

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 12, 2023

CASE NO(S).:

OLT-21-001392

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

Applicant/Appellant:	Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of 30 townhouse condominium units
Reference Number:	RZ 2021-0001
Property Address:	18314, 18309 Hurontario Street
Municipality/UT:	Caledon/Peel
OLT Case No.:	OLT-21-001392
OLT Lead Case No.:	OLT-21-001392
OLT Case Name:	Nicolson v. Caledon (Town)

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

Applicant/Appellant:	Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.
Subject:	Site Plan
Description:	To permit the development of 30 townhouse condominium units
Reference Number:	SPA 2021-0001
Property Address:	18314, 18309 Hurontario Street
Municipality/UT:	Caledon/Peel
OLT Case No.:	OLT-21-001394
OLT Lead Case No.:	OLT-21-001392

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:	Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit the development of 30 townhouse condominium units
Reference Number:	21CDM-21001C
Property Address:	18314, 18309 Hurontario Street
Municipality/UT:	Caledon/Peel
OLT Case No.:	OLT-21-001395
OLT Lead Case No.:	OLT-21-001392

Heard: April 26, 2023 by video conference

APPEARANCES:

Parties

Jannett and Richard Nicholson and 2683894 Ontario Inc.

Town of Caledon

Counsel

Steven Ferri

Raj Kehar
Chantal Deserevilles (*in absentia*)

DECISION DELIVERED BY G.A. CROSER AND S. BOBKA AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This Settlement Hearing arose from the appeals of applications submitted by Jannett and Richard Nicholson and 2683894 Ontario Inc. (collectively the “Applicants”) to the Town of Caledon (“Town”) to facilitate development on the lands known municipally as 18309 and 18314 Hurontario Street (the “Subject Lands”).

[2] The Applicants filed a Zoning By-law Amendment (“ZBA”), Draft Plan of Condominium (“Draft Plan”), and Site Plan Approval (“Site Plan”) with the Town to construct a townhouse development located in Caledon Village (“Village”) which is located within the Town and in the Regional Municipality of Peel (“Region of Peel”).

[3] The Town failed to make a decision in the required time period. While a fifteen-day Merit Hearing was originally scheduled for this file, after a significant and commendable effort by the Parties, the Tribunal was informed that a settlement had been reached and would be presented to the Tribunal for consideration.

PROPOSED SETTLEMENT

[4] Briefly summarized, the Draft Instruments attached to this Decision as Attachments 1, 2, and 3, facilitate the proposed settlement. Attachment 2 contains the proposed Draft Plans of Condominium. They consist of seven condominium blocks, one for each townhouse block with its own private septic system and an eighth communal element block to capture the private internal roadway.

[5] For the reasons outlined below the Tribunal finds that the proposed development is representative of good land use planning and is in the public interest, but recognizes that the application is not yet in its final form.

[6] The Parties jointly requested that the Tribunal approve the ZBA, Draft Plan, and Site Plan in principle and withhold the Final Orders until all issues and conditions are met. The Parties will notify the Tribunal once the Conditions have been satisfied and will request a Final Order. It is acknowledged that the Final Order concerning the ZBA may be issued prior to Final Orders for the Draft Plan and Site Plan.

PARTICIPANT REQUEST

[7] Michele Blanchard-Seidel submitted a Participant Request, dated April 24, 2023, for status at the Settlement Hearing. The Tribunal confirmed that while she had originally filed her request form in March 2022, she did not attend the Case Management Conference held on May 20, 2022 and August 5, 2022 and the Tribunal did not grant her Participant Status on either date. The Tribunal noted that Ms. Blanchard-Seidel was aware of the process and deadlines involved and as such, her current request for status was not granted.

WITHDRAWAL

[8] Prior to the hearing, the Region of Peel informed the Tribunal via email that it would not be participating in the hearing event. The Tribunal has taken the Region's withdrawal as indication that the amendment of the original application from a communal septic system servicing all condominium units, to seven condominium blocks each serviced by a private septic system, has satisfied the Region.

AREA CONTEXT

[9] The Subject Lands are located within the Village, a small rural community of predominantly single detached dwellings. The site is generally rectangular in shape with frontage along Hurontario Street, also known as Highway 10. The property at 18309 Hurontario Street is currently occupied by a two-storey detached residential dwelling. This dwelling is designated under Section 29 of the *Ontario Heritage Act* as a property of architectural and/or historical value or interest. The property at 18314 Hurontario is a vacant lot.

[10] The Subject Lands are in close proximity to residential uses (primarily of single detached dwellings) with some commercial and institutional land uses in the area including Caledon Central Public School, a gas station, and the Caledon Fairgrounds.

[11] At present, the Subject Lands have no means of ingress or egress. Hurontario Street is a controlled access highway that falls under the jurisdiction of the Ministry of Transportation (“MTO”). At this time, the MTO has not provided permission to allow public access to the site via Hurontario Street. A second means of access may be gained by the unopened road allowance at either Brock Street or Elizabeth Street, which would provide connectivity through existing municipal roads. The Town has not yet agreed to open either road allowance or to sell either road allowance to the Applicants.

[12] To be clear, as of the date of the settlement hearing the issue of road access to and from the Subject Lands has not been resolved.

LEGISLATIVE FRAMEWORK

[13] In making a decision, the Tribunal must be satisfied that the proposed draft instruments are representative of good planning and are in the public interest. They must be consistent with the Provincial Policy Statement, 2020 (“PPS”), conform with the Greenbelt Plan and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), and conform with the policy regime of applicable Official Plans.

[14] With respect to the Draft Plan, the Tribunal shall also have regard to the criteria set out in s. 51(24) of the *Planning Act* (“Act”) and pursuant to s. 51(25) of the Act, the Tribunal may also consider and impose conditions that are determined to be reasonable, having regard to the nature of the proposed subdivision. With regard to the Site Plan, the Tribunal shall also have regard to matters outlined in s. 41 of the Act relating to site plan control.

[15] In addition, the Tribunal must have regard to the matters of provincial interest set out in s. 2 of the Act, as well as the position taken by the municipality and the information considered by it, pursuant to s. 2.1(1) of the Act.

PLANNING EVIDENCE

[16] The Applicants did not file an affidavit in support of the proposed settlement, instead they relied upon the witness statements and replies filed with the Tribunal in anticipation of the hearing event. Planning evidence to support the application was provided at the Settlement Hearing by the Applicant's planner, T.J. Cieciura. The Tribunal qualified Mr. Cieciura to provide expert opinion evidence in the discipline of land use planning.

Planning Act

[17] Mr. Cieciura provided a detailed overview of the site's location and surrounding area. He pointed out that the Subject Lands are located in a Settlement Area and that the expert studies completed in support of this development proposal did not indicate any adverse impacts on ecological systems, agricultural or natural resources. In addition, Mr. Cieciura noted that the issues regarding sanitary servicing had been resolved and that the development was in an appropriate location for growth and development.

[18] While a heritage building is on site and will remain *in situ*, Mr. Cieciura noted that the appropriate safeguards are in place to maintain and preserve that building. As such, in his opinion, the ZBL, Draft Plan and Site Plan (collectively the "Application") has the appropriate regard for the matters of provincial interest that are outlined in s. 2 of the Act.

[19] Mr. Cieciura opined that the Application sufficiently addressed matters outlined in s.41(4) of the Act relating to site plan control. Noting, in particular, that the proposed development will be a traditional style of development in keeping with its surroundings, and that revised drawings providing additional articulation of the facades on the townhomes facing onto Hurontario Street will be provided to the Town.

[20] Mr. Cieciora stated that he had reviewed the Draft Plan components and that in his opinion the components meet the s. 51(24) requirements of the Act, including the suitability of the land and adequacy of municipal services. While the Planner noted that the proposed lot sizes were smaller than in the Village, they were of a similar shape and size to lots found throughout the Town and Region of Peel. Mr. Cieciora opined that the proposed development did have regard for matters of provincial interest and that the reports and studies produced in support of the Application did not identify any concerns in respect of health and safety.

[21] Mr Cieciora also discussed during his evidence, the conditions to be imposed for the approval of the Draft Plan. The Planner opined that the Site Plan Agreement to be entered into with the Town was appropriate and reasonable. Given the Subject Lands' proximity to the Caledon Fairgrounds, a warning clause will be registered on all lots and an addendum to the acoustical report provided by the Applicant using a day/night split of 85/15 is required. The Site Plan will require revisions once access to the site is finalized and the setback from Hurontario street is addressed.

Provincial Policy Statement

[22] In Mr. Cieciora's opinion, the Application is consistent with the PPS. In particular, he drew the Tribunal's attention to Policy 1.1.1(A) regarding healthy, livable and safe communities. In his view the Application is an efficient land use development which makes efficient use of existing services, provides more attainable housing options in the Village and takes advantage of currently under-utilized land in the community.

[23] With regards to policies concerning land use patterns based on densities, and in particular Policies 1.1.3(2) and 1.4.3, Mr. Cieciora stated that the development was an efficient use of land in an existing settlement area and proposes no expansion to the settlement area. He opined that this was a gentle intensification project that would increase the range of housing available in the Village and was consistent with and would implement the policies of the PPS.

Greenbelt Plan (2017)

[24] The Subject Lands are regulated by the Greenbelt Plan and located in an area designated 'Towns/Villages'. Mr. Cieciora made particular reference to s. 3.4.3 of the Plan which states that areas designated Towns/Villages are subject to the Growth Plan and applicable Official Plans. In the Planner's opinion, the Application conformed or did not conflict with the policies of the Greenbelt Plan.

Growth Plan

[25] Mr. Cieciora opined that the proposed development aligned with one of the Growth Plan's guiding principles listed at s. 1.2.1: the achievement of complete communities. He noted that the Village consists primarily of single detached dwellings and that the townhouse development would increase the range of housing options; therefore, contributing to a more complete community as per Policy 2.2.1.4(c).

[26] Mr. Cieciora stressed that the proposed development constituted a marginal increase in the housing supply and maintained the need for orderly growth within the Village. He acknowledged that he was relying on the expert reports provided by the Applicant that the development would meet the sanitary and sewage requirements and demands.

[27] Mr. Cieciora opined that the development would result in gentle intensification that respected the rural nature of the community.

Region of Peel Official Plan, 2021

[28] Mr. Cieciora noted that the development application was submitted when the previous Region of Peel Official Plan ("Peel OP") was in place and that these policies were the applicable policies to which the Application should be considered. Mr. Cieciora

clarified that the 2022 Official Plan of the upper tier municipality was informative but not determinative in terms of evaluating the Application. However, the Planner did discuss both versions of the Official Plan and opined that the development conformed with and implemented both the former and the new policies of the Official Plan.

[29] Mr. Cieciora stated that as the Region of Peel was no longer a Party to this proceeding, it obviously had no concerns with the proposal's water, sanitary services, and stormwater management.

Town of Caledon Official Plan, 2018

[30] Mr. Cieciora commented that the proposed use of the Subject Lands is an allowed use as per the Town's Official Plan ("Town OP"). In the planner's opinion, a key element in a vibrant compact community is growth that is both compatible and appropriate. Mr. Cieciora stated that the proposed development meets these requirements, and the built form will be an appropriate urban design for the Village.

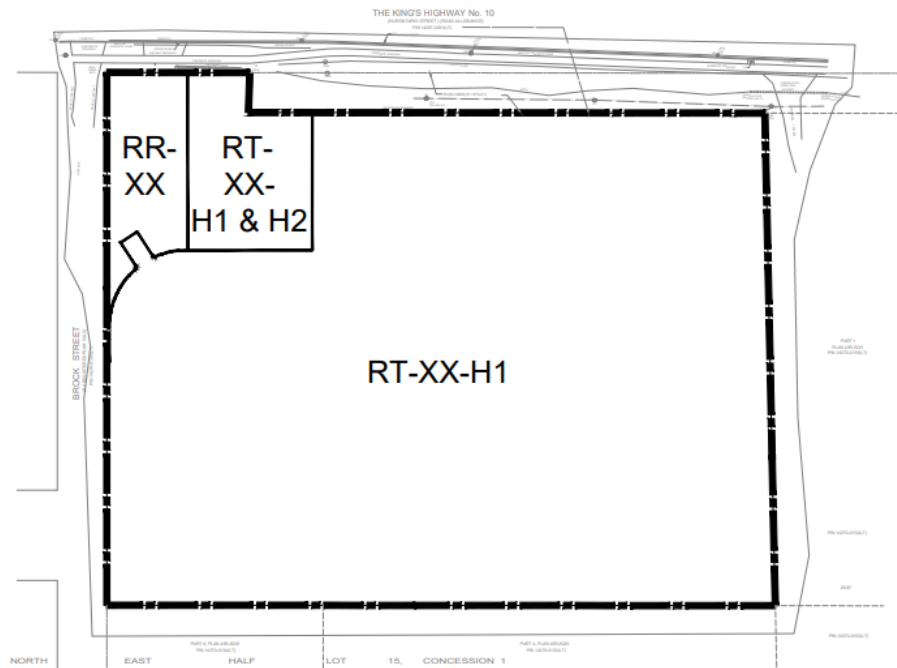
[31] Mr. Cieciora took the Tribunal to various policies regarding the protection of built heritage, including s. 3.3.3.3 and s. 3.3.3.4. He was of the opinion that the expert witness statement provided by Christienne Uchiyama confirmed that the proposed development conformed with these policies as the appropriate studies had been undertaken and the built heritage resources on the lands will be protected.

[32] Mr. Cieciora also pointed the Tribunal to policies regarding housing, including s. 3.4 and s. 4.2. The introduction of townhomes to the Village would increase the diversity of housing choices. The Planner stressed that it was of high importance that land in built areas be appropriately utilized given the limited ability of the Village to expand. In his opinion, the proposed development was an efficient use of under-utilized land, and the Application conforms to and implements the applicable policies of the Town OP.

[33] Mr. Cieciora also opined on the Town's Comprehensive Town-wide Design Guidelines, stating that the proposed design had appropriate regard for the Guidelines.

Town of Caledon Zoning By-law 2006-50

[34] The Subject Lands are currently zoned "RR" (Rural Residential). The proposed ZBA (as depicted in the map below) would leave this designation in place for the area of the site where the heritage building currently resides. The balance of the Subject Lands would be zoned "RT" to permit residential townhome development. This zoning would be subject to a holding provision, titled "H1". This condition would not be removed, meaning development could not take place, until the provision of vehicular site access and an addendum to the heritage impact assessment concerning an existing stone retaining wall on site, had been approved by the Town. In addition, an area of the Subject Lands immediately adjacent to the heritage building would be subject to an additional holding provision, titled "H2". This would postpone any development of that part of the site until a Stage 3 Archeological Assessment was completed.



(Exhibit 10, p. 605)

[35] In Mr. Cieciora's opinion, the proposed development has appropriate regard for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

[36] Regarding the proposed conditions to the Site Plan, Mr. Cieciora identified that a Site Plan Agreement would be required and that an addendum to the acoustical report provided by the Applicant would be required owing to the Subject Lands' proximity to the Caledon Fairgrounds.

[37] Mr. Cieciora concluded his testimony by again stressing that the development represented gentle intensification, was a more efficient use of under-utilized lots, and minimized urban sprawl while maintaining the character of the Village.

[38] The Town did not call its own planner to provide evidence at the hearing.

TRANSPORTATION EVIDENCE

[39] The Tribunal heard oral testimony from Alex Fleming, the Appellant's transportation expert. Mr. Fleming prepared a Traffic Brief and Supplementary Analysis Memo concerning the increase of traffic flow that would be created by the development as well as public road access to the Subject Lands.

[40] Mr. Fleming acknowledged that, at present, there was no public road access to the site and for development to proceed the Town would have to either open an unopened road allowance at Elizabeth or Brock Street or sell one of the unopened road allowances to the Applicants. The Applicants would require permission from the MTO for a second access via Hurontario Street.

[41] In Mr. Fleming's opinion the development was supportable from a transportation and safety perspective. The additional traffic volume created by the development would

be low and its impact on the existing road network would be minimal. In his opinion, road access via Hurontario would not require road upgrades.

[42] It is noted that during Mr. Cieciora's evidence he acknowledged that the Site Plan does not meet the 6-metre ("m") setback requirement from Hurontario Street. Confirmation from the MTO is required if this setback is not met, or the Site Plan must be revised to meet the setback requirement.

[43] Under cross examination, Mr. Fleming acknowledged that he had analyzed the roadway access from a transportation operation and safety perspective and not an engineering and design perspective. He also agreed via cross-examination that, in terms of access to the Subject Lands, the Town had not explicitly agreed that the access points shown on the draft plans were agreeable and that there was a "holding provision" in the draft Zoning By-law concerning access to the Subject Lands.

[44] The Town did not provide any independent transportation evidence or analysis. However, Counsel for the Town stated that the configuration of the site would not be finalized until the issue of access was resolved, and that access to the Subject Lands would result in some grading changes. These facts were not disputed by the Applicant.

FINDINGS

[45] The following findings are based on Mr. Cieciora's and Mr. Fleming's unchallenged expert evidence, which the Tribunal accepts.

[46] The Tribunal has considered the Town's failure to make a decision on the Application within the required timeframe. The Tribunal acknowledges the comment from the Town's Counsel that the initial Application was missing information that was provided by the Applicant to the Town during the exchange of witness statements in preparation for the Hearing.

[47] The Tribunal finds that, given the uncontroverted evidence it heard, the Application is consistent with the PPS and conforms with the Greenbelt Plan, Growth Plan, Region OP, Town OP and ZBL and represents good planning in the public interest.

[48] The Tribunal finds that the proposal:

- is an efficient use of under-utilized land, is suitably located in a Settlement Area and makes use of existing services;
- results in gentle intensification and will increase the range of available and attainable housing in the Village;
- features appropriate urban design that is in keeping with the surrounding area;
- supports orderly growth and the creation of complete communities;
- will preserve and protect a heritage building; and
- will promote the creation of a healthy, livable and safe community.

[49] The Tribunal has reviewed the matters of provincial interest in s. 2 of the Act and finds that the proposal has had appropriate regard for the matters contained therein, including but not limited to subsections 2(d), (e), (h), (j), (p) and (r).

[50] The Tribunal has considered s.41 of the Act with respect to site plan control and that the issue of vehicular access to the Subject Lands will impact the final configuration and grading of the site. The Tribunal finds that appropriate regard has been had to the interrelationship of the Draft Plan with the Site Control matters.

[51] The Tribunal finds that the proposal meets the criteria set out in s.51(24) with respect to a draft plan of subdivision, specifically subsections:

- (d) regarding the suitability of the land as it features residential development on underutilized lands that permit this use;
- (f) regarding the dimensions and shapes of the proposed lots which are smaller but similar in size and configuration to others within the Village; and
- (i) the adequacy of utilities and municipal services as the proposal meets the requirements for water, sanitary services and stormwater quantity and quality control.

[52] The Tribunal finds that the proposed conditions are reasonable and appropriate, per s.51(25) of the Act.

[53] While the development does not yet have any viable point of access, the Tribunal approves the Application in principle as a framework that moves the application towards being “shovel ready” but will withhold issuing Final Orders for the draft instruments until the required conditions have been satisfied.

[54] At the joint request of the Parties, a two-day hearing event has been scheduled to begin on **Thursday, September 7, 2023 at 10 a.m.** by video conference. These dates will be utilized should the Parties require the Tribunal to address issues arising from the implementation of the settlement and/or related to the conditions, or any other matter related to the Decision.

[55] The Parties are required to provide a written status update to the Tribunal on or before **Thursday, August 3, 2023**, including whether the above dates will be required.

[56] Parties and Participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/660145013>

Access code: 660-145-013

[57] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://global.gotomeeting.com/join/660145013) or a web application is available:

<https://app.gotomeeting.com/home.html>

[58] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **+1 (647) 497-9373** or Toll-Free **1-888-299-1889**. The access code is: **660-145-013**.

[59] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

INTERIM ORDER

[60] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, on an interim basis, and contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [61] below, and the draft Zoning By-law Amendment, Draft Plan of Condominium and Site Plan Approval, appended hereto as Attachments 1, 2, and 3 respectively, are hereby approved in principle.

[61] The Tribunal will withhold the issuance of its Final Order contingent upon confirmation from the Parties of the following pre-requisite matters:

1. The Tribunal has received, and approved, the Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the Parties;
2. The Tribunal has received, and approved, the Draft Plan of Condominium and the conditions of final approval submitted in a final form, confirmed to be satisfactory to the Parties;
3. The Tribunal has received, and approved, the Site Plan submitted in a final form, confirmed to be satisfactory to the Parties and the following additional conditions are met:
 - (a) The Site Plan is revised as required to achieve a 6 m setback to Hurontario or if this is not provided, confirmation from the Ministry of Transportation is received that the proposed setback to Hurontario is acceptable;
 - (b) That the grading plans submitted in support of the Site Plan be revised to the satisfaction of the Town of Caledon to address revisions to the Site Plan and/or Plan of Condominium arising from the secured access to the Subject Lands and/or other revisions (if any) proposed by the Applicants;
 - (c) That the landscaping plans submitted in support of the Site Plan be revised to show location of trees with servicing infrastructure, and where not feasible, that compensation be secured for tree loss in accordance with applicable Town of Caledon By-laws; and

- (d) That revised elevations drawings are provided to the Town of Caledon which provide for additional architectural articulation on the facades of the townhouse units located on corner lots and on lots which front onto Hurontario in the form of additional window and/or door fenestration.
- 4. That a Site Plan agreement, is entered into between the Applicants and the Town of Caledon that addresses the following:
 - (a) That an addendum to the acoustical report by Aeroustics be completed using a day/night traffic split of 85/15;
 - (b) That revised elevation drawings be provided that confirm the details of the proposed outdoor amenity space terraces and that an addendum to the acoustical report by Aeroustics confirm that proposed outdoor amenity space terraces will result in acceptable noise limits and that any required mitigation be incorporated into the design of same; and,
 - (c) That the recommendations in the acoustical report by Aeroustics be implemented, including that the recommended warning clauses be registered on title and that the recommended noise attenuation features be implemented, and that Warning Clause 4 be revised as follows and registered on all lots:

Purchasers/tenants are advised that due to the proximity of Caledon Fairgrounds, noise from this facility may at times be audible, including noise arising from the gathering of people in large groups and events such as tractor pulls, music, outdoor power equipment, and other events as may occur from time to time.

[62] The issuance of a final Order in respect of the Zoning By-law Amendment, Draft Plan of Condominium, and Site Plan Approval, either together or in part, may be requested of the Tribunal in writing, if on consent of the Parties.

[63] A written status update must be provided by the Parties to the Tribunal through the Tribunal's Case Coordinator on or before **August 3, 2023**.

[64] A two-day hearing is scheduled for **Thursday, September 7, 2023 at 10 a.m.** by video conference.

[65] There will be no further notice.

[66] The Panel will remain seized and can be spoken to if direction is needed to address issues arising from the implementation of the settlement and/or related to the conditions, or any other matter related to the Decision.

“G.A. Croser”

G.A. CROSER
MEMBER

“S. Bobka”

S. BOBKA
MEMBER

Ontario Land Tribunal

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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 CALEDON
BY-LAW NO. 20XX-XXX**

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended,
with respect to Part of Lot 15, Concession 1 WHS (Caledon) being Parts 1 and 2 on
43R-7750, Town of Caledon, Regional Municipality of Peel,
Municipally known as 18314 & 18309 Hurontario Street

WHEREAS Section 34 of the Planning Act, as amended, permits the councils of local municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Caledon considers it desirable to pass a zoning by-law to permit the use of Part of Lot 15, Concession 1 WHS (Caledon) being Parts 1 and 2 on 43R-7750, Town of Caledon, Regional Municipality of Peel, for residential townhouse purposes.

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts that By-law 2006-50, as amended, being the Comprehensive Zoning By-law for the Town of Caledon, shall be and is hereby amended as follows:

1. The following is added to Table 13.1:

Zone Prefix	Exception Number	Additional Permitted Uses	Zone Standards – Except as proved herein, the provisions of the RT and RR zone continue to apply
RT	XX	<ul style="list-style-type: none"> - Dwelling, Freehold Townhouse - Dwelling, Common Element Townhouse 	<p>Dual-Frontage Townhouse Dwelling For the purpose of this zone, Dual-Frontage Townhouse Dwelling means a townhouse dwelling with frontage along two streets.</p> <p>Backyard Amenity Area For the purpose of this zone, Backyard Amenity Area means an outdoor area easily accessible from the building and designed for the enjoyment of the outdoor environment. Notwithstanding the above, this definition of Backyard Amenity Area is only applicable to Dual-Frontage Townhouse Dwellings.</p> <p>Street Definition For the purposes of this zone, a street shall include a private road.</p> <p>Sight Triangles For the purposes of this zone, Section 4.36 shall not apply.</p> <p>Building Area (Maximum): 40%</p>

Zone Prefix	Exception Number	Additional Permitted Uses	Zone Standards – Except as proved herein, the provisions of the RT and RR zone continue to apply
			<p>Front Yard (Minima): from the front wall of main building 4m</p> <p>Exterior Side Yard (Minima): 1m</p> <p>Rear Yard (Minimum): 2.5m</p> <p>Width of Access Ramps and Driveways (Minima): 4m</p> <p>Driveway Setback (Minima) From all other lot lines 0m</p> <p>Backyard Amenity Area (Minima) Dual-Frontage Townhouse Dwellings 18m² All other townhouse dwellings 30m²</p>
RR	XX	<ul style="list-style-type: none"> - Artist Studio and Gallery - Bakery - Business Office - Clinic - Financial Institution - Retail Store 	<p>Lot Areas (Minima) Partially Serviced Lot 500m²</p> <p>Lot Frontages (Minima) Partially Serviced Lot 13m</p> <p>Building Area (Maximum) 40%</p> <p>Front Yard (Minima) 0m</p> <p>Rear Yard (Minimum) 4m</p> <p>Interior Side Yards (Minima) Main Building on Driveway Side 2m Main Building on Other Side 0.1m</p> <p>Landscape Area (Minimum) 25%</p>

The following is added to Table 13.3:

Zone Designation	Location	Hold Provisions of Zoning By-law
RT – XX - H1	Part of Lot 15, Concession 1 WHS (Caledon) being Parts 1 and 2 on 43R-7750, Town of	1. The following provisions shall apply to the lands subject to Holding Symbol "(H1)" [all lands] until the Holding Symbol (H1) is

	<p>Caledon, Regional Municipality of Peel, Municipally known as 18314 & 18309 Hurontario Street as shown on Schedule "A" to this by-law</p>	<p>removed pursuant to Subsection 36(1) or (3) of the <i>Planning Act</i>:</p> <p>a. Notwithstanding anything in this By-law to the contrary, lands zoned with the Holding Symbol "(H1)" shall be used only for a use legally existing or a use permitted as of the date of the enactment of this By-law.</p> <p>2. That the Holding Symbol "(H1)" shall not be removed until the following conditions are met by the Owner:</p> <p>a. The provision of vehicular site access to the satisfaction of the Town, including agreement on the costs of the access with the Owners paying for those costs; and,</p> <p>b. An addendum to the heritage impact assessment, to address:</p> <p style="padding-left: 40px;">The stone retaining wall and recommendation regarding whether or not it is a heritage attribute; The design (elevations) and its compatibility with the heritage attributes; The viability of the lot for the Creamery; and, Revision of the Temporary Protection Plan recommendations to tie it to the approval as a condition.</p>
RT – XX - H2	<p>Part of Lot 15, Concession 1 WHS (Caledon) being Parts 1 and 2 on 43R-7750, Town of Caledon, Regional Municipality of Peel, Municipally known as 18314 & 18309 Hurontario Street as shown on Schedule "A" to this by-law</p>	<p>3. The following provisions shall apply to the subject to Holding Symbol "(H2)" [lots 1-3 only] until the Holding Symbol (H2) is removed pursuant to Subsection 36(1) or (3) of the <i>Planning Act</i>:</p> <p>a. Notwithstanding anything in this By-law to the contrary, lands zoned with the Holding Symbol "(H2)" shall be used only for a use legally existing or a use permitted as of the date of the enactment of this By-law.</p>

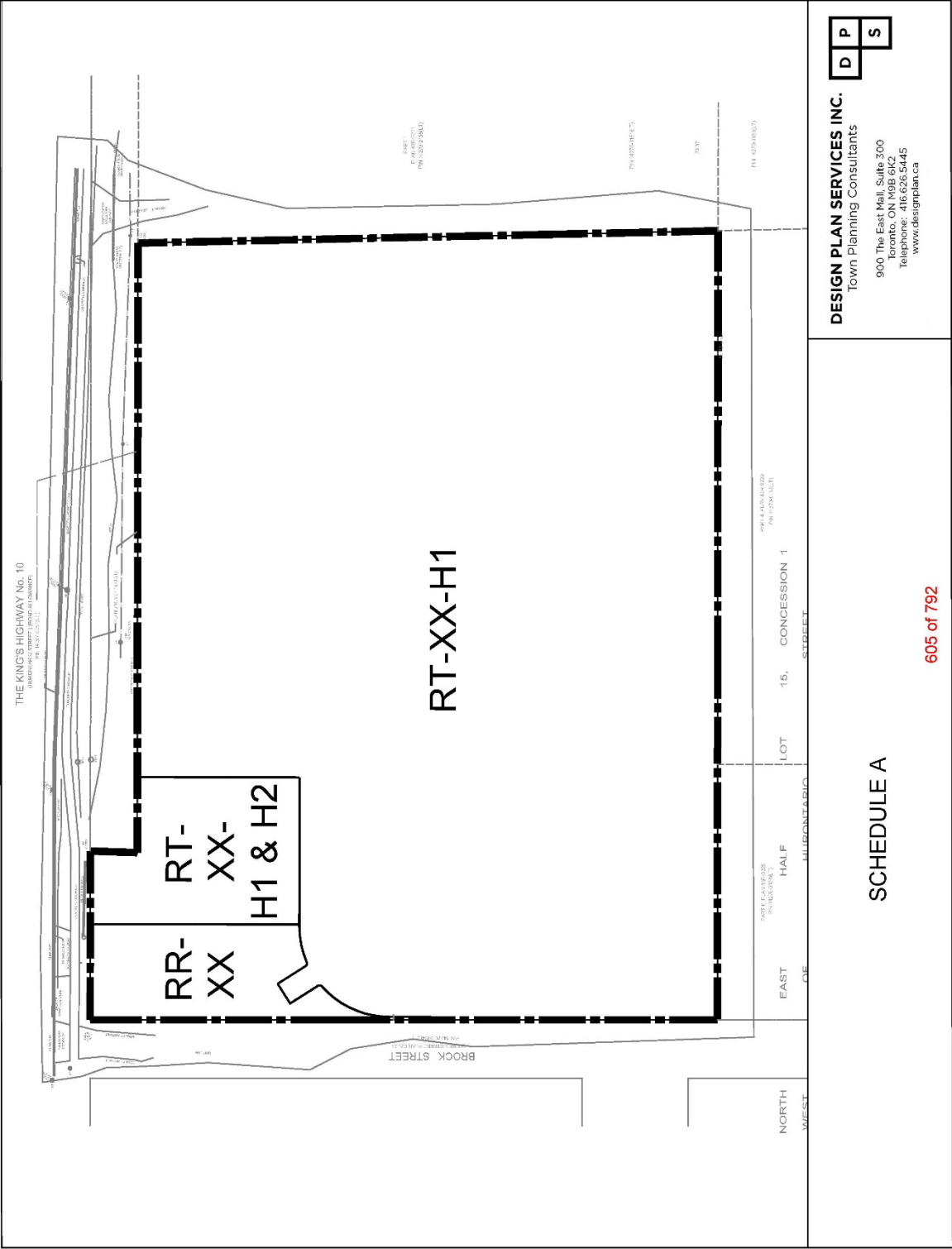
		<p>4. THAT the Holding Symbol "(H2)" shall not be removed until the following conditions are met by the Owner:</p> <p>a. A Stage 3 Archeological Assessment is complete and confirmation is provided that the Ministry of Citizenship and Multi-Culturalism has entered the report into the Provincial register.</p>
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2. Schedule "A", Zone Map 62 of By-law 2006-50, as amended is further amended for Part of Lot 15, Concession 1 WHS (Caledon) being Parts 1 and 2 on 43R-7750, Town of Caledon, Regional Municipality of Peel, from Rural Residential (RR) to Townhouse Residential (RT-XX-H1), Townhouse Residential (RT-XX-H2), and Rural Residential (RR-XX) in accordance with Schedule "A" attached hereto.

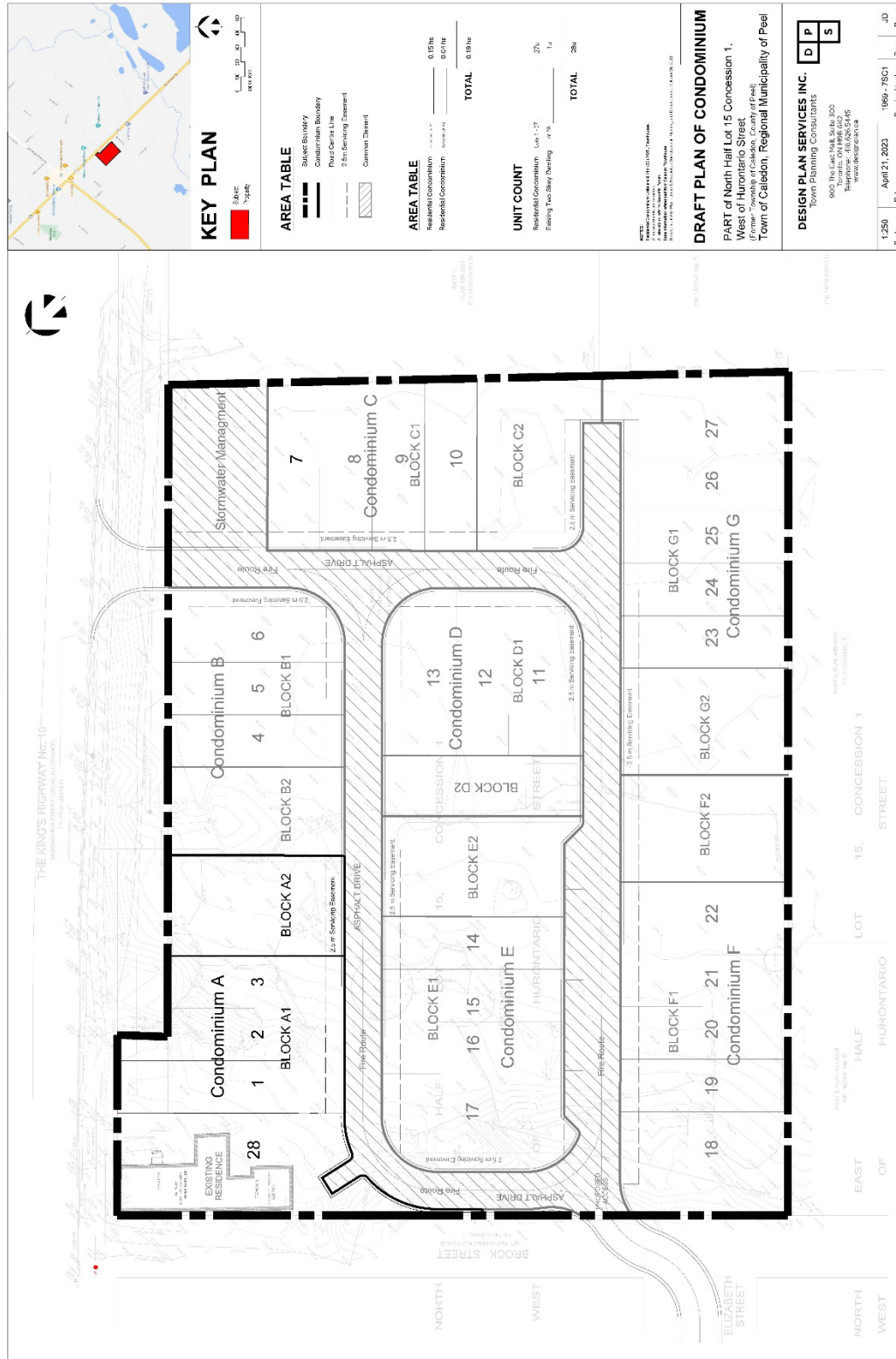
Read three times and finally passed in open Council on the XX day of XXXXXX, 20XX.

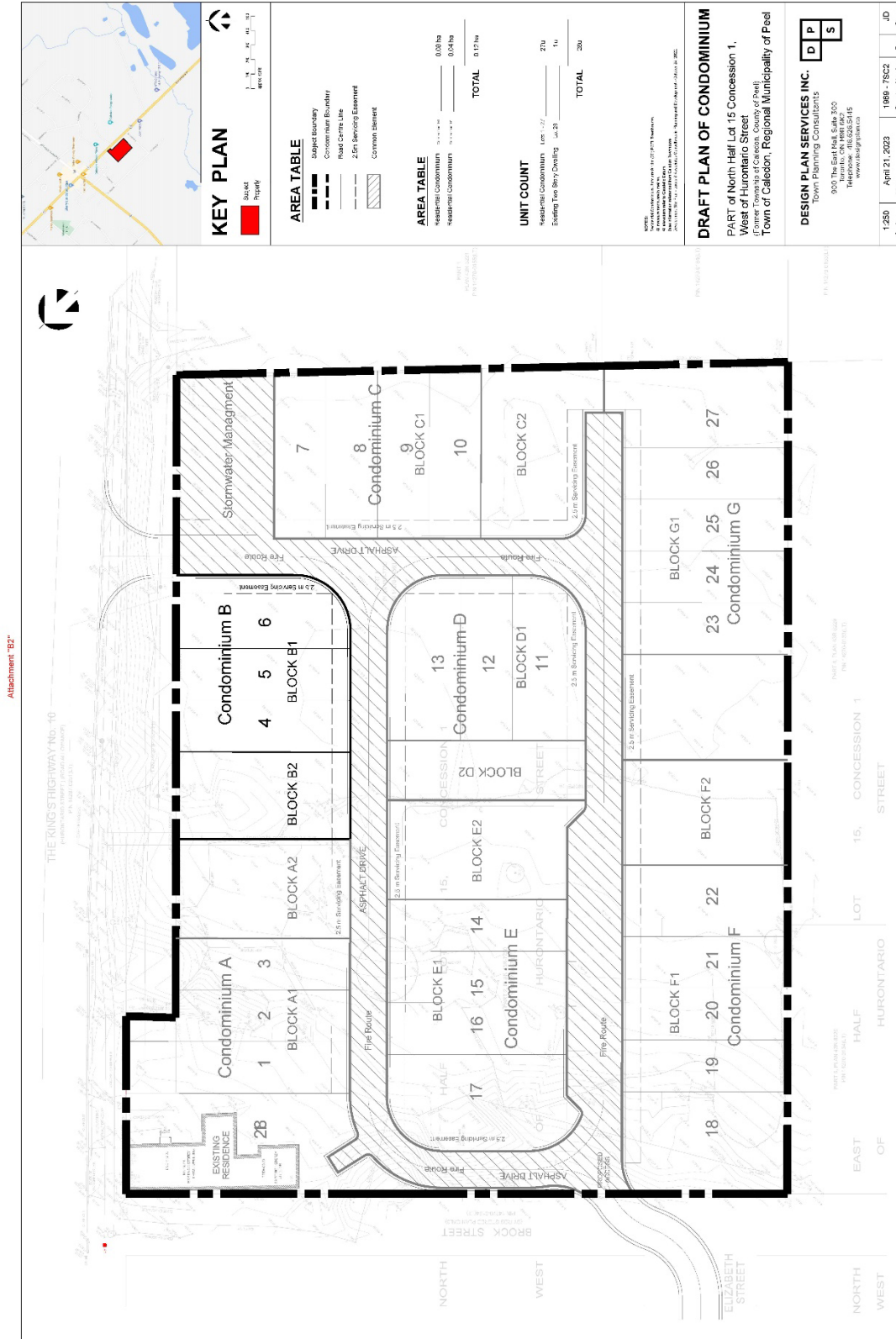
Annette Groves, Mayor

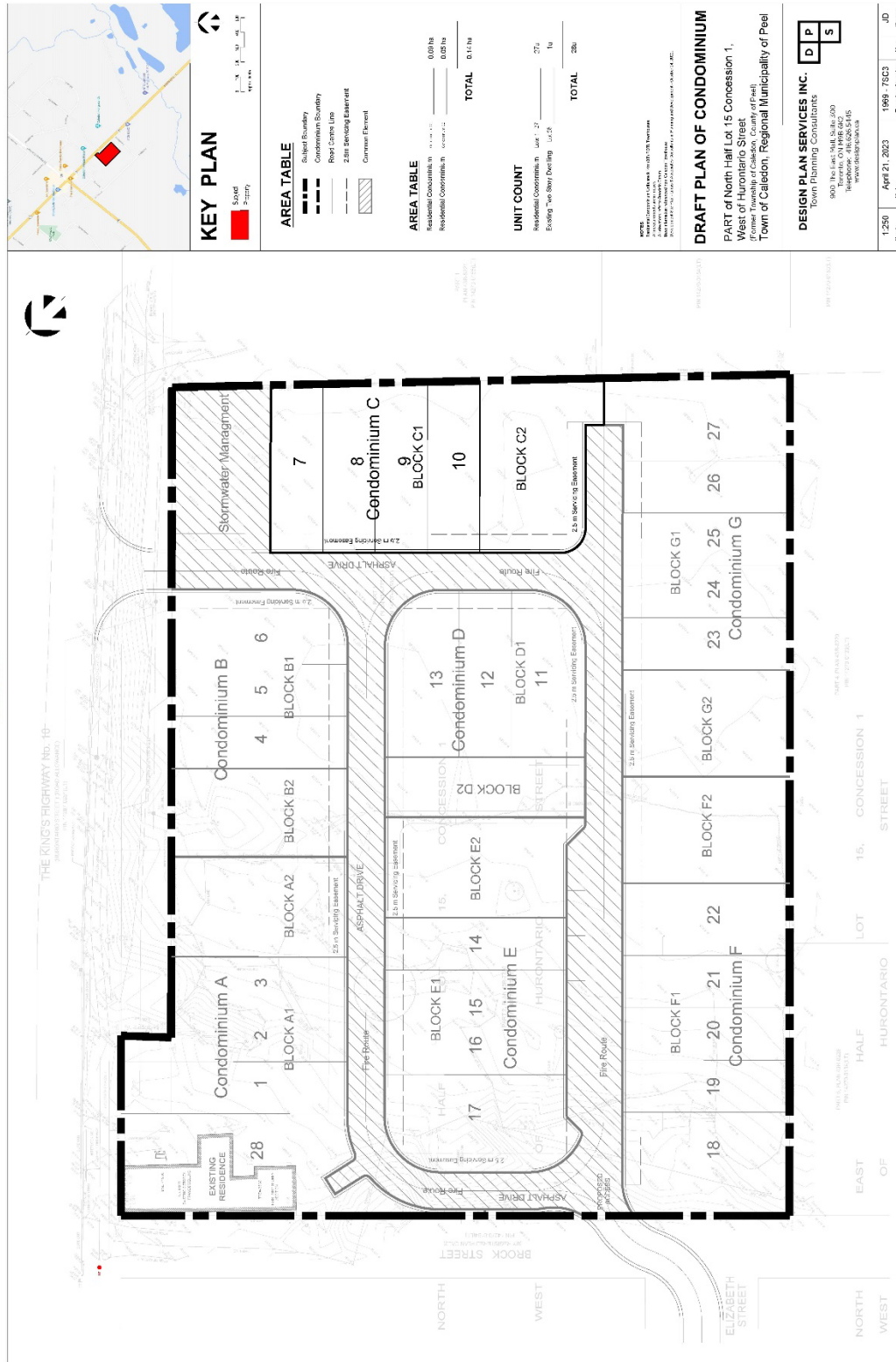
Laura Hall, Clerk



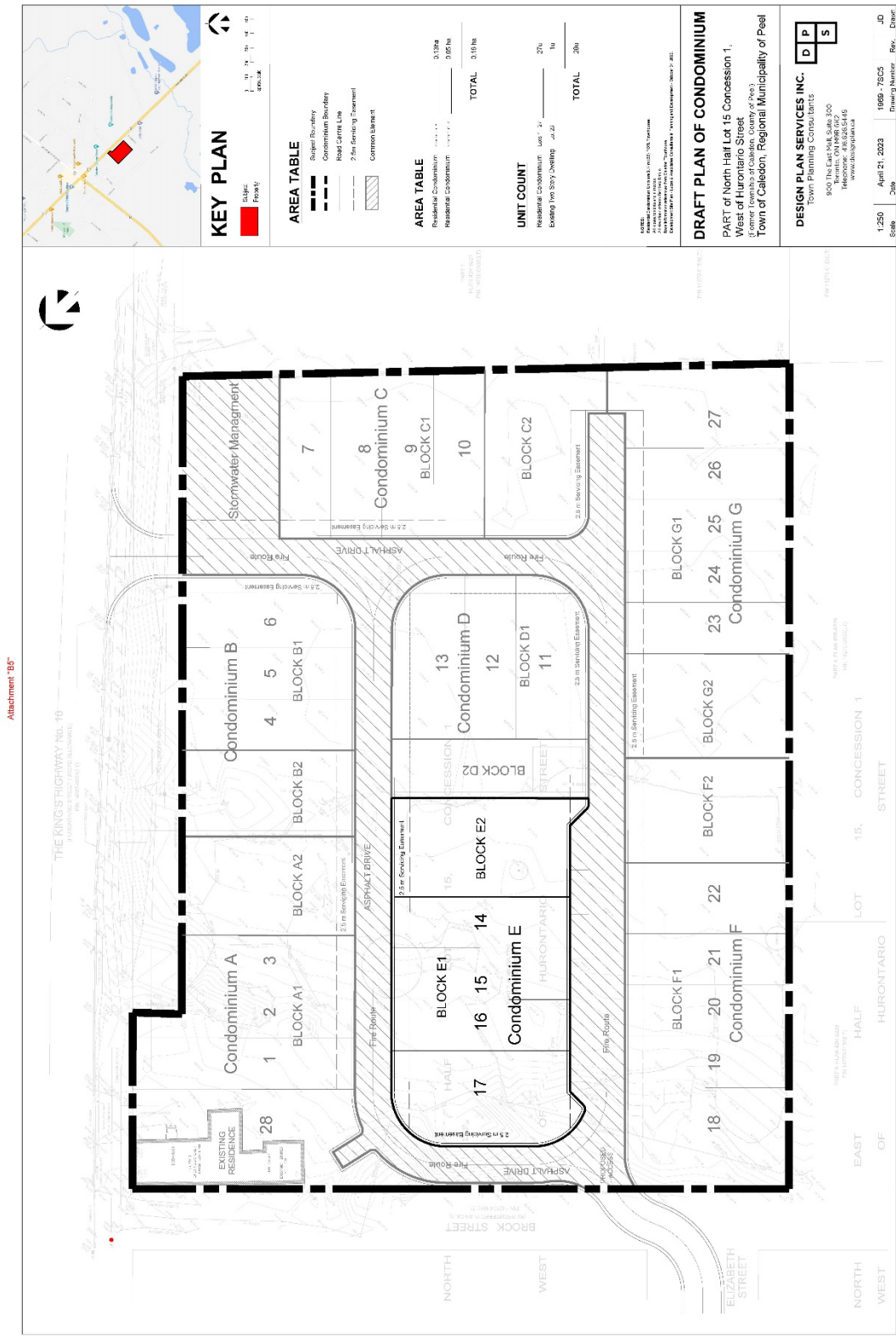
ATTACHMENT 2

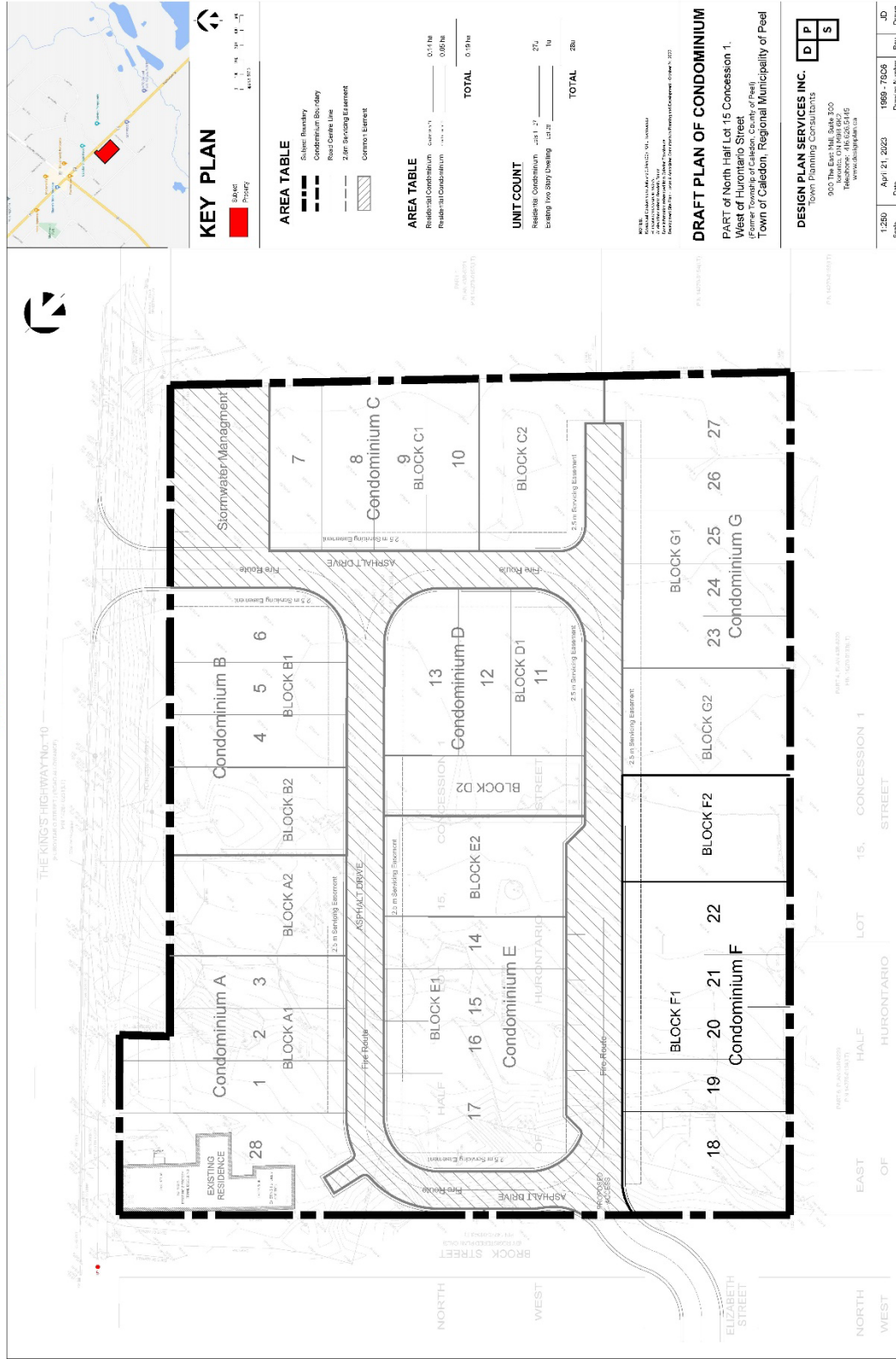












KEY PLAN

Scale: 1" = 100'

North Arrow

AREA TABLE

Subarea Boundary	0.1 ha
Condominium Boundary	0.05 ha
Block Centre Line	0.05 ha
2.5m Servicing Easement	0.05 ha
Condominium Easement	0.05 ha

AREA TABLE

Residential Condominium	0.1 ha
Residential Condominium	0.05 ha
TOTAL	0.1 ha

UNIT COUNT

Residential Condominium	Unit 1	27
Existing Two Storey Dwelling	Lot 28	1
TOTAL	28	

DRAFT PLAN OF CONDOMINIUM

PART of North Half Lot 15 Concession 1,
West of Hurontario Street
(Former Township of Caledon, County of Peel)
Town of Caledon, Regional Municipality of Peel

DESIGN PLAN SERVICES INC.
Town Planning Consultants
900 The East Mall, Suite 300
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Telephone: 416-625-5145
www.designplanservices.ca

1:250	April 21, 2023	1999-7808	JO
Scale	Date	Drawn & Revised	Drawn





