

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 118-2023

A By-law to adopt Amendment Number 98 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Ontario Land Tribunal.

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

1. THAT the attached Amendment Number 98 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Land Tribunal Order, dated June 28, 2023, (OLT Case No. OLT-22-004083) attached hereto as Attachment “1” consisting of the attached text and Schedules “1” and “2” is hereby adopted.

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

AMENDMENT NUMBER 98
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1” and “2” constitute Amendment Number 98 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices “I” and “II”.

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 1, Schedule 13 – Land Use and Schedule 14-C – Areas Subject to Site Specific Policies, and Volume 2, Section 13 – Site Specific Policies, to permit a mixed-use development consisting of eight (8) apartment buildings with a permitted maximum height of 19 storeys and a permitted maximum Floor Space Index (FSI) of 4.7 times the net developable area of the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Lands Subject to Amendment No. 98” on Schedule “1” attached hereto:

1. Redesignate the Subject Lands identified on Schedule 1 attached hereto, from “Mid-Rise Mixed-Use” to “High-Rise Mixed-Use” and “Parks” as shown on Schedule 2 attached hereto.
2. Permit an increase in the maximum Floor Space Index (FSI) from 1.581 times the area of the Subject Lands to 4.7 times the net developable area.
3. Permit an increase in the maximum building height from 12 storeys to 19 storeys in the “High-Rise Mixed-Use” designation of the Subject Lands.
4. Permit amendments to the policies and development criteria that apply to Low-Rise Buildings and High-Rise Buildings.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the northwest corner of Major Mackenzie Drive West and Weston Road, and municipally known as 3812 Major Mackenzie Drive West, being Part of Lot 21, Concession 6, City of Vaughan, as shown on Schedule “1” attached hereto as “Lands

Subject to Amendment No. 98.”

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (‘VOP 2010’) is based on the following considerations:

1. In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include building strong, healthy communities, the wise use and management of resources, and protecting public health and safety.

The PPS recognizes that local context is important. The Amendment is consistent with the PPS, specifically Sections 1.1.1, 1.1.3, 1.1.3.3, 1.4.1, 1.4.3, 1.4.3 b), d) and f), and 1.6.3 a) regarding: accommodating a market-based range and mix of residential types, and using land use planning to promote growth management and intensification to minimize land consumption and servicing costs; focusing development to development areas; applying appropriate development standards to facilitate transit-supportive intensification; providing a range of housing options required to meet the social, health, economic and needs of residents to support their well-being, and in locations and at densities required to address the short-term and long-term projected market-based and affordable needs of current and future residents, while also efficiently using land resources, infrastructure, and public service facilities, and also supporting the use of active transportation and transit in areas where it exists or is to be developed; establishing development standards for residential intensification to facilitate compact form; and, optimizing the use of existing infrastructure and public service facilities.

The Subject Lands are located within a Settlement Area as defined by the PPS and located at the northwest corner of two major arterial regional roads (Major Mackenzie Drive West and Weston Road), which are served by bus services on Major Mackenzie Drive West and Weston Road.

2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), as amended, is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, by encouraging the concentration of population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Vaughan Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary.

The Amendment will facilitate a development that conforms to the policy framework of the Growth Plan, as the built form would efficiently and appropriately intensify the Subject Lands at a density supportive of Growth Plan objectives, specifically Sections 2.2.1, 2.2.2, 2.2.6, 2.2.6.3 with respect to directing growth to Settlement Areas in built-up locations; supporting a diverse range and mix of housing options; providing densities to meet the needs of current and future residents; and supporting the achievement of a complete community.

The Amendment contributes to the achievement of a complete community by supporting a range and mix of housing types and unit sizes and providing a built form that utilizes the Subject Lands more efficiently and at a density that would meet the needs of future and current residents. The Amendment is also compatible with the existing built form in the surrounding community, while also making efficient use of available and planned infrastructure.

3. Official Plan Amendment File OP.21.019 was deemed complete on November 16, 2021 and is therefore subject to the York Region Official Plan 2010 ('YROP'). The YROP guides economic, environmental, and community building decisions across

York Region. The Subject Lands are designated “Urban Area” on Map 1: Regional Structure, of the YROP, which permits a range of residential, industrial, commercial, and institutional uses. Section 5.0 of the YROP states that “intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region”. Section 5.3 of the YROP encourages intensification within the built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use.

The Subject Lands are identified as a “Local Centre” by VOP 2010. Section 5.5 of the YROP provides policy direction for development in Local Centres which are smaller in scale and scope than Regional Centres, but identified as a focal point for residential, human services, commercial and office activities for the surrounding community. It further states that the appropriate level of development and density will depend on site-specific circumstances and the nature of the surrounding area. Local Centres are recognized for the role they play in achieving the Region’s intensification objectives and will be addressed within local intensification strategies. The Amendment is consistent with the policy framework of the YROP, specifically with the following policies:

- Section 5.5.1 - That local centres serve as important neighbourhood focal points that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community.
- Section 5.5.5 - That the planning and implementation of Local Centres shall be consistent with the intensification policies of Section 5.3 of this Plan.

The Amendment achieves the objectives outlined in the policies above by providing a range of housing and commercial opportunities on the Subject Lands, including apartment and townhouse dwelling units and retail space as part of the mixed-use residential buildings proposed. The Amendment would facilitate the creation of a public park and Privately Owned Public Space (‘POPS’) in the form of two urban squares, which provide passive recreational opportunities for future and existing residents of the community. On this basis, the Amendment meets the policy objectives for a Local Centre and therefore conforms to the YROP.

4. The Subject Lands are identified as being located within a “Local Centre” as identified on Schedule 1 - Urban Structure, of VOP 2010, specifically the “Vellore Centre” as identified on Figure 6 – Intensification Areas, of VOP 2010. “Local Centres” are identified by VOP 2010 as the mixed-use cores of their respective communities that are predominantly residential in character but will also include a mix of uses to allow residents of the Local Centre and of the surrounding community to meet daily needs close to where they live and work. Local Centres are to be pedestrian oriented places with good urban design and an intensity of development appropriate for supporting efficient transit service. The Vellore Centre is identified by VOP 2010 as an emerging Local Centre in this community that will be the focus for multi-family developments and may include mid-rise or high-rise buildings as appropriate.

The Amendment is appropriate for the following reasons:

- Section 9.2.2.6 of VOP 2010 states that High-Rise Mixed-Use areas are generally located in Intensification Areas and provide for a mix of residential, retail, community, and institutional uses.
 - The “High-Rise Mixed-Use” designation of VOP 2010 permits Mid-Rise Buildings and High-Rise Buildings, and within 70 metres of an area designated as “Low-Rise Residential” or on streets that are not arterial streets or Major Collector Streets, Townhouses, Stacked Townhouses and Low-Rise Buildings are also permitted, in order to provide for an appropriate transition to the Low-Rise Residential Area. Section 9.2.3.6.a. of VOP 2010 defines High-Rise Buildings as generally buildings over twelve (12) storeys in height up to a maximum height as permitted through policy 9.2.1.4 and Schedule 13.
5. The statutory Public Meeting was held on March 1, 2022. The recommendation of the Committee of the Whole to receive the Public Meeting report of March 1, 2022, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on March 22, 2022. Vaughan Council,

on December 13, 2022, ratified the December 12, 2022 Committee of the Whole recommendation, to refuse Official Plan Amendment File OP.21.019 (together with Zoning By-law Amendment File Z.21.040). The applicant subsequently revised the development proposal in accordance with this Official Plan Amendment and on January 13, 2023, a Settlement Hearing was held before the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Files OP.21.019 and Z.21.040 (G Group Major Mackenzie Inc.) in respect of the Subject Lands.

This Amendment to VOP 2010 was approved in principle by the Ontario Land Tribunal pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on January 13, 2023 (OLT Case No. OLT-22-004083).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The following Schedules and Sections of the Vaughan Official Plan 2010 ('VOP 2010') are hereby amended, as approved by the Ontario Land Tribunal on January 13, 2023 (OLT Case No. OLT-22-004083), by:

1. Amending Volume 1, Schedule 13 - Land Use of VOP 2010 by redesignating the Subject Lands, as identified on Schedule '1' hereto, from "Mid-Rise Mixed-Use" to "High-Rise Mixed-Use" and "Parks" and identifying a Maximum Building Height ("H") of 19 storeys and a maximum Floor Space Index (FSI) of 4.7 times the net developable area ("D") of the Subject Lands.
2. Amending Volume 1, Schedule 14-C – Areas Subject to Site Specific Plans of VOP 2010 by adding the Subject Lands identified on Schedule '1' to this Amendment as Item 71.
3. Amending Volume 2, Section 13.1 – Areas Subject to Site-Specific Policies of VOP 2010 by adding the following policy, to be renumbered in sequential order:
“(OPA #98) 13.1.1.71 The lands known as 3812 Major Mackenzie Drive West are identified on Schedule 14-C as Item 71 and are subject

to the policies set out in Section 13.72 of this Plan. (OPA #98)”

4. Adding the following policies to Volume 2, Section 13.1 – Site Specific Policies of VOP 2010, and renumbering in sequential order:

“(OPA #98)	13.72	3812 Major Mackenzie Drive West
	13.72.1	General
	13.72.1.1	The following policies shall apply to the lands identified on Map 13.72.A
	13.72.1.2	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6. i) High-Rise Buildings to a maximum height of 19 storeys with a maximum FSI of 4.7 times the net developable area, and a Privately Owned Public Space (‘POPS’) are permitted.
	13.72.1.3	Notwithstanding the Low-Rise Buildings Policy 9.2.3.4.b. i) Low-Rise Buildings up to a maximum of four (4) storeys shall not be required to be contained within a 45 degree angular plane measured from the property line
	13.72.1.4	Notwithstanding the High-Rise Buildings Policy 9.2.3.6.b. i) The podium shall be a maximum of eight (8) storeys in height for High-Rise Buildings along Major Mackenzie Drive West and Weston Road
	13.72.1.5	Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.i. i) For High-Rise Buildings that are not

fronting on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A) the maximum floorplate shall not apply.

13.72.1.6 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.ii.

- i) the portions of High-Rise Buildings above twelve (12) storeys shall be set back a minimum of 6 metres from any property line.

13.72.1.7 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.iii.

- i) where more than one High-Rise Building is located on the same lot, the distance between any portions of the High-Rise Buildings above twelve (12) storeys shall be a minimum of 25 metres;
- ii) Notwithstanding Subsection 13.72.1.7 i), the minimum distance separation between the High-Rise buildings that are fronting on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A) and the buildings that do not have frontage on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A), shall be determined at the Site Development application stage; and
- iii) where more than one High-Rise Building is located on the same lot, the distance

between any portions of the podiums of the High-Rise Buildings shall be a minimum of 15 metres.

13.72.1.8 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.f.

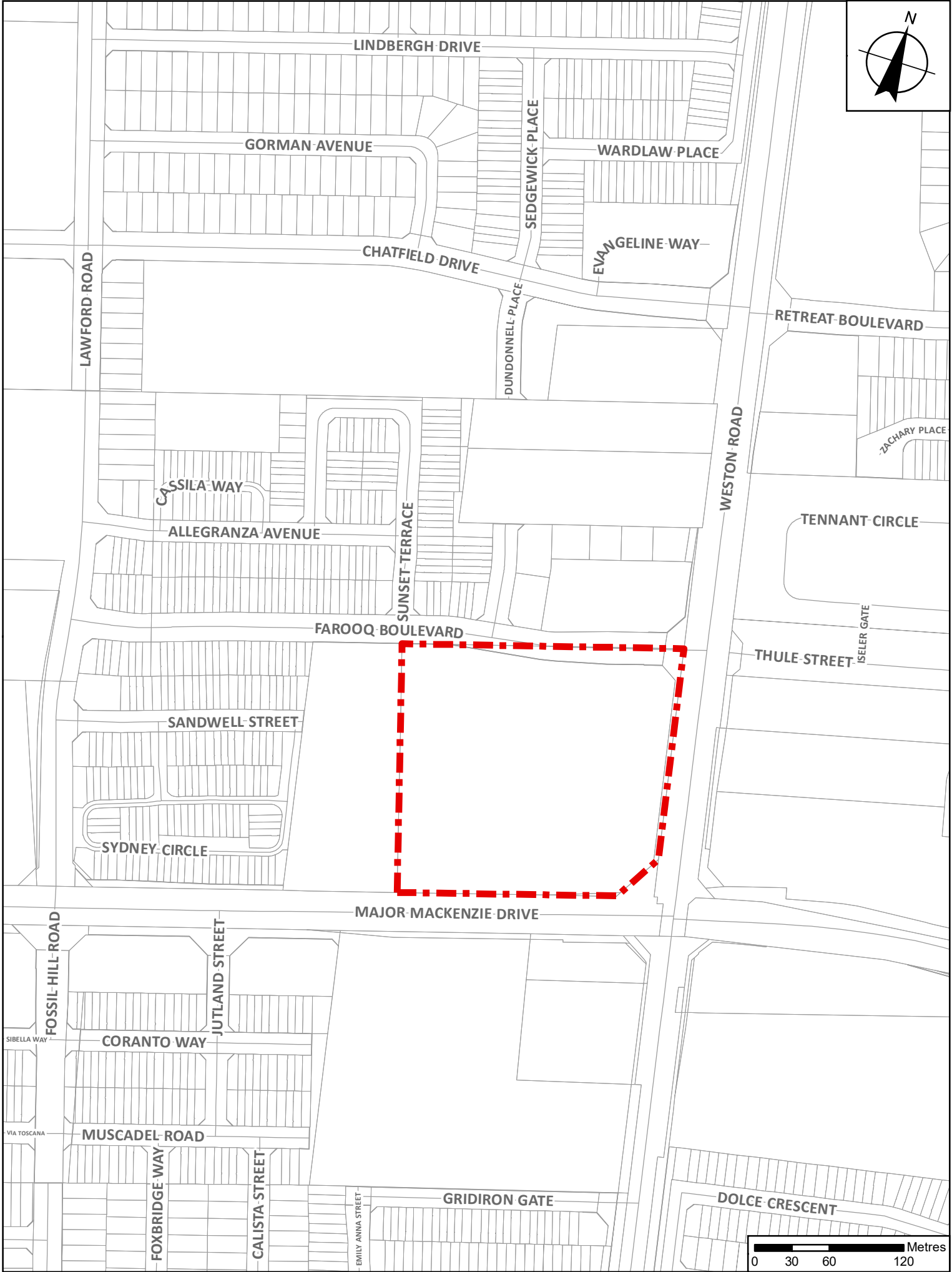
- i) Rooftop private outdoor amenity space for High-Rise Buildings should be located over the podiums (OPA #98)”

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of amendments to the City of Vaughan Comprehensive Zoning By-laws 1-88 and 001-2021, Draft Plan of Subdivision Approval, and Site Development Approval, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13.

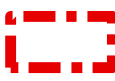
VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

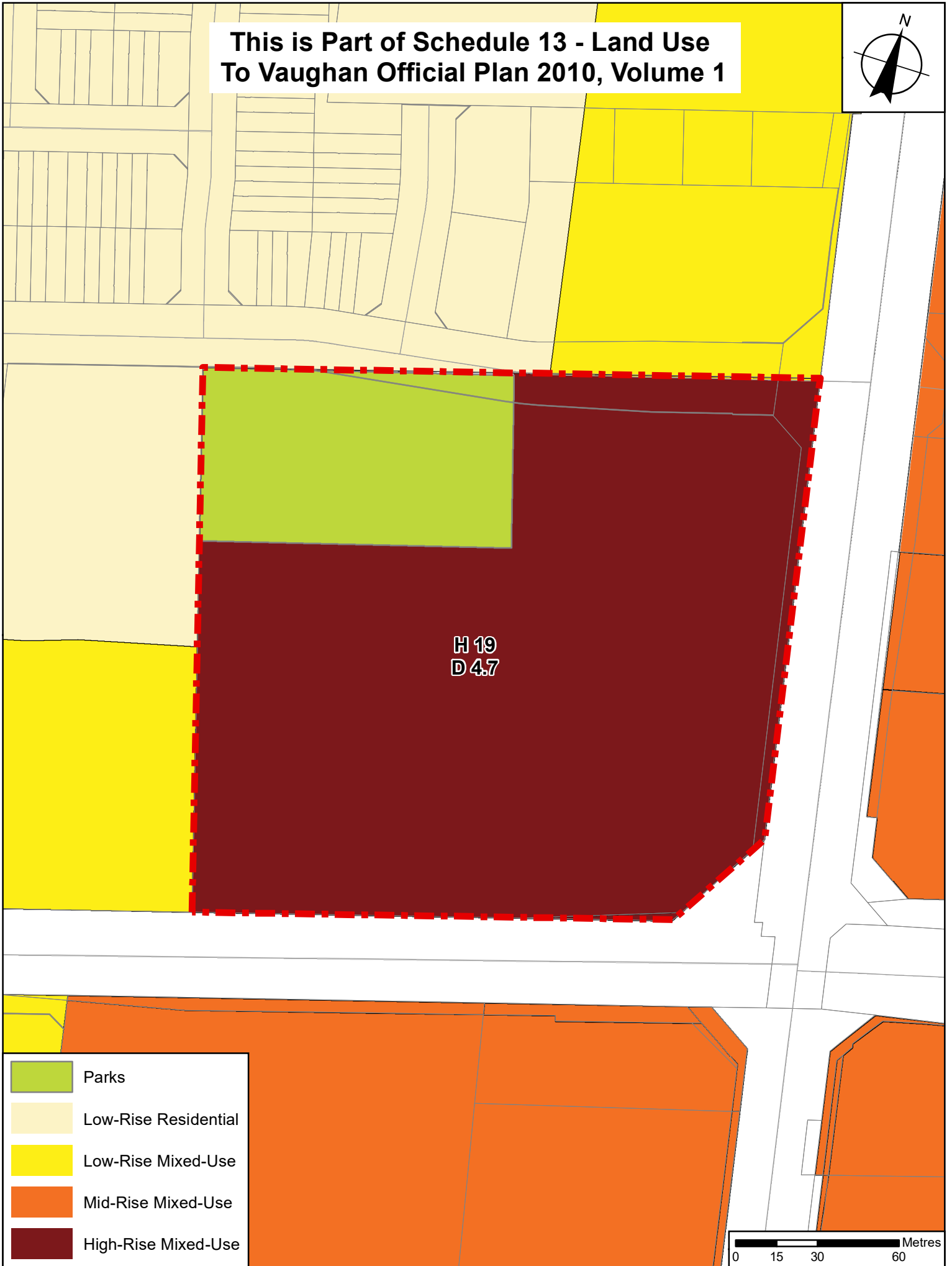
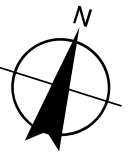


This is Schedule '1'
To Official Plan Amendment No. 98
Adopted the 26th Day Of September, 2023

File: OP.21.019
Related File: Z.21.040
Location: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
Applicant: G Group Major Mackenzie Inc.
City of Vaughan

 Lands Subject to
Amendment No. 98

**This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '2'
To Official Plan Amendment No. 98
Adopted the 26th Day Of September, 2023**

File: OP.21.019

Related File: Z.21.040

Location: Part of Lot 21, Concession 6

3812 Major Mackenzie Drive West

Applicant: G Group Major Mackenzie Inc.

City of Vaughan



**Lands Subject to
Amendment No. 98**

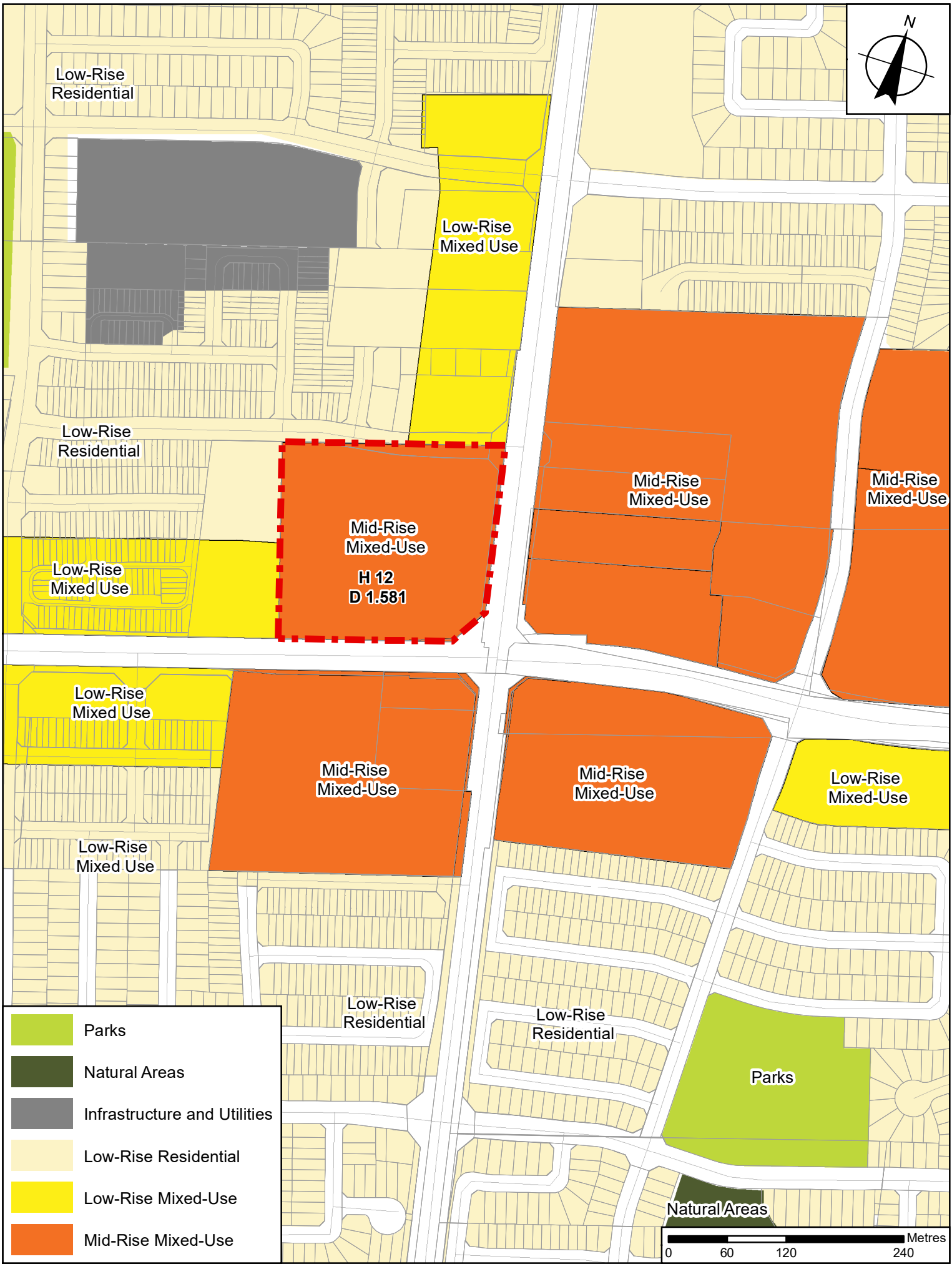
APPENDIX I

The Subject Lands are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being Part of Lot 21, Concession 6, and municipally known as 3812 Major Mackenzie Drive West, in the City of Vaughan.

The purpose of this Amendment is to amend VOP 2010, specifically to redesignate the Subject Lands from “Mid-Rise Mixed-Use” to “High-Rise Mixed-Use” and “Parks” and to add site-specific policy 13.72 “3812 Major Mackenzie Drive West” to VOP 2010, to permit a high-rise mixed-use development with a permitted maximum building height of 19 storeys and a permitted maximum FSI of 4.7 times the net developable area of the Subject Lands.

The Owner submitted Official Plan and Zoning By-law Amendment Application Files OP.21.019 and Z.21.040 to the City of Vaughan on October 21, 2021. The City of Vaughan deemed these Applications complete on November 16, 2021. On June 14, 2022, the Owner appealed the Applications to the Ontario Land Tribunal, pursuant to subsection 22(7) and 34(11) of the *Planning Act*, citing the City’s failure to make a decision on the Applications within the prescribed timelines of the *Planning Act*.

The Amendment was approved in principle by the Ontario Land Tribunal pursuant to Section 176(5) of the *Planning Act*, R.S.O. 1990, c. P. 13 (OLT Case No. OLT-22-004083).



Appendix II

Existing Land Uses

Official Plan Amendment No. 98

File: OP.21.019

Related File: Z.21.040

Location: Part of Lot 21, Concession 6

3812 Major Mackenzie Drive West

Applicant: G Group Major Mackenzie Inc.

City of Vaughan



Lands Subject to
Amendment No. 98