
The Corporation of the Town of Aurora

By-law Number XXXX-26

Being a By-law to amend By-law Number 6000-17, as amended, respecting the lands municipally known as 1289 Wellington Street East (File No. XXX).

Whereas under section 34 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 (the "Zoning By-law"), which was subsequently appealed to the Ontario Municipal Board (the "OMB"), a tribunal that has since been continued as the Ontario Land Tribunal ("OLT");

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

And whereas on August 26, 2024, the Tribunal issued an Order, under OLT Case No. OLT-22-004187 (the "Order") approving an amendment to the Zoning By-law respecting the lands municipally known as 1289 Wellington Street, following an appeal pursuant to section 34(11) of the Planning Act;

Now therefore the Zoning By-law is amended by the Ontario Land Tribunal as follows:

1. The Zoning By-law be and is hereby amended to replace the "Second Density Apartment Residential RA2 (559) category applying to the lands shown in hatching on Schedule "A" attached hereto and forming part of this By-law, with the following zone: "Townhouse Dwelling Residential R8(558) Exception Zone".

2. The Zoning By-law be and is hereby amended with the following:

24.XXX Townhouse Dwelling Residential R8(558) Exception Zone

<p>Parent Zone: R8 Exception No.: 558</p>	<p>Map: 9</p>	<p><i>Previous Zone:</i> R8 (558) / RA2 (559)</p>	<p><i>By-laws:</i></p>
<p>Municipal Address: 1289 Wellington Street East</p>			
<p>Legal Description: PART OF LOT 20, CONCESSION 2 (AW), DESIGNATED AS PART 10, PLAN 65R-36523, TOWN OF AURORA</p>			
<p>24.XXX.1 Permitted Uses</p> <ul style="list-style-type: none"> ● Home occupation (1) <ul style="list-style-type: none"> ○ (1) Subject to Section 4.6 of Zoning By-law 6000-17 ● Dwelling, Townhouse ● Back-to-back, Townhouse 			
<p>24.XXX.2 Property Specification</p> <p>Notwithstanding any definitions in Section 3 of By-law 6000-17, for the purpose of this zone category Total Property Coverage is calculated based on the entire property area of 1289 Wellington St E delineated on Schedule A, with an approximate property area of 14.5 acres, and is the percentage covered by all buildings but excludes decks attached to buildings, balconies, open porches and decks, bay windows, fireplaces, landings and steps, Pools including perimeter decking which forms part of an above ground Pool, and any part of a building which is completely below grade.</p>			
<p>Total Property Coverage (maximum)</p>		<p>45%</p>	
<p>24.XXX.3 Lot Specification</p> <p>Notwithstanding the provisions of By-law 6000-17, for the purpose of this zone category below grade structures shall have a minimum setback of 1.5 metres from a Public Highway or Street or Road, Public.</p> <p>Notwithstanding, the definition of Lot in Section 3 of By-law 6000-17, for the purposes of this zone category a lot shall be deemed to mean the whole of one Lot fronting on a private right-of-way, and the yard requirements and other provisions of the by-law shall be applied to each unit situated on each individual lot.</p> <p>Notwithstanding the definition of Yard in Section 3 of By-law 6000-17, for the purpose of this zone category a Yard means an open, uncovered space on a Lot between the nearest above grade wall of the Main Building and a Lot Line.</p> <p>Notwithstanding the provisions of By-law 6000-17, for the purpose of this zone category parking spaces located in driveways of a dwelling unit shall be included toward the minimum resident and visitor parking requirement.</p> <p>Notwithstanding the provisions of Section 5.3.1 of By-law 6000-17, for the purpose of this zone category Tandem Parking spaces may include a combination of a parking</p>			

space internal of a garage and external on a driveway.	
24.XXX.4 Site Specifications	
Lot Area (minimum)	138 square metres
Lot Frontage (minimum)	6.25 meters
Front Yard (minimum)	3.0 metres
Rear Yard (minimum)	6.0 metres
Interior and Exterior Side Yard (minimum)	1.2 metres
Lot Coverage (maximum)	70%
24.XXX.5 Parking Standards	
Minimum Parking Requirement	1.5 spaces per dwelling unit, minimum 20% of spaces required shall be set aside for visitor parking
24.XXX.6 Yard Encroachments Permitted	
Steps, Landings	3.4 m In no case shall be closer than 0.3 metres from the Front Lot Line
Open porches, uncovered terraces and decks (3.2m in height or less)	Front Yard - 4.0 metres
24.XXX.7 Building Specifications	
Height (maximum)	11.5 metres

3.

4. The Zoning By-law be and is hereby amended to add the following:

24.XXX Detached Fifth Density Residential R5 (560) Exception Zone

Parent Zone: R5 Exception No.: 560	Map: 9	<i>Previous</i> R5(560)	<i>By-laws:</i>
Municipal Address: 1289 Wellington Street East			
Legal Description: PART OF LOT 20, CONCESSION 2 (AW), DESIGNATED AS PART 10, PLAN 65R-36523, TOWN OF AURORA			
<p>24.XXX.1 Permitted Uses</p> <ul style="list-style-type: none"> ● Dwelling, Detached ● Home Occupation (1) <ul style="list-style-type: none"> ○ (1) Subject to Section 4.6 of Zoning By-law 6000-17 			
<p>24.XXX.2 Property Specification</p> <p>Notwithstanding any definitions in Section 3 of By-law 6000-17, for the purpose of this zone category Total Property Coverage is calculated based on the entire property area of 1289 Wellington St E delineated on Schedule A, with an approximate property area of 14.5 acres, and is the percentage covered by all buildings but excludes decks attached to buildings, balconies, open porches and decks, bay windows, fireplaces, landings and steps, Pools including perimeter decking which forms part of an above ground Pool, and any part of a building which is completely below grade.</p>			
Total Property Coverage (Maximum)		45 %	
<p>24.XXX.2 Lot Specifications</p> <p>Notwithstanding the provisions of By-law 6000-17, for the purpose of this zone category parking spaces located in driveways of a dwelling unit shall be included toward the minimum resident and visitor parking requirement.</p> <p>Notwithstanding, the definition of Lot in Section 3 of By-law 6000-17, for the purposes of this zone category a lot shall be deemed to mean the whole of one Lot fronting on a private right-of-way, and the yard requirements and other provisions of the by-law shall be applied to each unit situated on each individual lot.</p> <p>For the purpose of measuring rear and interior/exterior side yard setbacks on lots with roundings, daylighting triangles or irregular lot lines, the lot line shall be deemed to be the extension of the rear and side yard lot lines to the point of intersection.</p> <p>Notwithstanding the provisions of Section 5.3.1 of By-law 6000-17, for the purpose of this zone category Tandem Parking spaces may include a combination of a parking space internal of a garage and external on a driveway.</p> <p>Notwithstanding the requirements of Section 7.5 of By-law 6000-17, for the purpose of this zone category <i>Amenity Area</i> minimum requirements shall not apply.</p>			

24.XXX.3 Lot Specifications	
Lot Area (minimum)	255 square metres
Front Yard (minimum)	6.0 metres
Rear Yard (minimum)	7.5 metres
Side Yard (minimum)	1.2 metres
Lot Coverage (maximum)	50 %
24.XXX.4 Building Specifications	
Height (maximum)	12.5 metres
24.XXX.4 Parking Standards	
Minimum Parking Requirement	2.0 spaces per unit

5. 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.

Explanatory Note

Re: By-law Number XXXX-26

By-law Number XXXX-26 has the following purpose and effect:

To amend By-law Number 6000-17, as amended, the Zoning By-law in effect in the Town of Aurora, to rezone the portion of the subject lands from "Second Density Apartment Residential RA2 (559)" to "Townhouse Dwelling Residential R8(558) Exception Zone", and to amend the provisions of the "Detached Fifth Density Residential R5(560) Exception Zone", and "Townhouse Dwelling Residential R8(558) Exception Zone".

The rezoning will permit a multi-unit development with a maximum of 117 three storey townhouse dwelling units and 8 three storey detached dwelling units, private roads and open space areas.