reports and Studies

Reports and studies submitted as part of a complete application were outlined in previous Report No. PDS19-095, dated October 23, 2019. Since the Public Planning Meeting, and through subsequent re-submissions to the Town, the proposal has been revised to include better pedestrian connectivity to Bayview Avenue, increased landscape screening to adjacent residential properties, decrease in building height from four storeys to three storeys, and alterations to architectural elements to reflect the Town's Urban Design Guidelines.

Additionally, specific conditions of approval have been developed and included in Appendix "A", attached, for the applicant to satisfy prior to registration. The applicant will have three years from the date of Draft Plan Approval to satisfy the listed conditions, with Council at its sole discretion being able to extend this approval period.

Site Plan Application

As shown in Figure 7, the proposed development consists of 15 3-storey common element condominium townhouse units, accessed by an internal roadway from Bayview Avenue. The site will feature seven units on the easterly row, and eight units on the westerly row fronting onto Bayview Avenue. Each unit will contain 1.5 parking spots, with an additional visitors parking area provided at the southeast of the site (five spots, including one barrier free). The buildings are designed with large windows and stone and brick cladding to provide articulation along the streetscape, with landscaping and privacy fencing to be erected along the property boundaries. Elevations of the proposed development are attached (Figures 8 to 13).

Draft Plan of Condominium application

As shown on Figure 6, the applicant has submitted a Draft Plan of Condominium application to establish a common elements condominium over the private road, visitor parking spaces, and landscaped areas (Block 3). The interests in the common element condominium components will be tied to and service the future 15 townhouse dwellings within the subject lands (Block 1 and Block 2). Block 4 will be conveyed to York Region for future road widening purposes. Permanent access into the subject lands will be from Bayview Avenue.

Proposed Applications

Proposed Draft Plan of Subdivision

As illustrated on Figure 5, the Draft Plan of Subdivision proposes two residential blocks, a common element condominium block (containing a private road, visitor parking, and landscaped areas), and a block for future road widening to be conveyed to York Region. The following is a breakdown of the proposed Draft Plan of Subdivision:

| Proposed Land Use | Lot and Block # | # of Units | Area (ha) |
|--|-----------------|------------|-----------|
| Condominium Residential (Townhouses) | Block 1 and 2 | 15 | 0.238 ha |
| Common Element Condominium (road, landscaped areas, visitor parking) | Block 3 | 0 | 0.101 ha |
| Road Widening | Block 4 | 0 | 0.003 ha |
| Total | - | 15 | 0.342 ha |

The 15 townhouse lots are proposed to have lot sizes ranging from 141sqm to 209 sqm, with lot frontages between 5.79 m and 5.94 m.

Proposed Zoning By-law Amendment

As shown in Figure 4, the applicant proposes to rezone the subject lands from “Rural (RU)” to “Townhouse Dwelling Residential (R8-XX) Exception Zone”, with a Holding (H) provision on the subject property to restrict development until matters related to site servicing allocation have been addressed.

The Applicant has submitted a draft Zoning By-law, attached as Appendix “B” of this report. The following is a table to compare the difference between the parent R8 zoning requirements with the proposed R8 Exception Zones. The following zoning standards have been assessed per individual lot within the Plan of Condominium (Blocks 1 and 2).

| | Parent R8 Zone Requirement | Proposed R8 Exception Zone |
|---------------------------------------|---|--|
| Permitted Uses | <ul style="list-style-type: none"> • Dwelling, Townhouse • Dwelling, Quadriplex • Dwelling, Link • Back-to-back Townhouse • Stacked Townhouse • Dwelling, Second Suite • Home Occupation | Dwelling, Townhouse |
| Minimum lot area | 180 m ² | 141 m ² – Block 1 145 m ² – Block 2 |
| Minimum lot frontage | 30 m (6 m per unit) | 5.7 m – per unit, Block 1 5.9 m – per unit, Block 2 |
| Minimum front yard to dwelling unit | 7.5 m | 3.6 m – Block 1 3.8 m – Block 2 |
| Minimum front yard to attached garage | 5.3 m | 5.6 m |
| Minimum rear yard | 7.5 m | 3.5 m – Block 1 6.0 m – Block 2 |
| Minimum interior side yard | 0.0 (along a common lot line) | 0.0 m – Along a Common Lot Line 1.3 m – End Unit within Block 1 |

| | Parent R8 Zone Requirement | Proposed R8 Exception Zone |
|--|----------------------------|---------------------------------|
| | 1.5 m for end units | 1.2 m – End Unit within Block 2 |
| Minimum distance from building to private road | 1.8 m | 1.7 m |
| Maximum lot coverage (per lot) | 50% | 60% |
| Maximum building height | 10 m | 12.2 m (3 storeys) |
| Minimum Width for a Private Road | 6 m | 6 m |

The draft Zoning By-law is attached hereto as Appendix 'B'.

Analysis

Planning Considerations

The proposed development is consistent with the strategic growth and sustainable planning policies of the PPS and the LSPP.

Provincial Policy Statement (PPS)

It is Staff's opinion that the proposed applications are consistent with the PPS. The proposal is considered appropriate infill development that helps provide additional housing with existing municipal infrastructure, and in proximity to existing amenities, natural spaces, and public transportation facilities. The development is well aligned with the criteria outlined in Policy 2.2 of the PPS as it represents an infill development that aids in increasing housing stock within an area already equipped with municipal services, infrastructure, and close proximity to community amenities and public transportation.

Conformity to the Lake Simcoe Protection Plan (LSPP)

It is Staff's opinion that the proposed development conforms to the Lake Simcoe Protection Plan. The Lake Simcoe Conservation Authority (LSCRA) has reviewed and has no objection to the approval of the subject applications as presented. The subject lands are located outside of the LSRCA regulated limits and accordingly no Regulation Permit is required. The subject lands are also free from any natural hazards and are outside of hazardous lands.

LSRCA staff have no objections to the approval of the proposed applications subject to conditions outlined in Appendix "A".

Official Plan 2024

The proposed townhouse development is permitted within the "Medium-High Density Residential" designation and is to be developed on full urban services as required by OPA 30.

Planning Staff are of the opinion that the proposed development conforms to the land use and development policies of the Official Plan and is compatible with the surrounding land uses.

The objective of OPA 30 is to promote development density and form that contributes to high quality streetscapes, supports the provision and use of transit, and complements the low-profile surrounding land uses. The proposed townhouse blocks are appropriately spaced and are oriented to frame the street, with setbacks from Bayview Avenue that are reflective of existing adjacent built forms. Further, garages and visitor parking spaces are located internally and are not visible from the public realm. As such, staff are of the opinion that the proposed site design contributes to a high-quality streetscape and is complementary to the low-profile development on adjacent lands.

Further, the development proposes a density of approximately 42.9 units per hectare (17.44 units per acre), and building height of three stories, therefore conforming to the policies applicable to the "Medium-High Density Residential" designation.

York Region Transit routes are located in close proximity to the subject lands along Bayview Avenue and Wellington Street East, and the Aurora GO Station is located within 2 kilometers west of the subject property, contributing to use of transit in the area.

Town's Zoning By-law 6000-17, as amended

The proposed Zoning By-Law Amendment will facilitate the proposed Draft Plan of Subdivision, which is compatible with the surrounding local neighbourhood

Planning staff are of the opinion that the development is appropriate and compatible with the surrounding residential neighbourhood, and that the by-law exceptions are appropriate to facilitate the development.

The proposed site specific R8 zoning is similar to the established townhouse lots south of the subject property, also zoned R8. The proposed exceptions to the R8 zone include minor alterations to lot standards to facilitate the Draft Plan of Subdivision.

The Holding (H) provision is in place to restrict development until site servicing allocation is granted by the Town

As detailed in Appendix B, due to the Town's limited servicing availability, a Holding (H) Symbol has been added to the proposed Zoning By-law. This ensures that no development can occur until the Town of Aurora has confirmed the availability of adequate servicing capacity for to this development. Once adequate servicing allocation is confirmed, the applicant may apply to have the Holding Symbol be removed, at which point they will have three years to obtain a building permit appropriate for the development, failing which the zoning of the lands will revert to the original zoning.

Draft Plan of Subdivision

The proposal provides for appropriate infill development of an underutilized parcel along an Arterial Road.

The subject applications propose the creation of fifteen (15) freehold townhouses tied to common elements consisting of a private road, visitor parking and landscaped areas (see Figure 7). Block 1 (8 units) and Block 2 (7 units) are proposed parallel to Bayview Avenue and are bisected by a private road. The site will be accessed via Bayview Avenue, at the south end of the subject property.

York Region requires that the applicant join the existing medians between the signalized intersections north and south of the subject property. As such, access to the site from Bayview Avenue will be restricted to right-in-right-out (RIRO) movement.

A pedestrian-oriented streetscape is encouraged, as units 1 to 8 have direct access to an existing sidewalk along Bayview Avenue through paved walkways in the front yards. An internal sidewalk along the south boundary will connect to an existing sidewalk along Bayview Avenue.

Attached garages for each of the 15 units front onto the private road and are not visible from the public realm, thus reducing car presence on the streetscape.

The development will have 23 private parking spaces (1.5 spaces per unit), with visitor parking (5 spaces including 1 barrier free) located towards the southeast corner of the site.

A wooden privacy fence is implemented around the entirety of the site, with an additional 1.5 metre landscape strip along the south boundary, which are intended to provide screening and transition to the existing adjacent townhouse residential development.

Next Steps

The applicant has concurrently submitted a Draft Plan of Condominium application (Figure 6) and a Site Plan application (Figure 7) for the development of 15 3-storey freehold townhouses tied to common elements.

As the subject Site Plan was deemed complete in 2021, prior to the implementation of Bill 109, it is still subject to Council approval. The subject Site Plan and Draft Plan of Condominium applications will be brought to Council for consideration at a later date once site specific details are finalized and the applicant is ready to establish the common elements condominium tenure.

Upon approval of the Site Plan application, the applicant will be required to enter into a Development Agreement with the Town to ensure the building will be constructed in accordance with the Town's development standards.

Further, the applicant will also be required to submit a future Part Lot Control Exemption application to define the specific lot boundaries.

Department / Agency Comments

The proposed applications were circulated to Town staff and external agencies, and all are satisfied.

The proposed applications were circulated to all internal and external agencies for review and comments. In general, all circulated agencies are satisfied with the proposed development, subject to conditions outlined in Appendix 'A'.

York Region staff have no objections to the approval of the proposed applications subject to conditions outlined in Appendix "A".

Public Comments

Public Comments related to construction impacts and timelines, tree preservation and landscaping, parking, and built form impacts to adjacent properties have been adequately addressed.

The following is a summary of written and verbal comments received at the time of writing this report:

- Preservation of mature trees on the property
- Lighting proposed on the property
- Length of construction and plans for noise and dust control
- Proposed setbacks to adjacent properties
- Proposed height of townhouses may interfere with sight lines
- Proposed visitor parking in proximity to adjacent properties

The following is Staff's response to comments made by the Public.

Preservation of mature trees on the property.

The applicant has submitted an Arborist Report and Tree Preservation Plan in support of subject applications and is required to adhere to the Town's Tree Compensation policies for trees in landscape settings. The Arborist Report recommends that 31 trees be removed as they are either within or in close proximity to the proposed construction areas. Eight trees are proposed to be retained and protected through the construction process. The Town's Parks Division does not objection to the proposed applications, and appropriate conditions of approval will also be implemented, as well as the requirement to conform to the Town's Tree Protection By-law through the construction process.

Lighting proposed on the property

A Photometric Plan was submitted and reviewed by the Town. Staff are satisfied that luminescence produced by the development will have minimal to no impact on adjacent residential properties.

Length of construction and plans for noise and dust control

If approved by Council, it can take up to two years to complete construction from the time of Council's decision on the future Site Plan application. The applicant has submitted a Construction Management Plan that clearly defines the steps required to demonstrate that impacts to the surrounding areas will be minimized and outline how any potential impacts associated with the construction project will be managed,

particularly as it relates to erosion and sediment control measures, working hours, and noise and dust generation.

Proposed setbacks to adjacent properties

Staff are satisfied that adequate separation is provided from adjacent residential properties, and that the privacy fence and landscaped areas provide adequate screening and buffering. The proposed R8 parent zoning is also applied to the adjacent south residential development, ensuring that the built form remains compatible with the local neighbourhood.

Proposed height of townhouses may interfere with sight lines

The proposed design has been revised since the October 23, 2019, Public Planning Meeting to include a reduction in building height from four storeys to three storeys. Staff are satisfied that the building height as proposed is in keeping with the context of the surrounding neighbourhood.

Proposed visitor parking in proximity to adjacent properties

Staff are satisfied that the location of the visitor parking spaces is sufficient to minimize impacts to the streetscape and neighbouring properties without compromising vehicular movement through the site.

Advisory Committee Review

No review required.

Legal Considerations

Section 51(34) of the *Planning Act* states that if Council fails to make a decision on the subdivision application within 120 days after the receipt of the application, the applicant may appeal the application to the OLT. If Council approves or refuses the application, then the applicant, Minister, public body or other person that made oral or written submissions may appeal to the OLT after receiving notice of Council's decision.

Section 34(11) of the *Planning Act* states that if Council refuses the zoning by-law amendment application or fails to make a decision on it within 90 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Ontario Land Tribunal (OLT).

The subject Draft Plan of Subdivision and Zoning By-law Amendment applications were received on August 21, 2019. Therefore, the applicant may appeal to the OLT at any time.

Financial Implications

There are no direct financial implications as a result of this report.

Communications Considerations

On October 3, 2019 a Notice of Public Planning Meeting respecting the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium applications was published in the Auroran and Aurora Banner newspapers. In addition, the notices were given by mail to all addressed property Owners within a minimum of 120 metres of the subject lands. A Notice of the Public Planning meeting sign was also posted on the subject lands. Interested Parties to the subject applications were notified of the subject Committee of the Whole meeting. Public Meeting notification has been provided in accordance with the *Planning Act*.

The subject applications were received to the Town prior to the introduction of Community Information Meetings (CIM). As such, no CIM was held for the proposed development.

Climate Change Considerations

The proposal is to encourage active transportation and opportunities for sustainable building design and energy efficiency.

Link to Strategic Plan

The proposed Draft Plan of Subdivision, Zoning By-law Amendment, Draft Plan of Condominium, and Site Plan applications support the Strategic Plan goal of supporting an exceptional quality of life for all through its accomplishment in satisfying requirements in the following key objectives within the goal statement:

Strengthening the fabric of our community: Through the review and approval of the proposed Draft Plan of Subdivision, Zoning By-law Amendment, Draft Plan of Condominium, and Site Plan applications, housing opportunities are created that

collaborates with the development community to ensure future growth includes housing opportunities for everyone.

Strengthening the fabric of our community: Through the addition of 15 residential units, housing is provided in accordance with the Collaborate with the development community to ensure future growth includes housing opportunities for everyone action item.

Strengthening the fabric of our community: Through the approval of an infill residential development, the Work with the development community to meet intensification targets to 2031 as identified in the Town's Official Plan action item is realized.

Alternative(s) to the Recommendation

1. Refusal of the application with an explanation for the refusal.

Conclusions

Planning and Development Services has reviewed the proposed Draft Plan of Subdivision, and Zoning By-law Amendment applications in accordance with the provisions of the Province and Town's Official Plans, the Town's Zoning By-law and municipal development standards respecting the subject lands. The proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are considered to be in keeping with the development standards of the Town. Any technical revisions to the proposed plans will be reviewed by Town Staff prior to the execution of the Development Agreement.

Therefore, Staff recommend approval of the proposed Draft Plan of Subdivision application (SUB-2019-01) and Zoning By-law Amendment application (ZBA-2019-03), subject to the conditions outlined in Appendix "A".

Attachments

- Figure 1 – Location Map
- Figure 2 – Existing Official Plan Designation
- Figure 3 – Existing Zoning By-Law
- Figure 4 – Proposed Zoning By-Law
- Figure 5 – Proposed Draft Plan of Subdivision
- Figure 6 – Proposed Draft Plan of Condominium
- Figure 7 – Conceptual Site Plan

Figure 8 – Block 1 West Elevation

Figure 9 – Block 1 East Elevation

Figure 10 – Block 2 West Elevation

Figure 11 – Block 2 East Elevation

Figure 12 – Block 1 and 2 South Elevation

Figure 13 – Block 1 and 2 North Elevation

Appendix 'A' – Conditions of Draft Plan Approval

Appendix 'B' – Proposed Draft Zoning By-law Amendment and Schedule
(subject to future enactment)

Previous Reports

Public Planning Report No. PDS19-082, dated October 23, 2019.

Pre-submission Review

Agenda Management Team review on April 24, 2025.

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer