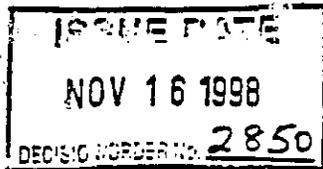


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 508 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #2850, on the 16th day of November, 1998.

  
\_\_\_\_\_  
JOHN D. LEACH  
City Clerk  
City of Vaughan



DATED at the City of Vaughan  
this 30th day of November, 1998.



PL970158

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Paramount Canada's Wonderland has appealed, under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate lands comprising Lots 16 and 17 and Lots 18-21, Concession 5.

Region File No. 19-OP-1500-A58

O.M.B. File No. O970070

Paramount Canada's Wonderland has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting Part of Lots 16 to 21, Concession 5, in the City of Vaughan to Service Commercial Uses (specific).

O.M.B. File No. Z970067

Northwest Jane Rutherford Realty Limited has requested referral under subsection 22(1) of the *Planning Act*, R.S.O. 1990, c. P.13, Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate lands comprising Part of Lots 16 and 17, Concession 5, designated as Parts 1, 2, 3 & 4, on Reference Plan 65R-15127, to incorporate specific policies in the City of Vaughan Official Plan to permit residential uses in addition to a number of mixed uses including retail, light industrial, recreation entertainment, office, institutional, hotel, school and park sites and valley lands.

Region File No. OP.95.013

O.M.B. File No. O970197

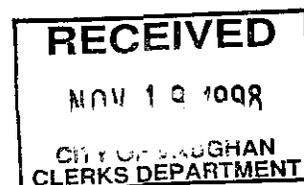
At the request of Northwest Jane Rutherford Realty Limited, the City of Vaughan has referred to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, R.S.O. 1990, c. P.13, a proposed plan of subdivision on lands composed of Part of Lots 16 and 17, Concession 5, designated as Parts 1, 2, 3 & 4, on Reference Plan 65R-15127, in the City of Vaughan, Regional Municipality of York.

Region File No. 19T 95079

O.M.B. File No. S970057

Northwest Jane Rutherford Realty Limited, has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88, as amended, of the City of Vaughan, to rezone lands comprising Part of Lots 16 and 17, Concession 5, designated as Parts 1, 2, 3 & 4, on Reference Plan 65R-15127, in the City of Vaughan, for a number of mixed uses, including residential, hotel, office, institutional, parkland and valley lands.

O.M.B. File No. Z970078



**COUNSEL:**

R. J. Swayze	for	City of Vaughan
P. Ginou	for	Paramount Canada's Wonderland
L. Longo and P. Foran	for	Northwest Jane Rutherford Realty Limited
B. Horosko	for	Ramsay Developments Ltd., Fiston Holdings Limited, Sylwol Developments Limited, and West Maple Creek Lands Limited

**FINAL DECISION DELIVERED BY SUSAN FISH AND ORDER OF THE BOARD**

On March 20, 1998, the Board issued an Interim Decision<sup>1</sup> on these matters. In its decision, the Board directed the parties to do certain things, afforded an opportunity for the parties to do certain other things, and set down time limits by which all of these things should occur. The parties subsequently appeared before the Board seeking clarification, direction, and the possible adjustment of certain deadlines, to which the Board agreed.<sup>2</sup>

Noise from Kingswood Music Theatre, and the compatibility of Kingswood with residential development proposed by Northwest Jane Rutherford Realty Limited, was an issue of some prominence in the hearing on the merits. The parties have now signed Minutes of Settlement which, among other things, will secure on-site noise mitigation at Kingswood Music Theatre. The Minutes of Settlement are attached as Schedule A to this Decision.

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<sup>1</sup> Decision/Order #0697.

<sup>2</sup> Decision/Order #1569

Brian Howe, John Coulter and Dalila Giusti are all professional engineers who were qualified to give the Board expert opinion evidence on noise mitigation at the hearing on the merits. All three have reviewed the noise mitigation measures contemplated by the Minutes of Settlement. The Board is satisfied, on the consistent professional opinion of all three, that the noise mitigation measures meet the requirements set out in the Board's decision on the merits. The professional opinions of Mssrs. Howe and Coulter, and Ms Giusti, are attached as Schedule B and Schedule C to this Decision.

The on-site noise mitigation measures at Kingswood Music Theatre, as set out in Schedule A, are to be completed not later than 18 months from the date of this Decision, and the Board so Orders.

→ The Official Plan Amendment for Paramount Canada's Wonderland, found in Schedule D of the Minutes of Settlement (attached as Schedule A to this Decision), is hereby approved, and the Board so Orders.

The associated site specific zoning by-law amendment for Paramount Canada's Wonderland, found in Schedule E of the Minutes of Settlement (attached as Schedule A to this Decision) is also approved. The Board's Order respecting the zoning by-law amendment, however, is withheld until the Board is advised by the City of Vaughan that a revised site plan, reflecting current development and future plans, has been filed with and approved by the City.

The Official Plan Amendment for Northwest Jane Rutherford Realty Limited, filed as Exhibit 114 in the hearing on the merits and attached as Schedule D to this Decision, is hereby approved, and the Board so Orders.

The associated site specific zoning by-law amendment for Northwest Jane Rutherford Realty Limited, filed as Exhibit 115 in the hearing on the merits and attached as Schedule E to this Decision, is hereby approved, and the Board so Orders.

The revised draft plan of subdivision for Northwest Jane Rutherford Realty Limited, filed as Exhibit 116 in the hearing on the merits and attached as Schedule F to this Decision, is hereby approved subject to the conditions set out in Schedule G to this Decision. The Board's Order in this regard is withheld until the Board is advised that all conditions set out in Schedule G have been cleared.

A handwritten signature in black ink, appearing to read 'Susan Fish', with a large, sweeping flourish at the end.

SUSAN FISH  
EXECUTIVE VICE-CHAIR

Schedule "A" to Ontario Municipal Board Order #2850, dated November 16, 1998

**AMENDMENT NUMBER 508  
TO THE OFFICIAL PLAN  
OF THE CITY OF VAUGHAN PLANNING AREA**

## **PART 1 - THE PREAMBLE**

### **1.0 INTRODUCTION**

This part of the Amendment, entitled Part 1 - The Preamble, introduces the Amendment and describes the context and planning process leading to the Amendment's preparation. It is for explanatory purposes only and does not form part of the Amendment.

### **2.0 PURPOSE**

The purpose of this Amendment is to provide site-specific Official Plan policies which update existing provisions and accommodate the future expansion of the theme park known as Paramount Canada's Wonderland (PCW), located in the City of Vaughan.

Specifically, this Amendment:

- \* Provides PCW with a contemporary policy framework which recognizes the evolution of the lands surrounding the subject lands from a mainly rural area to an urban area;
- \* Recognizes the existing PCW theme park and need for expansion of its core entertainment operations;
- \* Updates, extends and refines the range of uses permitted under existing Official Plan Amendment Numbers 4, 74, 114 and 138 currently applying to the subject lands;
- \* Establishes other policies, as appropriate, related to the subject lands' development, including issues related to compatibility with adjacent uses such as the location of uses, access and parking, noise, visual compatibility and servicing;

### **3.0 LOCATION**

The lands subject to this Amendment are located east of Highway #400, west of Jane Street, and south and north of Major Mackenzie Drive, as shown on Schedule "A".

### **4.0 CURRENT OFFICIAL PLAN STATUS**

Paramount Canada's Wonderland (PCW) is an existing theme park situated on about 365 acres of land between Highway #400 and Jane Street, both north and south of Major Mackenzie Drive. The lands are currently designated "Theme Park" by Official Plan Amendment Numbers 74, 114 and 138. Official Plan Amendment Number 4 designates a small portion of land accommodating PCW's main access from Rutherford Road "Rural". An extensive range of uses related to the theme park are currently permitted south of Major Mackenzie Drive, with PCW's lands north of Major Mackenzie Drive permitting a 20,000 person outdoor amphitheatre and parking. In May, 1996, applications were submitted to the City of Vaughan to amend the Official Plan and Zoning By-law for PCW.

### **5.0 BASIS**

- The original planning permissions for PCW are now almost 20 years old.
- It is an appropriate time to update and consolidate these planning permissions in light of some outdated policies and standards.
- There is a need to maintain flexibility for PCW's continued business success and long-term evolution.
- There is a need to address the changing development context surrounding PCW's land, and to ensure compatibility between new development at PCW and surrounding uses.
- It is proposed that the subject lands as shown on Schedule "A" be developed in accordance with a site plan(s).

PCW's long-term plan involves:

- expanding its core entertainment attractions currently south of Major Mackenzie Drive to the east, and to its land north of Major Mackenzie Drive;
- establishing a transition area around the subject lands' north, south and east boundary and along Major Mackenzie Drive, as shown on Schedule "A", so as to provide a defined boundary, an entrance to the theme park and a landscaped and buffered transition to neighbouring development; and

- removing the existing permission, under Official Plan Amendment Number 138, for the outdoor amphitheatre north of Major Mackenzie Drive.

Several reports relating to planning, environmental issues, traffic and noise (list of reports included in Appendix "A") have been submitted and reviewed by the City and appropriate agencies. The issues identified in those studies dealt with visual compatibility, servicing, traffic and parking, and noise. Specific approaches and recommendations contained in those studies have been addressed by the specific policies contained in this Amendment.

## **PART 2 - THE AMENDMENT**

The following text and Schedules "A" and "B" constitute Official Plan Amendment Number 508.

### **1. PERMITTED USES**

a) The effect of this Amendment is to allow on the subject lands, shown on Schedule "A", a theme park, being a comprehensive, location-based entertainment complex, with defined entry point(s) and admission procedure(s), designed to create a unique atmosphere providing a variety of entertainment and associated facilities to the customer, which may include the following uses:

i) Entertainment uses, such as:

- amusement rides and structures
- studios, stages and theatres (indoor and outdoor) for live and filmed shows, including outdoor stages or outdoor amphitheatres which can accommodate 10,000 or more patrons and with the capacity to deliver sound levels to their intended audience of 85db or greater, south of Major Mackenzie Drive only; and
- games of skill and chance.

ii) Commercial uses, such as:

- retail and food and drink establishments, each associated with the theme park uses
- accommodation facilities for short-term use, such as hotels, motels and resorts
- conference and trade show facilities; and
- offices associated with the theme park.

iii) Associated uses to support the facility's operation, such as:

- administration and maintenance buildings
- water, sanitary and storm water management facilities
- storage areas; and
- parking.

iv) Other uses associated with and accessory to the above uses.

Outdoor amphitheatres which accommodate 10,000 or more patrons and with the capacity to deliver sound levels to their intended audience of 85 db or greater shall not be permitted on the portion of the subject lands north of Major Mackenzie Drive. Official Plan Amendment Numbers 74, 114 and 138 are hereby repealed and superseded by this Amendment. Official Plan Amendment Number 4 is hereby amended as it applies to the subject lands.

b) This Amendment also permits other uses such as retail uses, institutions, offices, entertainment and recreation uses which are not restricted to theme park visitors but are open to the general public, by passing implementing zoning by-laws, but without further amendments to the Official Plan. These other uses shall not be uses, such as those requiring extensive outside storage, that would be incompatible with PCW and surrounding land uses and, in the case of retail uses, shall not be uses which would be more appropriately located in the commercial hierarchy of a residential community. Generally, such uses would be expected to complement the theme park use or provide commercial opportunities not presently planned or represented in the immediate community or in the city. In evaluating the appropriateness of any future rezoning for such uses, Council shall consider:

- i) the opportunity to provide suitable public access and parking to and from arterial roads, subject to the review and approval of the Region of York;
  - ii) the compatibility of the proposed use and development form with the operation of the theme park and the scale and function of adjacent development, including impacts related to such matters as noise and design considerations. Scale of development shall be controlled to ensure that the theme park remains the primary use of the subject lands and that such development will not result in the incremental redesignation of the subject lands without the benefit of an official plan review; and
  - iii) the appropriateness of the urban form being proposed, including consideration that the general area character established by the theme park not be compromised.
- c) In giving consideration to the factors in 1(b) above in assessing any future rezoning, Council may require any or all of the following, together with such other materials and studies as Council considers appropriate:
- i) a Traffic Impact and Access Study, to assess the impact of traffic from the proposed use(s) on adjacent Regional Roads and to address access from and to adjacent Regional Roads in terms of the distance of access points from major intersections, the impact of access on such roads on the opportunity to minimize direct access points through the use of joint or mutual access points, subject to the review and approval of the Region of York;
  - ii) a Parking Study, to assess the amount and sufficiency of on-site parking;
  - iii) a Market Impact Study, in the case of retail uses totalling in the aggregate more than 3500 square metres of gross floor area;
  - iv) an Urban Design Study, to address:
    - site design matters, such as the following:
      - height and massing of buildings
      - relationship between streets and buildings
      - pedestrian and vehicular systems, including access
      - signage, streetscape and lighting
      - landscaping and related site design matters
    - how the adjacent area on the subject lands should be comprehensively planned to establish an appropriate urban form; and
    - the relationship to existing and proposed development on adjacent lands.

In giving consideration to the factors in 1(b) above in assessing any future rezoning, Council shall require a Noise Impact Study where uses are proposed which could have noise impacts on existing or planned uses on adjacent lands.

## 2. LOCATION OF USES

- a) The uses permitted in 1(a) above shall be located within the "Core Entertainment Area" as shown on Schedule "A", in a manner which provides flexibility for the siting and thematic arrangement of activities and structures;
- b) The "Transition Area" shown on Schedule "A" shall be used for landscaping, buffering, berms, fences, signage, parking and internal access roads so as to create a defined boundary, an entrance to the Core Entertainment Area, and a transition to neighbouring development. The limits of the Transition Area will be defined in the implementing by-law;
- c) Notwithstanding 2(b) above, all of the uses permitted by this amendment shall be allowed within that portion of the Transition Area on Schedule "A" abutting Jane Street and Major Mackenzie Drive, and that portion <sup>^</sup> abutting the north and south property lines of the subject lands, provided such uses occur in enclosed buildings and adhere to the setback and height restrictions referred to in 3(a) below.

## 3. DEVELOPMENT POLICIES

### a) Visual Compatibility

- i) In addition to the Transition Area described in 2(b) and (c) above, the implementing Zoning By-law shall provide a setback from the boundary of the subject lands where no building or structures may be permitted. Buildings will be subject to a height and setback limit. The

height and setback of any amusement rides will be regulated by an angular plane relationship from the north, east, west and south limits of the subject lands and by an overall height limit. These provisions in the implementing By-law shall, in conjunction with any measures required through the site development agreement(s), address the visual impacts of PCW on adjacent lands and on Major Mackenzie Drive in terms of its function as an entrance to the Maple Community. An off-site visual impact analysis shall be submitted to the City with respect to all rides exceeding 75m in height up to the limit of 125m in height;

- ii) It is recognized that the constant need for PCW to maintain its draw in the marketplace means that it is desirable for the theme park to continue to add the most up-to-date outdoor amusement rides. Evolving technology has resulted in the height of some outdoor amusement rides being in the order of 125 metres. It is appropriate for a limited number of outdoor amusement rides at this height to be built in the theme park.

b) Access and Parking

- i) Access for the uses permitted in 1(a) above will continue to be provided through the Transition Area by the theme park's existing access arrangements, including the main visitor access and exit from Rutherford Road and Highway #400, and secondary access and exit points from Jane Street and Major Mackenzie Drive and modifications may be required to such access to accommodate any increased traffic generated by the expansion of such uses in the Core Expansion area shown on Schedule "B". The existing drop-off / pick-up area may require modifications due to the expansion of such uses in the Core Expansion Area shown on Schedule "B". Further modifications may be required in accordance with the provisions of Section 8.2.7 of Official Plan Amendment Number 400;
- ii) A sufficient supply of parking on the subject lands, accessed via private driveway system internal to the theme park, shall be provided to service the demand generated by uses permitted in 1(a) above;
- iii) Appropriate access shall be provided for any uses permitted in 1(b) above, in accordance with the provisions of that policy. Modifications may be required to the existing theme park access locations at no cost to the Region of York to accommodate any increased traffic generated by such uses. The appropriate parking standard for such uses shall be established in the amending By-law.

c) Servicing

- i) Water supply and sanitary services will continue to be provided within the existing allocations established for the entire theme park, both north and south of Major Mackenzie Drive;
- ii) Any major changes to the water supply and sanitary treatment and distribution system shall be designed and completed to the satisfaction of relevant public bodies having jurisdiction.

d) Woodlot

- i) The existing woodlot will be protected and as many as possible of the existing trees on the subject lands will be preserved. The woodlot area will be managed according to recognized woodlot management practices.

e) Storm water

- i) Storm water quantity and quality control shall be handled on the subject lands within the overall storm water management design as previously approved for the entire theme park lands, both north and south of Major Mackenzie Drive. Where any changes are required to the overall storm water management design previously approved for such lands in order to accommodate development north of Major Mackenzie Drive, or any other changes are proposed to the storm water management design, including functional alterations to the existing on-site stream, such changes will be undertaken and implemented, in keeping with best management practices and to the satisfaction of relevant public bodies having jurisdiction, including, without limitation, the City of Vaughan or the Toronto & Region Conservation Authority;
- ii) The design of new development north of Major Mackenzie Drive shall address the existing tributary of the West Don River which traverses the property. Specifically, studies shall be undertaken to address the floodplain associated with this tributary, including recommendations for remedial measures and opportunities for enhancement and restoration of the watercourse, to the satisfaction of the Toronto & Region Conservation Authority and the City of Vaughan. The watercourse and associated floodplain could be relocated subject to these matters being addressed.

f) Noise

- i) The design of new development within the portion of the Core Expansion Area north of Major Mackenzie Drive, shown on Schedule "B", or within 45m of the south limit of Major Mackenzie Drive or within 75m of the east and south boundaries of the portion of the subject lands south of Major Mackenzie Drive, shall provide landscaping, such as noise berms and fences as appropriate, and/or other facilities or measures to attenuate noise from the new development so as not to interfere with the reasonable use and enjoyment of lands designated to permit residential uses in the vicinity. The mechanism to ensure that such measures are provided and maintained shall be specified in the site development agreement(s);
- ii) The design of any expansion or alteration to the existing Kingswood Music Theatre shall provide for landscaping and/or other facilities or measures to attenuate noise impacts so as not to interfere with the reasonable use and enjoyment of lands designated to permit residential uses in the vicinity.

All outdoor stages or outdoor amphitheatres on the subject lands shall be designed to incorporate landscaping and/or other facilities or measures to attenuate noise from such stages or amphitheatres so as not to interfere with the reasonable use and enjoyment of lands designated to permit residential uses in the vicinity and which, for concert facilities, shall produce sound levels not greater than 5db below the Leq measured for typical concert hours on lands designated to permit residential uses in the vicinity.

The mechanism to ensure that such measures are provided shall be specified in the site development agreement(s). A Noise Impact Study shall be submitted in conjunction with any site plan application relating to any such expansion or alteration of the existing Kingswood Music Theatre or relating to any such outdoor stages or outdoor amphitheatres;

- iii) A noise impact analysis shall be submitted with respect to any new outdoor amusement rides on the subject lands to ensure that mechanical noise from the operation of such rides does not interfere with the reasonable use and enjoyment of land designated to permit residential use in the vicinity.

4. IMPLEMENTATION

The policies of this Amendment shall be implemented in the following manner:

- a) Through the approval of a site-specific amendment to the City's Zoning By-law for the uses permitted in 1(a) above;
- b) It is intended that site-specific zoning amendments related to the uses permitted in 1(b) above shall only be considered for specific development proposals which shall be subject to the provisions of that Section, Section 1(c) and Section 3(b)(iii); and
- c) Through the approval of a site plan(s) and the execution of an implementing agreement(s), in accordance with the City's site plan approval process, for the uses permitted in 1(a).

Each site development agreement shall provide for the following matters:

- i) construction of buildings, structures, services, landscaping and other facilities shall be substantially in accordance with the site plan(s) as approved by the City;
- ii) the matters set out in Section 2 of this Amendment;
- iii) the matters set out in Sections 3(a), (b)(i), (b)(ii), (c), (d) and (e) of this Amendment, in particular, the City shall require confirmation from the Toronto & Region Conservation Authority that it is satisfied that the matters referred to in Section 3(e) of this Amendment have been adequately addressed, which confirmation, in the case of buildings and structures on the portion of the subject lands north of Major Mackenzie Drive, shall be obtained prior to the issuance of a building permit relating thereto;
- iv) landscaping, such as noise berms and fences as appropriate, and/or other facilities or measures to be provided for purposes of attenuation of noise related to new development as it affects lands in the vicinity designated to permit residential uses as set out in Section 3(f); and
- v) through the approval of a site plan(s) and site development agreement(s) related to each of the uses permitted in 1(b) which shall address those matters set out in Sections 1(b), 1(c), 3(b)(iii), 3(e) and 3(f), which are applicable thereto.

5. **INTERPRETATION**

- a) The boundaries of the subject lands and those of the Core Entertainment Area and Transition Area as shown on Schedule "A" and the Core Expansion Area as shown on Schedule "B" are approximate and, where minor alterations are required, may be varied without changes to this Amendment.
- b) The provisions of the City's Official Plan, as amended from time to time, regarding the interpretation of the Official Plan, shall apply also with respect to this Amendment.

## APPENDIX A

### LIST OF SUPPORT STUDIES PREPARED FOR PARAMOUNT CANADA'S WONDERLAND

Supplementary Environmental Noise Impact Review Paramount Canada's Wonderland. HGC Engineering Ltd., September, 1997.

Paramount Canada's Wonderland Proposed Setbacks, Height and Angular Planes. Hemson Consulting Ltd., July 1997.

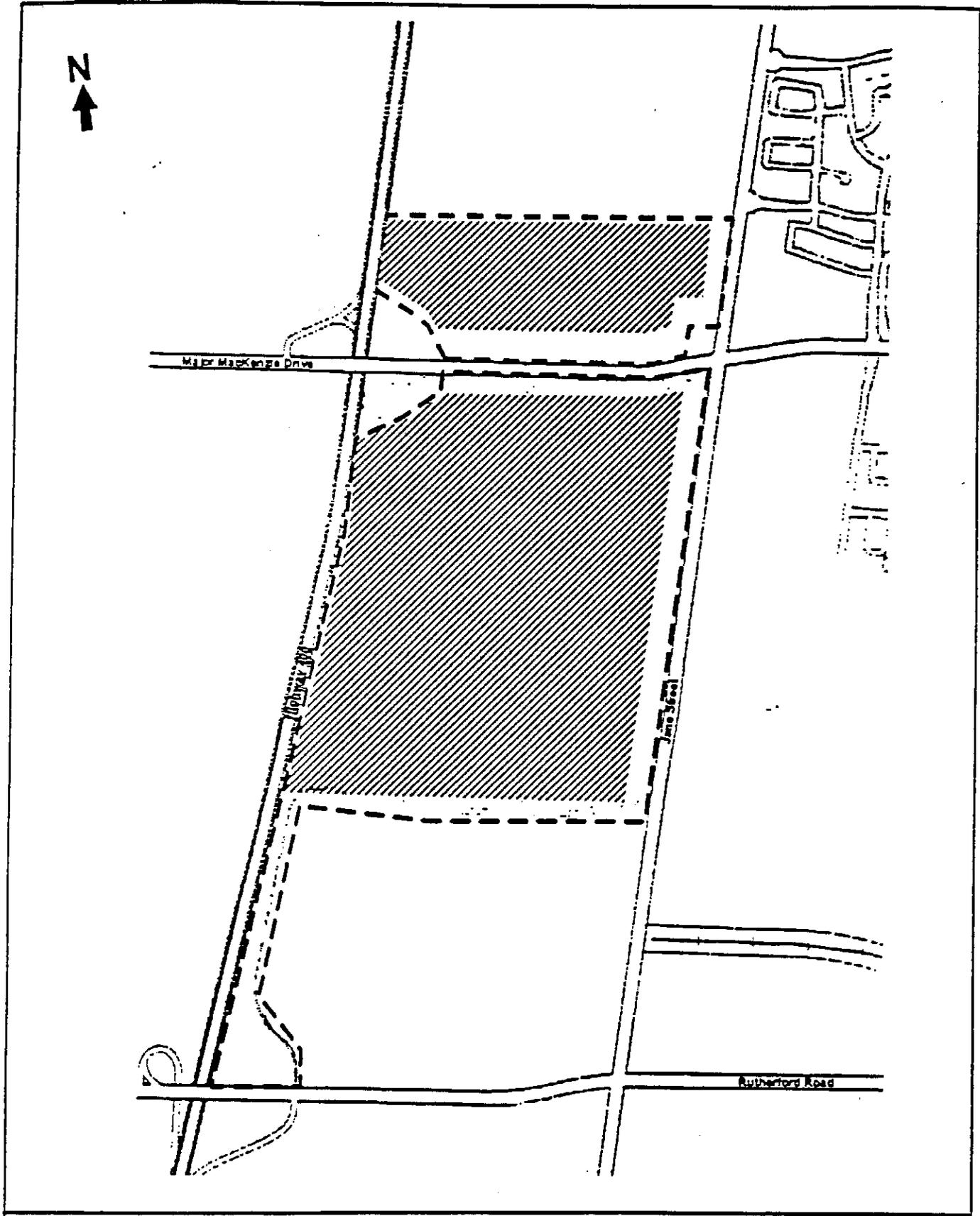
Paramount Canada's Wonderland OPA A58 Assessment of Biological Features. Hough Woodland Naylor Dance, July 1997.

Environmental Noise Impact Review Paramount Canada's Wonderland. HGC Engineering Ltd., February 5, 1997.

Paramount Canada's Wonderland Traffic Impact Report. Read, Voorhees and Associates, February 1997.

Paramount Canada's Wonderland Planning Report. Hemson Consulting Ltd., October 1996.

SCHEDULE "A" to OPA #508  
CORE ENTERTAINMENT AREA AND TRANSITION AREA



-  Core Entertainment Area
-  Subject Lands
-  Transition Area

Map is not to scale

SCHEDULE "B" to OPA #508  
CORE EXPANSION AREA

