

## THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

### BY-LAW NUMBER 2019-050

**Being a By-law to Amend By-law No. 2018-043, as amended,  
[Part of Lots 1, Concession 4, Bales Industrial Area – 17611 Woodbine Ave]**

Whereas a Local Planning Appeal Tribunal Hearing was held on April 8<sup>th</sup>, 2019 to consider the proposed Zoning By-law amendment described herein;

The Local Planning Appeal Tribunal hereby approves as follows:

1. That Map 13 of Zoning By-law 2018-043, as amended, is hereby further amended as follows:
  - 1.1. That the property located at 17611 Woodbine Avenue being Part of Lot 1, Concession 4, Town of East Gwillimbury, Regional Municipality of York, more particularly shown in heavy outline with hatching on Schedule “A” attached hereto is zoned “**EMPLOYMENT PRESTIGE (M1) –EXCEPTION NO. 157 ZONE**”.
2. That Exception No. 157 in Table 16A of By-law No. 2018-043 is hereby deleted and replaced with the following:

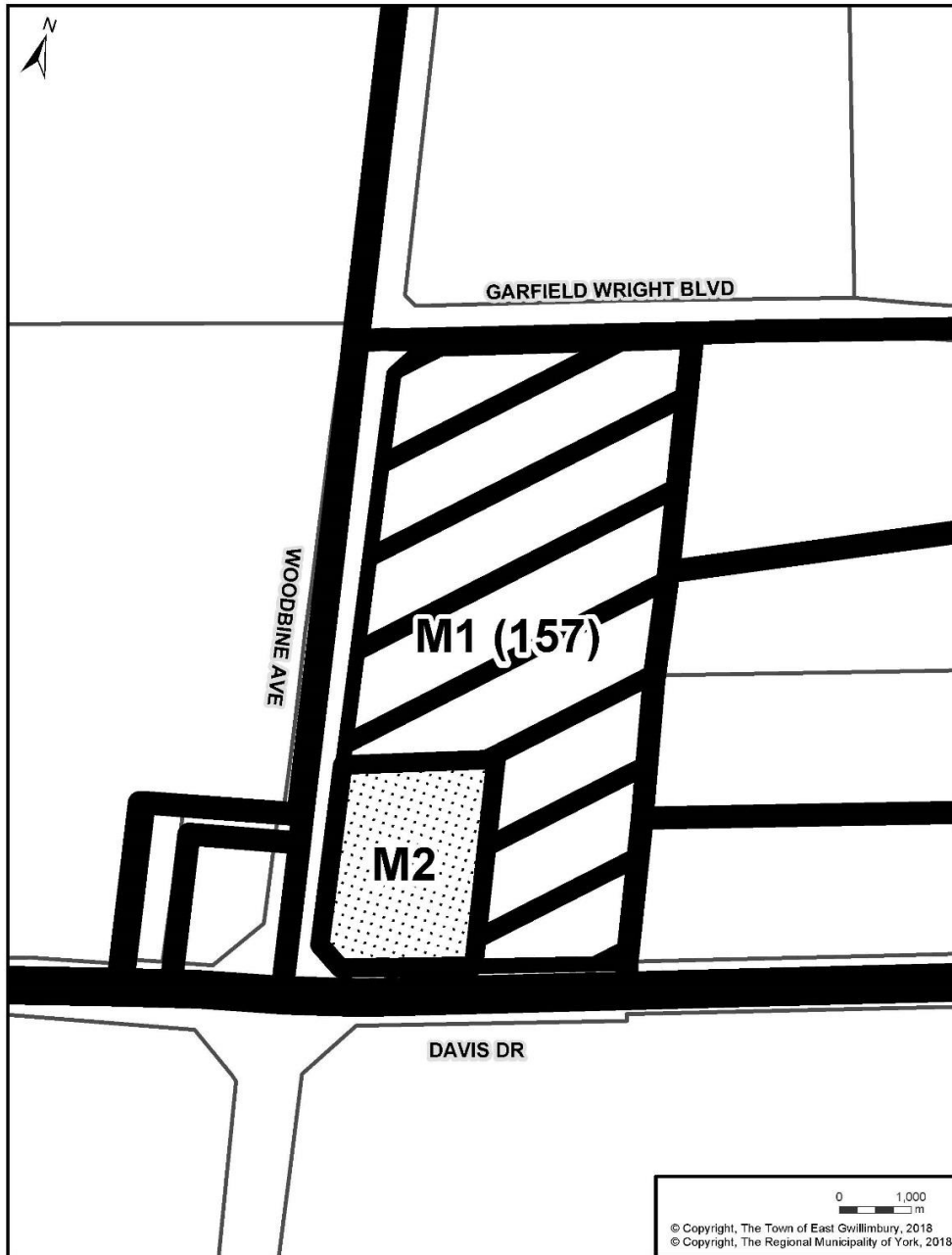
Exception No.	Zone	Permitted Uses	Special Provisions	Location
157	M1	Limited to: <ul style="list-style-type: none"> <li>• Brewery/winery/distillery</li> <li>• Business office</li> <li>• Commercial self-storage facility</li> <li>• Hotel/motel</li> <li>• Industrial mall</li> <li>• Industrial use</li> <li>• Trade and convention centre</li> <li>• Warehouse</li> </ul> Ancillary uses may only be permitted in accordance with the special provisions of this exception and shall be limited to the following uses: <ul style="list-style-type: none"> <li>• Service commercial Uses</li> </ul>	i) Ancillary uses may also be permitted in single-storey standalone buildings provided that any individual ancillary use or unit does not exceed a maximum gross floor area of 1000m <sup>2</sup> .  ii) Ancillary uses shall only be permitted once a building permit has been obtained for the 5900m <sup>2</sup> industrial mall. The total gross floor area of all ancillary	17611 Woodbine Avenue Part of lot 1, Conc. 2

		<ul style="list-style-type: none"> <li>• Restaurants and restaurants with a drive-thru service facility</li> <li>• Financial institutions</li> <li>• Commercial schools</li> <li>• Commercial fitness centres</li> <li>• Child care centres</li> <li>• Retail stores</li> </ul>	<p>uses shall not exceed 2300m<sup>2</sup>.</p> <p>iii) An additional 3,750 m<sup>2</sup> of single-storey standalone ancillary uses may be permitted upon completion of the industrial mall with a floor area not less than 5,900 m<sup>2</sup></p> <p>iv) for the purposes of this By-law, the west property line abutting Woodbine Avenue shall be deemed the Front Lot Line</p> <p>v) the arrangement of buildings, parking, landscaping and phasing shall be in general conformity with the site plan included as Schedule "B" of By-law 2019-XX.</p>	
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3. That Schedule "A" attached hereto is hereby declared to form part of this By-law.
4. That Schedule "B" attached hereto is hereby declared to form part of this By-law.

**SCHEDULE "A"**

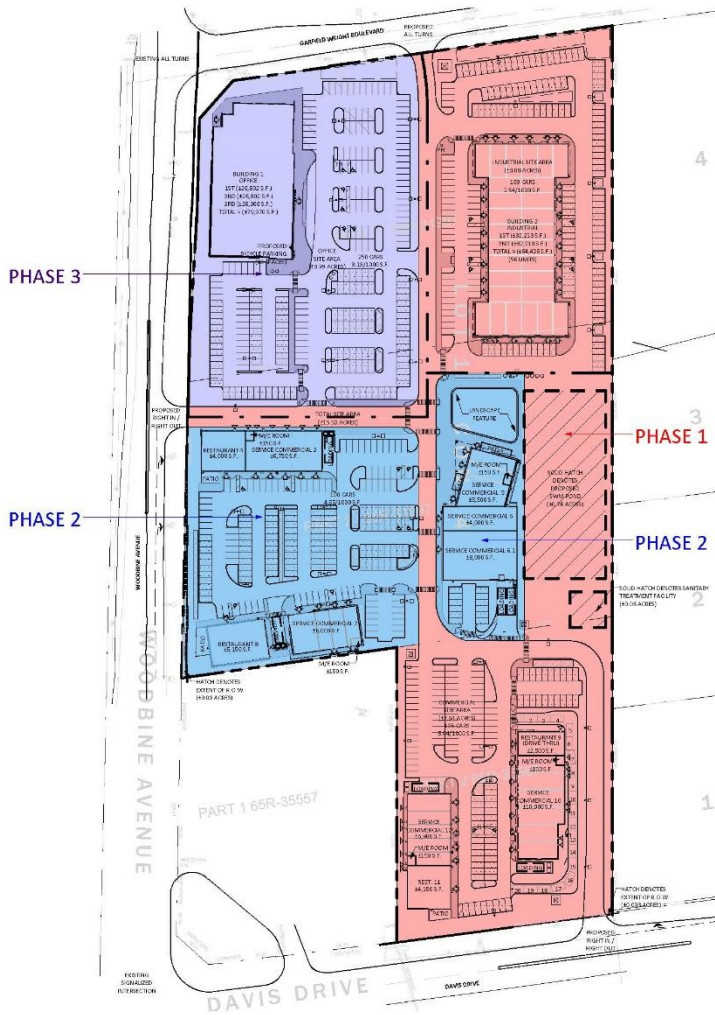
**PART OF LOT 1, CONCESSION 4  
TOWN OF EAST GWILLIMBURY, REGIONAL MUNICIPALITY OF YORK**



**This is Schedule "A" to Zoning By-law 2019-050 approved by the Local Planning Tribunal on the 8<sup>th</sup> Day of April 2019.**

# SCHEDULE "B"

## PART OF LOT 1, CONCESSION 4 TOWN OF EAST GWILLIMBURY, REGIONAL MUNICIPALITY OF YORK



### TURNER FLEISCHER

#### PHASING LEGEND

- PHASE 1
- PHASE 2
- PHASE 3

#### 17611 WOODBINE AVENUE

EAST GWILLIMBURY, ONTARIO  
17,222  
PHASING SCHEDULE

#### PRELIMINARY

DWG # A1-21.5

2017-10-02

SCALE = As indicated



This is Schedule "B" to Zoning By-law 2019-050 approved by the Local Planning Tribunal on the 8<sup>th</sup> Day of April 2019.

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** April 12, 2019

**CASE NO(S):** PL180656

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	658109 Ontario Limited
Subject:	By-law No. No. 2018-065
Municipality:	Town of East Gwillimbury
OMB Case No.:	PL180656
OMB File No.:	PL180656

**Heard:** April 8, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

Town of East Gwillimbury

Dean Horner

658109 Ontario Limited

Andy Margaritis

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON APRIL 8,  
2019 AND ORDER OF THE TRIBUNAL**

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**PROCEEDINGS**

[1] Following the Case Management Conference (“CMC”) of December 11, 2018 for this appeal, the Parties arrived at a settlement and presented a draft by-law for the

Tribunal's consideration of approval under s. 34(26.3) of the *Planning Act* ("Act").

[2] 658109 Ontario Limited ("658") owns land at 17611 Woodbine Avenue, extending between Davis Drive to the south and Garfield Wright Boulevard to the north ("property"). The property is located at the west end of the Bales Industrial Area situated to the east of Provincial Highway 404.

[3] 658 had appealed Zoning By-law Amendment No. 2018-065 passed by the Town of East Gwillimbury ("Town") to address certain properties not covered by the Town's new comprehensive Zoning By-law No. 2018-043. At issue were the uses to be permitted on the property, including ancillary service commercial and retail uses.

[4] The draft by-law presented on consent would zone the property as Employment Prestige (M1) – Exception 157 permitting a range of industrial uses as well as various ancillary uses including restaurants, financial institutions and retail stores. The draft by-law limits the individual and aggregate size of ancillary uses and contains a schedule with a site plan setting out the arrangement of buildings, vehicle access and parking, and on-site services.

[5] Under s. 34(26.3) of the Act, the Tribunal is required to approve a draft by-law presented to it with the consent of all parties, except for any part of the draft by-law that, in this case, is not consistent with the Provincial Policy Statement ("PPS"), does not conform with the Growth Plan for the Greater Golden Horseshoe ("GP"), or does not conform with the Regional Municipality of York Official Plan ("ROP") and the Town's Official Plan ("OP").

[6] The only Parties to this appeal are 658 and the Town. At the first CMC, no requests for Party status were received.

[7] Under the authority of s. 33(2)(c) of the *Local Planning Appeal Tribunal Act*, the Tribunal required evidence in support of the draft by-law and requested Dan Stone to

testify in that regard. 658 had retained Mr. Stone and he was presented by the Parties on consent to testify in support of the draft by-law, and had also filed a sworn affidavit in advance of the hearing. The Tribunal qualified Mr. Stone, a Registered Professional Planner, to provide opinion evidence on land use planning.

[8] Mr. Stone explained that the Bales Industrial Area is an employment area under the meaning of the PPS and GP, and that ancillary uses are permitted within employment areas under the ROP and OP.

[9] The OP designates the property as Rural Industrial Area and contains a site-specific policy in s. 9.4.15 affecting this property and permitting such ancillary uses as restaurants and retail stores, as well as farm-related commercial uses.

[10] Mr. Stone considers the Bales Industrial Area, with its 1800 jobs, as underserved by ancillary commercial uses, and that the draft by-law will enable necessary ancillary uses to locate on the property in support of the employment area and in keeping with the provincial, regional and local planning documents. He concludes that the draft by-law is consistent with the PPS, conforms with the GP, and conforms with the ROP and OP, and recommends that the draft by-law be approved in the form of Tab 14 of Exhibit 1.

[11] The Tribunal accepted the affidavit and oral evidence of Mr. Stone and found that no part of the draft by-law is inconsistent with the PPS, fails to conform with the GP, or fails to conform with the ROP and OP. On consent of the Parties, the Tribunal approved the draft by-law as set out in the Order below.

## **ORDER**

[12] The Tribunal orders that the appeal is allowed and Zoning By-law No. 2018-043 is amended as set out in Attachment 1.

*"S. Tousaw"*

S. TOUSAW  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY  
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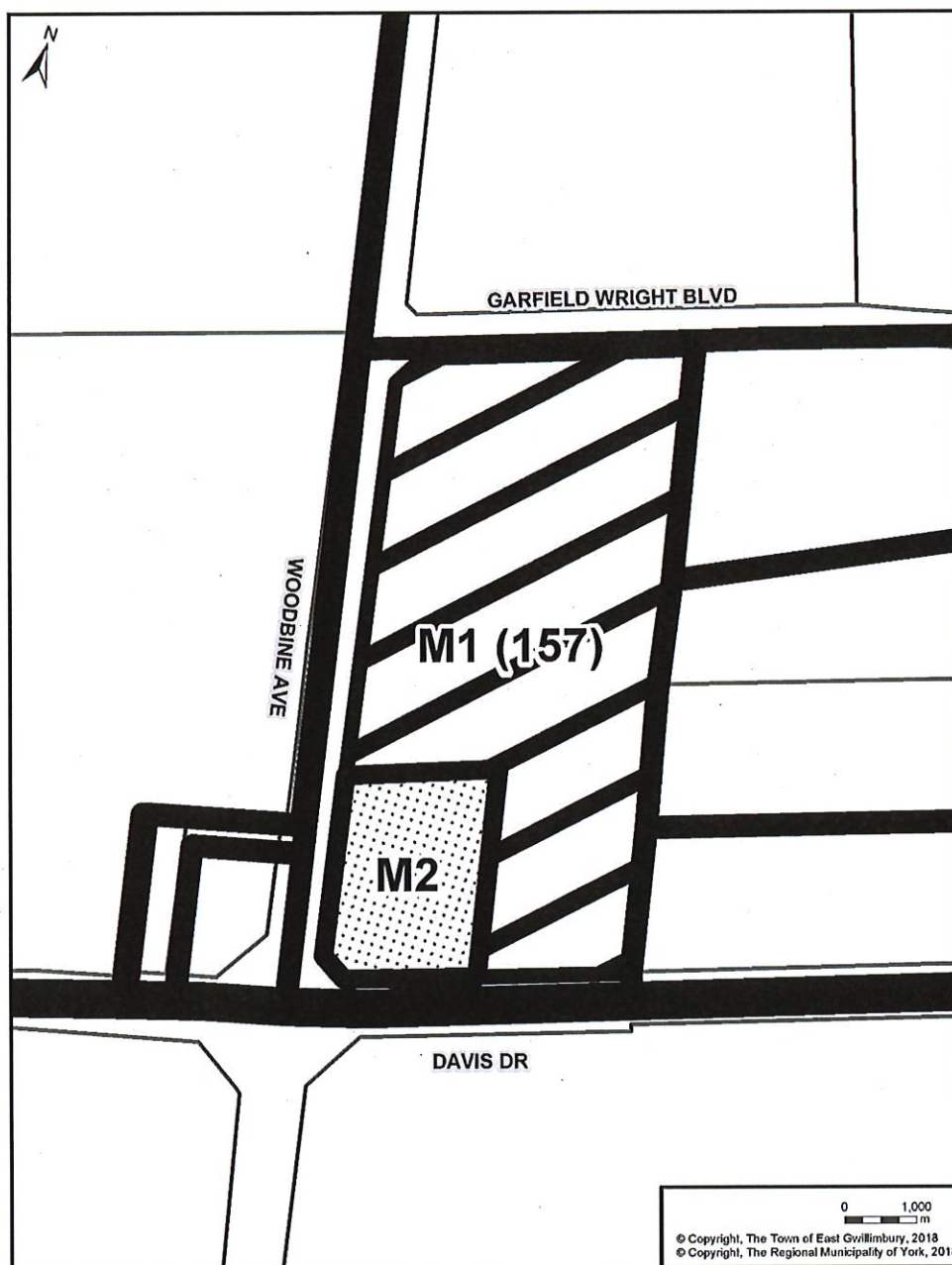
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		<p>facility</p> <ul style="list-style-type: none"> <li>• Financial institutions</li> <li>• Commercial schools</li> <li>• Commercial fitness centres</li> <li>• Child care centres</li> <li>• Retail stores</li> </ul>	<p>2300m<sup>2</sup>.</p> <p>iii) An additional 3,750 m<sup>2</sup> of single-storey standalone ancillary uses may be permitted upon completion of the industrial mall with a floor area not less than 5,900 m<sup>2</sup></p> <p>iv) for the purposes of this By-law, the west property line abutting Woodbine Avenue shall be deemed the Front Lot Line</p> <p>v) the arrangement of buildings, parking, landscaping and phasing shall be in general conformity with the site plan included as Schedule "B" of By-law 2019-XX.</p>	
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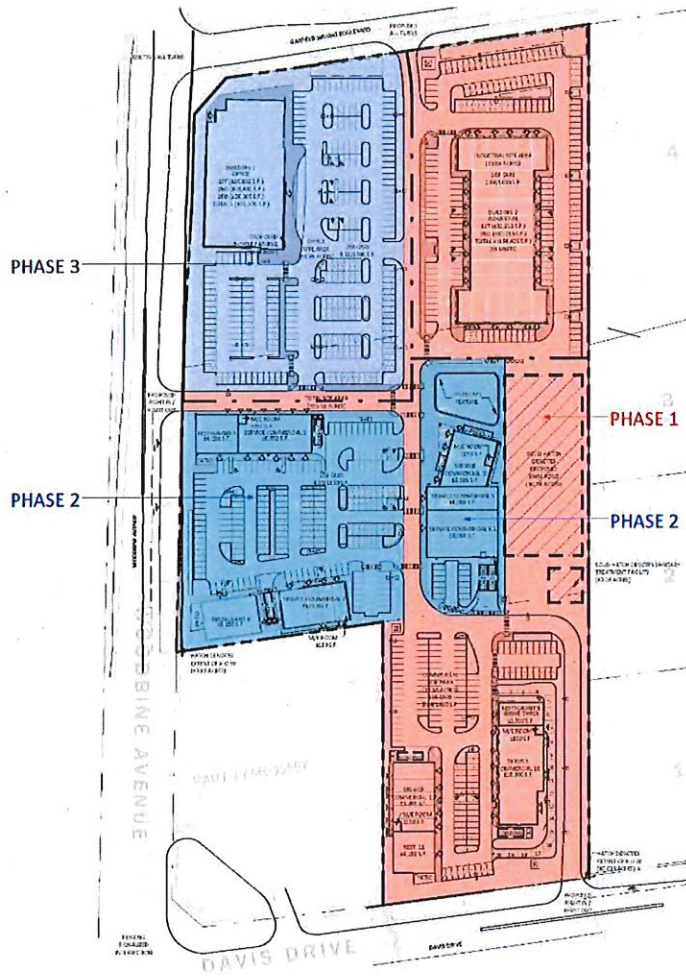
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**TURNER  
FLEISCHER**

**PHASING LEGEND**

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**17611 WOODBINE  
AVENUE**

EAST GWILLIMBURY, ONTARIO  
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PHASING SCHEDULE

PRELIMINARY  
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2017-10-02  
SCALE = As indicated



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