

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 113-2023

A By-law to designate by Number an amendment to City of Vaughan By-law 001-2021, as amended, as effected by the Ontario Land Tribunal.

The Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the Amendment to the City of Vaughan By-law 001-2021, as amended, as effected by the Ontario Land Tribunal Order, dated the 28th day of June, 2023 (OLT Case No. OLT-22-004083), attached hereto as Attachment “1”, is hereby designated as By-law Number 113-2023.

Voted in favour by City of Vaughan Council this 26th day of September, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Decision of the Ontario Land Tribunal
Issued June 28, 2023, Case No. OLT-22-004083.
Adopted by City of Vaughan Council on December 13, 2022.
(Item No. 1 of Report No. 47 of the Committee of the Whole (Closed Session))
(Item No. 25 of Report No. 46 of the Committee of the Whole)
City Council voted in favour of this by-law on
September 26, 2023.
Approved by Mayoral Decision MDC 003-2023 dated September 26, 2023.
Effective Date of By-Law: September 26, 2023

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 28, 2023

CASE NO.: OLT-22-004083

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

Applicant/Appellant	G Group Major Mackenzie Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys
Reference Number:	OP.21.019
Property Address:	3812 Major Mackenzie Drive W
Municipality/UT:	Vaughan/York
OLT Case No:	OLT-22-004083
OLT Lead Case No:	OLT-22-004083
OLT Case Name:	G Group Major Mackenzie Inc. v. Vaughan (City)

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

Applicant/Appellant	G Group Major Mackenzie Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys
Reference Number:	Z.21.040
Property Address:	3812 Major Mackenzie Drive W
Municipality/UT:	Vaughan/York
OLT Case No:	OLT-22-004084
OLT Lead Case No:	OLT-22-004083

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

Applicant/Appellant	G Group Major Mackenzie Inc.
Subject:	Zoning By-law
Description:	Comprehensive Zoning By-law for all lands in the City of Vaughan
Reference Number:	Comprehensive Zoning By-law No. 001-2021

Property Address: 3812 Major Mackenzie Drive W
 Municipality/UT: Vaughan/York
 OLT Case No: OLT-22-002104
 OLT Appeal No: 2748

BEFORE:

G. BURTON)	
VICE-CHAIR)	Wednesday, the 28 th
)	
D.S. COLBOURNE)	day of June, 2023
VICE-CHAIR)	

THESE MATTERS having come on for a public hearing, and the Tribunal in its Decision issued on June 13, 2023, having withheld its final order pending notification that the conditions noted in the Decision have been met to the satisfaction of the Appellant and the City, and the Tribunal having now been advised that all the conditions have been met;

THE TRIBUNAL ORDERS that the appeal is allowed in part and the Official Plan for the City of Vaughan is amended as set out in Attachment "A" to this Order, and as amended is approved;

AND THE TRIBUNAL ORDERS that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 1-88 as set out in Attachment "B" to this Order;

AND THE TRIBUNAL FURTHER ORDERS that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 001-2021 as set out in Attachment "C" to this Order;

AND THE TRIBUNAL FURTHER ORDER that the appeal against Comprehensive Zoning By-law 001-2021 (OLT-22-002104, Appeal No. 2748) is resolved in full and the balance of the appeal is hereby dismissed.

1. This Order and the Tribunal's Final Order approving the amendment to Zoning By-law No. 001-2021 is without prejudice to the disposition of any other appeal of Zoning By-law No. 001-2021 in OLT-22-002104 and any unapproved portions of Zoning By-law No. 001-2021, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City will not take the position that the Tribunal ought not to approve amendments to Zoning By-law No. 001-2021 on the basis that such amendments deviate from or are inconsistent with the amendments hereto as brought into force by this Order and the Tribunal's Final Order. However, this does not affect the City's right to assert that Zoning By-law No. 001-2021, as amended hereto, to the extent brought into force by this Order and the Tribunal's Final Order, should be applied to specific sites or areas without amendment on the basis that doing so is consistent with the Planning Act and provincial policies, conforms to provincial and official plans and/or constitutes good planning.

"Euken Lui"

ACTING REGISTRAR

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 CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 113-2023

A By-law to amend City of Vaughan By-law 001-2021, as amended.

WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

AND WHEREAS Subsection 24(2) of the *Planning Act*, R.S.O.1990, c.P.13, provides that Council may pass a By-law that does not conform to the Official Plan on lands that are subject of an adopted amendment, and that once the amendment comes into effect, the By-law shall then conform; and

AND WHEREAS Subsection 24 (2.1) of the *Planning Act*, R.S.O.1990, c.P.13. provides that the By-law comes into force and effect upon the Official Plan Amendment coming into effect;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That City of Vaughan By-law Number 001-2021, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from RM2(H) Multiple Unit Residential Zone with the Holding Symbol “(H)” and OS1 Public Open Space Zone subject to Exception 14.985, to HMU High-Rise Mixed-Use Zone with the addition of the Holding Symbol “(H)” and OS1 Public Open Space Zone subject to site specific zone exceptions, in the manner shown on the said Schedule “1”.
 - b) Deleting Map 163 in Schedule A and substituting therefor the Map 163 attached hereto as Schedule “2”.
 - c) Deleting Schedule “E-1479” and substituting therefor Schedule “E-1479” attached hereto as Schedule “1”.
 - d) Deleting Subsection 14.985 in Part 14 Exception Zones, and replacing it with

a new Section 14.985 as follows:

Exception Number 985	Municipal Address: 3812 Major Mackenzie Drive West
Applicable Parent Zone: OS1, HMU	
Schedule A Reference: 163	
By-law/Tribunal Decision Reference: OLT Case No. OLT-22-004083	
14.985.1 Permitted Uses	
<p>1. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Figure “E-1479”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the <i>Planning Act</i>:</p> <p>a. Lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a <u>use</u> legally existing as of the date of the enactment of this By-law. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding Symbol “(H)”:</p> <p>i. One (1) <u>temporary sales office</u>, in accordance with Subsection 5.11.2 respecting <u>Temporary Sales Office</u> in the City of Vaughan By-law 001-2021; and</p> <p>ii. Below-grade <u>parking structure</u> including shoring and excavation work, provided that a Site Development Application for a permitted <u>use</u> under Section 14.985.1.2 has been submitted to the City.</p> <p>b. The removal of the Holding Symbol “(H)” from the Subject Lands or a portion or Phase thereof is contingent on satisfying the following conditions:</p> <p>i. York Region Infrastructure Asset Management staff have confirmed that water and wastewater servicing capacity is available to support the proposed development at such time as:</p>	

- a. The City of Vaughan approves servicing allocation to this development that is not dependent upon the completion of any new infrastructure; or
 - b. York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region to permit the plan registration; or,
 - c. The Regional Commissioner of Public Works confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
- ii. The Owner must demonstrate a sanitary and water servicing strategy can be achieved utilizing a comprehensive study and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City. The study shall include approved and proposed development applications surrounding the Subject Lands, including, but not limited to, NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), Calvin Estates Inc. – 10130/10144/10160 Weston Road (Files Z.16.018 & 19T-16V003), and Maplequest (Vaughan) Developments Inc. (Files DA.17.082 & DA.17.118), to ensure any infrastructure improvements accommodates the remaining growth in Block 40 South including an Agreement, by the City and/or Region, for any applicable Development Charge credit for any infrastructure improvements

including front ended infrastructure. The study shall also identify and commit to any improvements to any municipal and/or private sewers and mains, free of all costs and encumbrances to the City, that are required to service the Subject Lands, to the satisfaction of the City.

- iii. As the Subject Lands require the future ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard to be constructed with interest from the adjacent lands known as NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), the “H” is to only be lifted under one of the following two scenarios:
 - a. The ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard are constructed by the Owner or adjacent landowner to the west and the Owner has secured the necessary lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands; or
 - b. The Owner has demonstrated that an alternate interim roadway for ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard can be achieved through a comprehensive Transportation Impact Study (‘TIS’) including, but not limited to, functional design drawings, to the satisfaction of the City. The Owner shall identify and secure any necessary lands required to facilitate the interim solution, including lands external to the Subject Lands to

be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands.

- iv. The Owner shall submit and obtain approval of a Draft Plan of Subdivision Application (subject to conditions) from City of Vaughan Council.
- v. A Subdivision Agreement has been executed and registered (without clearing of Conditions of Draft Plan Approval or Plan Registration) on title to the Subject Lands, and any other agreement(s) be executed to the satisfaction of the City.

2. The following uses shall be the only uses permitted in the HMU High-Rise Mixed-Use Zone, as shown on Figure “E-1479”:

- a. Apartment Dwelling
- b. Clinic
- c. Community Facility
- d. Day Care Centre
- e. Financial Institution
- f. Health and Fitness Centre
- g. Multiple-Unit Townhouse Dwelling
- h. Office
- i. Outdoor Patio
- j. Personal Service
- k. Podium Townhouse Dwelling
- l. Privately Owned Public Space
- m. Restaurant
- n. Restaurant, Take-out
- o. Retail
- p. Retail, Convenience
- q. Urban Square

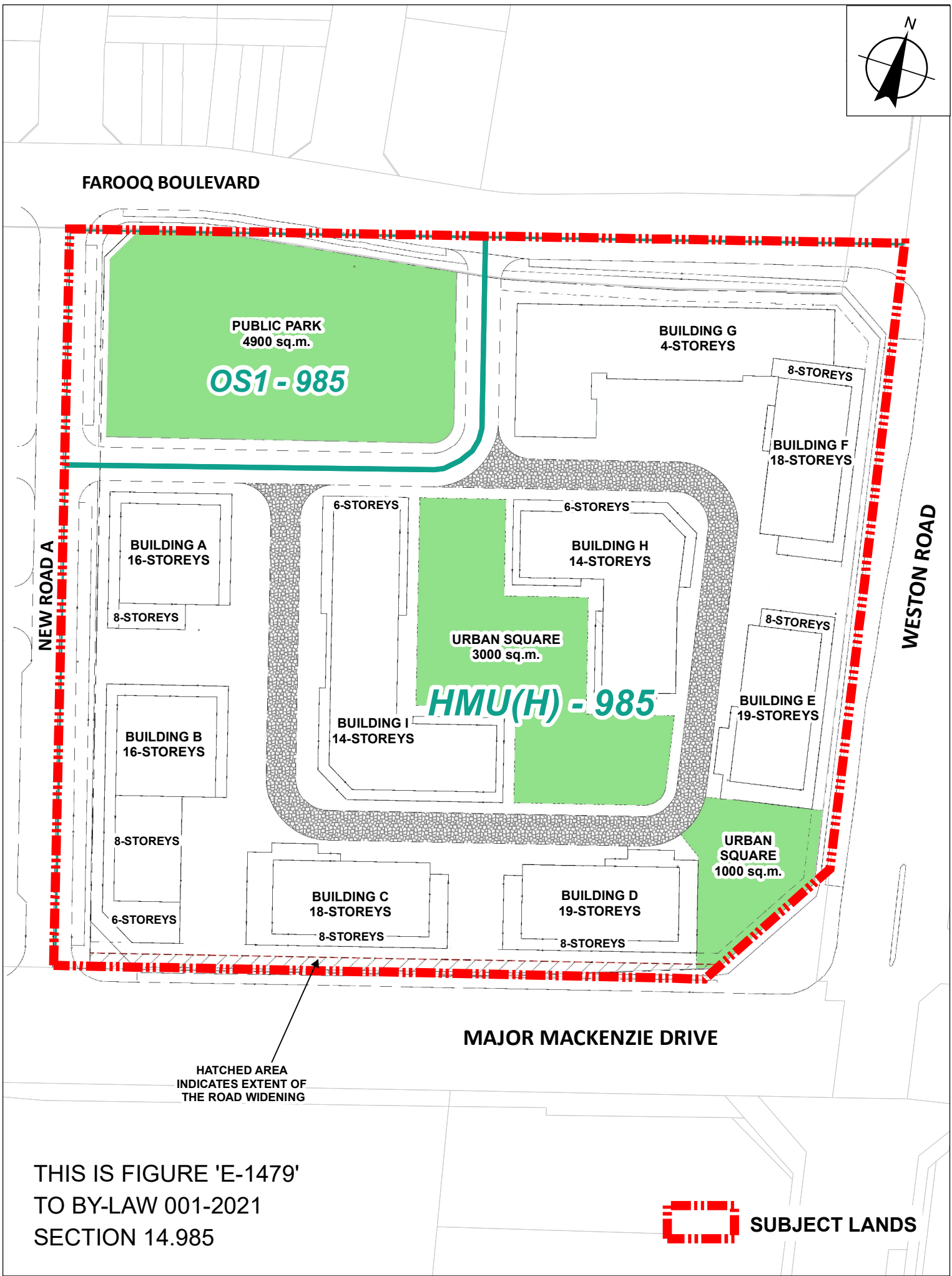
14.985.2 Lot and Building Requirements

1. The maximum height of a rooftop mechanical penthouse shall be 6 m;
2. The minimum amenity area shall be as follows:
 - a. A minimum of 31% of the required amenity space shall be provided as common space.
 - b. Outdoor amenity areas may consist of amenity areas located on a rooftop or terrace that exceed 11 m²
3. The minimum front yard setback to the below-grade parking structure shall be 1.0 m from the ultimate street line, after any road widenings.
4. The following provisions shall apply to the lands zoned HMU High-Rise Mixed-Use on Figure E-1479:
 - a. Minimum front yard (abutting Major Mackenzie Drive): 3 m.
 - b. Minimum rear yard (abutting Farooq Boulevard): 4.2 m.
 - c. Minimum exterior side yards (abutting Weston Road and 'New Road A' respectively): 3 m.
 - d. Minimum build-to-zone: 3 m.
 - e. Maximum podium height for Buildings C, D, E and F: 25.5 m.
 - f. Minimum tower separation: 25 m.
 - g. Minimum tower separation distances shall not apply to Buildings H and I, identified on Figure E-1479.
 - h. A 45-degree angular plane from the HMU Zone shall not be applied from Low-Rise Buildings (up to a maximum 4 storeys) to the rear lot line (Farooq Boulevard).
 - i. Maximum tower floor plate area of 850 m² shall not apply to Buildings H and I identified on Figure E-1479.
 - j. Minimum landscape strip width abutting a street line: 3 m.
5. The following provisions shall apply to the lands zoned OS1 Public Open Space, as shown on Figure E-1479:
 - a. Minimum rear yard setback (abutting Farooq Boulevard):

0.0 m	
b.	Minimum <u>exterior side yard setback</u> (abutting ‘New Road A’): 0.0 m.
c.	Minimum <u>setback</u> abutting the internal <u>private road</u> (east and south of the public <u>park</u>): 4.5 m.
6.	The <u>ground floor</u> frontage along Farooq Boulevard and ‘New Road A’ may consist of <u>podium townhouse dwellings</u> .
7.	The maximum <u>gross floor area</u> of the development shall be 1,800,000 ft ² or 167,225.5 m ²
14.985.3 Parking, Bicycle Parking, and Loading Requirements	
1.	The minimum parking requirement for non-residential <u>uses</u> , excluding a <u>day care centre use</u> : 4.5 <u>parking spaces</u> per 100 m ² <u>gross floor area</u> .
2.	The minimum parking requirement for a <u>day care centre use</u> : 1 parking space per employee.
3.	The minimum <u>bicycle parking space</u> requirements shall be as follows: a. Commercial <u>uses</u> : long-term – 0.05/100 m ² ; short-term 0.2/100 m ² or 3 spaces, whichever is greater. b. Community <u>uses</u> : long-term – 0.05/100 m ² ; short-term 0.2/100 m ² or 3 spaces, whichever is greater.
4.	<u>Long-term bicycle parking space</u> may have indirect access from the exterior of the <u>building</u> and that access may be located on the <u>ground floor</u> or within the below-grade <u>parking structure</u> .
14.985.4 Other Provisions	
The following provisions shall apply to the lands labelled “Subject Lands”, as shown on Figure “E-1479”:	
1.	FRONT LOT LINE – Means the <u>lot line</u> of the Subject Lands that abuts the Major Mackenzie Drive West <u>street line</u> .
2.	LOT – Means that regardless of the number of <u>buildings</u> constructed, the creation of separate units and/or lots by way of

<p>Plan of Condominium, Consent, conveyance of private or public roads; strata title arrangements, or other permissions, and any easements or registrations that are granted, the Subject Lands shall be deemed to be one (1) <u>lot</u>.</p> <p>3. PRIVATELY OWNED PUBLIC SPACE – Means premises that are publicly accessible and intended for active recreational uses and passive recreational <u>uses</u>, but that are privately-owned and maintained, and shall include an <u>urban square</u>.</p>
14.985.5 Figures
Figure E-1479

2. Schedules “1” and “2” shall be and hereby form part of this By-law.



THIS IS FIGURE 'E-1479'
TO BY-LAW 001-2021
SECTION 14.985

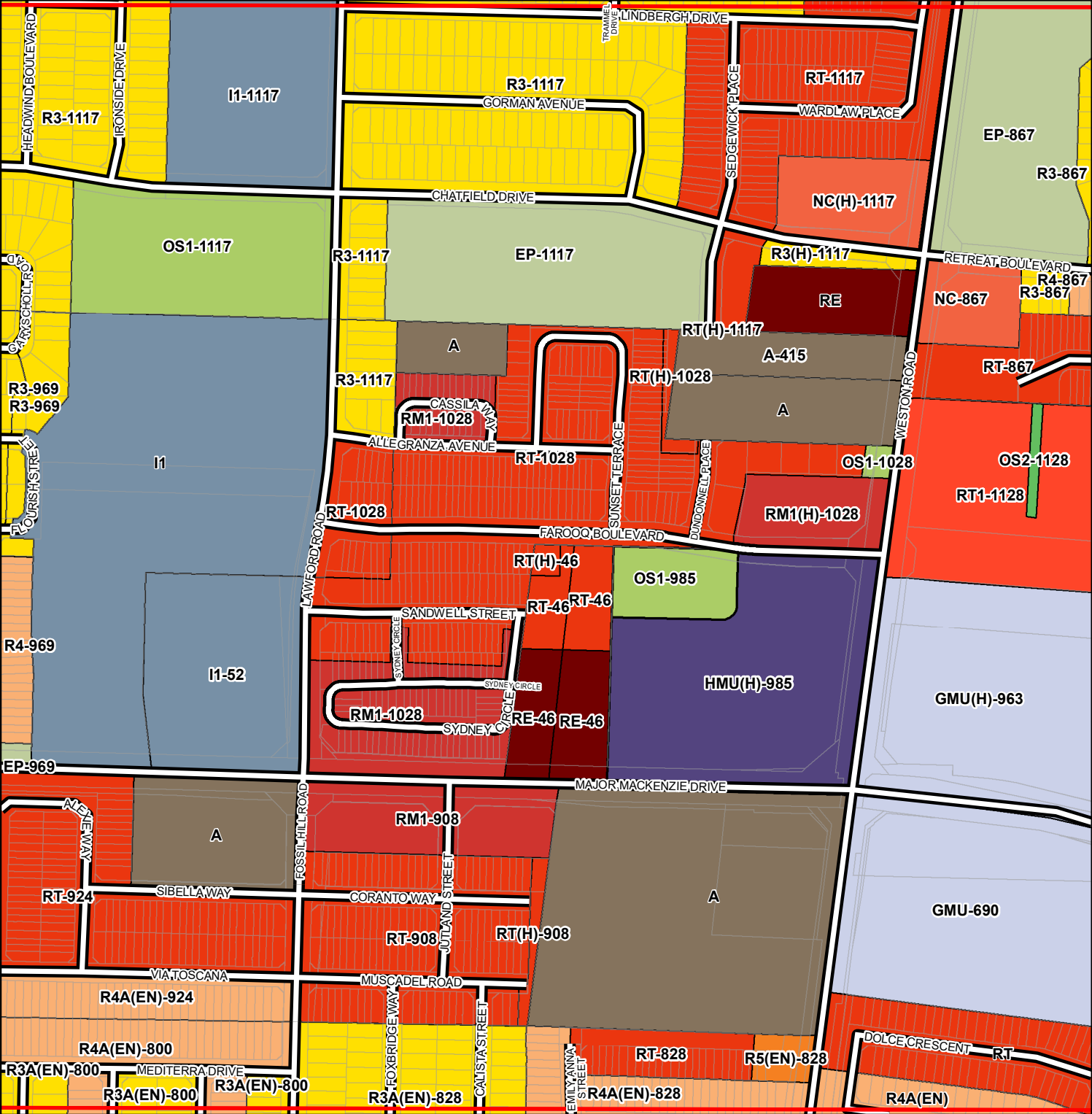
THIS IS SCHEDULE '1'
TO BY-LAW 113-2023
PASSED THE 26TH DAY OF SEPTEMBER, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

SIGNATURE _____
MAYOR
CLERK
TRIBUNAL ORDER:
CASE NO. OLT-22-004083
JUNE 28, 2023

Zoning By-law 001 - 2021

Schedule A | Map 163



- Conservation, OpenSpace and Agricultural Zones**

 - A (Agriculture Zone)
 - OS1 (Public Open Space Zone)
 - OS2 (Private Open Space Zones)
 - EP (Environmental Protection Zone)

Vaughan Metropolitan Centre Zones

 - V1 (Station Precinct Zone)
 - V2 (South Precinct Zone)
 - V3 (Neighbourhood Precinct Zone)
 - V4 (Employment Precinct Zone)
- Residential Zones**

 - R1 (First Residential Zone)
 - R2 (Second Residential Zone)
 - R3 (Third Residential Zone)
 - R4 (Fourth Residential Zone)
 - R5 (Fifth Residential Zone)
 - RT (Townhouse Zone)
 - RT1 (Townhouse Residential)
 - RT2 (Townhouse Residential)
 - RM1 (Multiple Residential Zone 1)
 - RM2 (Multiple Residential Zone 2)
 - RM3 (Multiple Residential Zone 3)
- Commercial Zones**

 - RE (Estate Residential Zone)
 - GC (General Commercial Zone)
 - NC (Neighbourhood Commercial Zone)
 - CC (Convenience Commercial Zone)
 - SC (Service Commercial Zone)

Mixed-Use Zones

 - LMU (Low-Rise Mixed-Use Zone)
 - MMU (Mid-Rise Mixed-Use Zone)
 - HMU (High-Rise Mixed-Use Zone)
 - GMU (General Mixed-Use Zone)
- Other Zones**

 - CMU (Community Commercial Mixed-Use Zone)
 - EMU (Employment Commercial Mixed-Use Zone)
 - KMS (Main Street Mixed-Use - Kleinburg Zone)
 - MMS (Main Street Mixed-Use - Maple Zone)
 - WMS (Main Street Mixed-Use - Woodbridge Zone)
 - EM1 (Prestige Employment Zone)
 - EM2 (General Employment Zone)
 - EM3 (Mineral Aggregate Operation Zone)
 - I1 (General Institutional Zone)
 - I2 (Major Institutional Zone)
 - U (Utility Zone)
 - FD (Future Development Zone)
 - PB1 (Parkway Belt Public Use Zone)
 - PB2 (Parkway Belt Complementary Use Zone)
 - PB3 (Parkway Belt West Recreational Zone)

These Lands shall not be subject to Zoning By-law 001-2021

VAUGHAN WSP				
200	201	202	203	204
180	181	182	183	184
161	162	163	164	165
142	143	144	145	146
124	125	126	127	128

Final: February, 2023

1:5,000

THIS IS SCHEDULE '2'
TO BY-LAW 113-2023
PASSED THE 26TH DAY OF SEPTEMBER, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

TRIBUNAL ORDER:
CASE NO. OLT-22-004083
JUNE 28, 2023

Mayor
Clerk

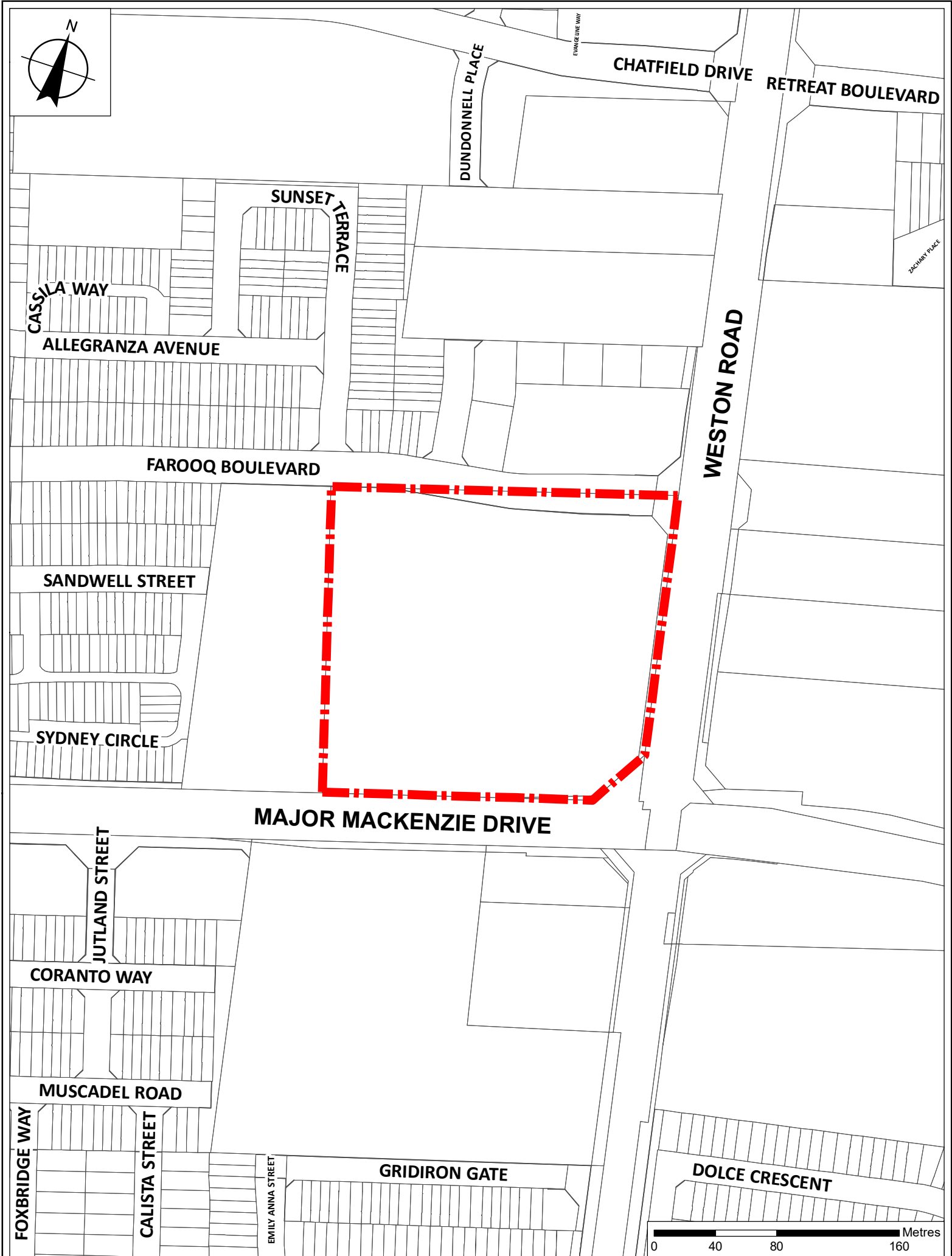
SUMMARY TO BY-LAW 113-2023

The lands subject to this By-law are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being in Part of Lot 21, Concession 6, City of Vaughan.

The purpose of this by-law is to rezone the Subject Lands from RM2(H) Multiple Unit Residential Zone with the Holding Symbol “(H)” and OS1 Public Open Space Zone subject to Exception 14.985, to HMU High-Rise Mixed-Use Zone with the addition of the Holding Symbol “(H)” and OS1 Public Open Space Zone, subject to site specific zone exceptions, to permit a mixed-use development consisting of eight (8) residential/mixed-use buildings, ranging in height from 4 to 19 storeys, containing a total of approximately 2,400 residential dwelling units, space devoted to commercial uses, office uses, a day nursery, and community facilities, and two Urban Squares (i.e. Privately Owned Public Spaces) that are 3,000 m² and 1,000 m² each. A 4,900 m² Public Park is also provided on the Subject Lands.

The Holding Symbol “(H)” has been placed on the Subject Lands and shall not be removed from the Subject Lands, or any portion thereof, until the conditions have been satisfied.

The Ontario Land Tribunal is the approval authority for this By-law.



LOCATION MAP
TO BY-LAW 113-2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

