

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 215-2022

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.

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

1. THAT the Amendment to City of Vaughan By-law 001-2021, as amended, as effected by the Ontario Land Tribunal Order Issue, dated the 23rd day of August 2022 (Case No. OLT-22-002486; Legacy Case No. PL171136), attached hereto as Schedule “C”, is hereby designated as By-Law Number 215-2022.

Enacted by City of Vaughan Council this 28th day of September, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 23, 2022 **CASE NO(S).:** OLT-22-002486
(Formerly PL171136)

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

Applicant and Appellant:	2466571 Ontario Inc.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Low-Rise Residential
Proposed Designated:	Mid-Rise Residential
Purpose:	To permit the proposed development of the subject lands with a 9-storey apartment building
Property Address/Description:	31 and 55 Mounsey Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.16.012
OLT Case No.:	OLT-22-002486
Legacy Case No.:	PL171136
OLT Lead Case No.:	OLT-22-002486
Legacy Lead Case No.:	PL171136
OLT Case Name:	2466571 Ontario Inc. v. Vaughan (City)

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

Applicant and Appellant:	2466571 Ontario Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	R2 Residential Zone
Proposed Zoning:	RA2 Apartment Residential Zone
Purpose:	To permit the proposed development of the subject lands with a 9-storey apartment building
Property Address/Description:	31 and 55 Mounsey Street
Municipality:	City of Vaughan
Municipality File No.:	Z.16.051

OLT Case No.:	OLT-22-002487
Legacy Case No.:	PL171137
OLT Lead Case No.:	OLT-22-002486
Legacy Lead Case No.:	PL171136

Heard: July 18, 2022 by video hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
2466571 Ontario Inc. (“Applicant”)	Meaghan McDermid
City of Vaughan (“City”)	Effie Lidakis
Toronto & Region Conservation Authority (“TRCA”)	Tim Duncan

DECISION DELIVERED BY D. CHIPMAN AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This hearing was scheduled as the third Case Management Conference (“CMC”) for appeals related to zoning by-law amendment and official plan amendment applications for properties located at 31 and 55 Mounsey Street.

[2] The applications relate to a proposal for a nine storey apartment building of 192 units on a 1.64 hectares site. The proposal engages natural heritage matters, noting that the majority of lands are within the Natural Heritage Network and contain a Significant Bio-forest.

[3] At the outset, the Tribunal was informed that the parties had entered into an agreement to resolve the appeal and at the request of the parties, the CMC was converted to a settlement hearing.

[4] The discussions involve community benefits charges, leading to the parties' desire to seek the Tribunal's Decision on the settlement before amendments to the *Planning Act* take effect in September 2022.

SITE AND PROPOSED DEVELOPMENT

[5] The Subject Lands consist of two parcels of land (31 and 55 Mounsey Street) which are a combined total of 1.64 hectares in size. The Subject Lands are located on the south side and at the terminus of Mounsey Street, east of Clarence Street. The Subject Lands contain an existing and occupied single detached dwelling with a driveway accessed from Mounsey Street and a woodlot located at the rear of the property.

[6] Immediately west of the Subject Lands is a Place of Worship, known as the Rock Community Church. To the north of the Subject Lands, across Mounsey Street, and extending to the east of Mounsey Street is the Country Club Golf Course (formerly known as the Board of Trade Golf Course).

REVISED DEVELOPMENT PROPOSAL

[7] The Tribunal was advised that through settlement discussions with the City and the TRCA, the Applicant has revised the Applications to now propose a 6-storey residential apartment building containing 183 units and an overall Net Floor Space Index ("FSI") of 3.19 on the Subject Lands (the "Proposed Development").

[8] The Proposed Development includes a total Gross Floor Area of 15,893.4 square metres, 57 % Building Coverage, 223 Underground Parking Spaces (186 Resident Parking Spaces and 37 Visitor Parking Spaces), and approximately 1,316 square metres of Landscape Area and a total of 5,431.80 square metres of indoor and outdoor amenity areas.

[9] The Tribunal marked the following documents as Exhibits:

1. Exhibit 1 - Affidavit of Maurizio Rogato.
2. Exhibit 2 - Draft Order and Schedules – 31 & 55 Mounsey Street, City of Vaughan.

PLANNING EVIDENCE

[10] The Tribunal heard uncontested expert opinion evidence in support of the settlement from Maurizio Rogato, a registered professional planner and a member of the Canadian Institute of Planners, who was duly qualified to provide expert opinion evidence in the field of land use planning. Mr. Rogato provided a detailed contextual and land use planning rationale to support the settlement.

Planning Act

[11] Section 2 of the *Planning Act*, R.S.O. 1990 c. P.13 (the “*Planning Act*”) sets out matters of provincial interest for which planning authorities shall have regard to, among other matters, in carrying out their responsibilities to the legislation.

[12] Mr. Rogato opined the Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”) satisfies all legislative tests under the *Planning Act* and represents good planning in the public interest. It was his opinion that the OPA and ZBLA as set out in Exhibits H, I and J within his Affidavit and report will have regard to all matters of provincial interest found in Section 2 of the *Planning Act*, and in particular:

- (a) the appropriate protection of ecological systems including natural areas, features.
- (h) the appropriate protection of ecological systems including natural areas, features the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable

housing;

(p) the appropriate location of growth and development; and

(r) the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

[13] The Tribunal heard that the Proposed Development provides for orderly development within a settlement area that will contribute to a full range of housing by means of providing Apartment Dwelling Units to the neighbourhood at an appropriate location.

PPS 2020

[14] The Tribunal heard that the proposal has appropriate regard for matters of provincial interest in s. 2 of the Provincial Policy Statement 2020 ("PPS") and is consistent with the PPS, as it is an efficient use of land and infrastructure which contributes to an affordable and range of housing in the area, the appropriate protection of ecological systems including natural areas, promotion of built form that are:

i. is well designed,

ii. encourages a sense of place; and

iii. provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

[15] Mr. Rogato referred the Tribunal to the following policies stating that the OPA and ZBA is consistent with the PPS, including but not limited to policies 1.1.1, 1.1.2, 1.1.3, 1.1.3.4, 1.4.1, 2.1, 2.6 and 3.0.

[16] Mr. Rogato opined that the Proposed Development would permit efficient use, regeneration, and redevelopment of the Subject Lands to introduce an intensified form of residential use on an already developed portion of the Subject Lands, which does not impact any natural heritage features. The proposal will provide for the redevelopment of the Subject Lands from their existing use as one single family dwelling on a very large site, with a compatible form of intensification through the proposed 6-storey apartment building. This he opined would be an efficient use of the Subject Lands and would align with the direction of the PPS.

The Growth Plan

[17] Mr. Rogato opined that the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), as the lands are within the Delineated Built-up Area which seek to achieve complete communities, in part by identifying a diverse range and mix of housing options within a municipality, focusing intensification within built-up areas and achieving minimum intensification targets of the Growth Plan.

[18] The proposed 6-storey apartment building will include a mix of one bedroom and two-bedroom unit types along with available options to add dens to each unit type category. The mix of unit types will provide housing options within the Secondary Planning Area and Woodbridge community, which is currently made up of predominantly ground related housing stock including single detached dwellings, semi detached dwelling and townhouse dwellings.

[19] Mr. Rogato stated that the Proposed Development conforms to the housing policies of the Growth Plan, as it will contribute to a complete community by making housing stock available which adds to the diversification of housing types and will provide for an appropriate form of intensification of underutilized lands with existing services and road infrastructure. The Subject Lands are located within an urban area with an abundance of existing community facilities and a transportation network which has capacity to accommodate the proposal through road connectivity to the regional transportation network.

[20] Mr. Rogato referred the Tribunal to the following policies stating that the OPA and ZBA conform to the Growth Plan, including but not limited to policies: 2.1, 2.2.2, 2.2.6, and 2.2.6.3.

The YROP

[21] The Subject Lands are designated in the York Region Official Plan ("YROP") as part of the 'Urban Area' and 'Regional Greenlands System' per the Regional Structure Map 1 of the YROP. A minor portion of the Subject Lands is also identified as 'Woodlands' on Map 5 and within the conceptual 'Greenlands System Vision' corridor.

[22] Mr. Rogato referred the Tribunal to the following policies stating that the OPA and ZBA conform to the YROP, including but not limited to policy 2.1, which outlines the Region's policy direction for the Regional Greenlands System, deferring specific identification of the same to the local official plans and secondary plans. The YROP directs that natural features are to be integrated into the community design, with encouragement of enhancement opportunities.

The VOP

[23] The Subject Lands are designated Vaughan Official Plan ("VOP") as 'Natural Areas' on Schedule 13 Land Use of the VOP. They are further identified as 'Core Features' on Schedule 2 Natural Heritage Network with a portion identified as an 'Unapproved' Natural Area being the portion of the lands containing the existing single detached dwelling. The Core Feature on the Subject Lands is the existing woodland, located on the southern section of the Subject Lands.

[24] The Tribunal heard that policies in section 3.2.3 prohibit development and site alteration in Core Features and adjacent to Core Features unless it has been demonstrated through an Environmental Impact Study ("EIS") that development and site alteration will not result in a negative impact on the feature. Policy 3.2.3.11 permits minor refinements to the boundaries and alignment of Core Features.

[25] Mr. Rogato stated the EIS confirmed the limits of the natural heritage features on the Subject Lands and recommended appropriate Vegetation Protection Zones. The EIS included an impact assessment, which concluded that the Proposed Development will be located outside of the Core Features (Significant Woodland) and will not result in any negative impacts on the feature or its functions. Further, the area proposed for development does not contain Significant Valleyland and will not result in negative impacts on the adjacent slope forest. In addition, the Proposed Development includes a Woodland Compensation and Restoration Plan which will not only protect but replace, restore, and enhance the Significant Woodland and its function.

[26] The VOP recognizes stable neighbourhoods through its Community Areas and policies 2.2.3.1, 2.2.3.2, 2.2.3.3 and 2.2.3.4. Policy 2.2.3 of the VOP seeks to allocate most of the low-density housing stock within Community Areas, recognizing such areas as stable areas, not intended to experience significant physical change, which would alter the general character of the established neighbourhoods within such areas.

[27] It was his opinion that while the Proposed Development is not considered low-rise it will not destabilize or alter the Community Area and neighbourhood character, as it will not create any shadow, overlook, or built form impacts on the existing residential area.

[28] He informed the Tribunal that VOP Policy 3.6.4.4 prohibits intensification within flood vulnerable areas unless it has been demonstrated through an appropriate comprehensive study that the flood risk has been reduced through flood remediation, flood proofing, flood warning and emergency response measures, to the satisfaction of the City and the Toronto and Region Conservation Authority.

[29] To address potential flooding conditions on portions of Clarence Street during the Regional storm, he stated an Emergency Access will be constructed through the lands to be acquired by the City to the north of Mounsey Street, which will be funded through the section 37 contribution. An Emergency Management Plan and warning clauses to ensure that future residents are aware of the potential flooding risks and will be prepared for a potential flood event will also be required and will be implemented through the site plan

approval process.

Secondary Plan

[30] The Subject Lands are also within the Woodbridge Centre Secondary Plan, forming part of the 'Stable Residential Neighbourhoods' and are designated 'Low Rise Residential' with a maximum height of 2-Storeys. Within the Secondary Plan, the Subject Lands are not shown to be part of the 'Valley Lands and Neighbouring Parks' designation.

[31] It was explained that the Secondary Plan identifies the Subject Lands within the Stable Residential Neighbourhoods Character Area noting that the developable area of the Subject Lands is well removed from the existing residential neighbourhood to the south by distance, topography (being beyond the toe of slope) and the intervening woodland. The only other use on Mounsey Street is the existing church located to the east of the Subject Lands. He highlighted development applications which have been submitted and approved for the redevelopment of the Country Club golf course to the north of the Subject Lands including 662 new residential units.

[32] He opined that the proposed will contribute to the mix of residential building forms, achieve a high-quality built form, protect the natural heritage and environmental features, and in conformity with the principles and objectives of the Secondary Plan. Section 3.3 of the Secondary Plan outlines a vision for Stable Residential Neighbourhoods which will respect and conserve the adjacent heritage fabric and landscapes, improve the 'green' character of the neighbourhood, protect significant views and connections to open spaces and respect distinct setbacks, heritage styles and natural topography of the neighbourhoods.

[33] He stated, Low-Rise Residential designation allows for housing forms no greater than 5-storeys having a numeric symbol of '2' being 2-storeys as the permitted maximum height. The proposed OPA seeks to re-designate the Subject Lands from the 'Low-Rise Residential' designation to a 'Mid-Rise Residential' designation which would permit the proposed '6'-storey apartment building.

[34] It was explained that the Subject Lands are located sufficiently away from existing Single Detached or Semi-Detached dwellings and are located adjacent to an institutional use being a community church. As such, there are no issues of compatibility or impacts to existing land uses generated by the Proposed Development. The design is representative of a terraced or staggered building with amenity areas and no shadow impacts or overlook impacts are expected onto adjacent dwellings.

[35] The OPA proposes to amend the VOP and Secondary Plan to remove the developable portion from the Unapproved Natural Heritage Network of the VOP and redesignate the Subject Lands from “Low Rise Residential” to “Mid Rise-Residential” with a site-specific exception to permit a maximum height of 6-storeys and Floor Space Index (FSI) of 3.19 to facilitate the development of a 6-storey apartment building on the Subject Lands.

Zoning By-law

[36] The 1-88 ZBLA proposes to rezone the Subject Lands from a R2 Residential Zone to RA2(H)-Apartment Residential Zone with the Holding Symbol “(H)”, OS4 Open Space Woodlot Zone and OS4 (H)-Open Space Woodlot Zone with the Holding Symbol “(H)”, along with site specific provisions pertaining to definition of a parking space, Front Yard Setback, Interior Side Yard Setbacks, permitted Balcony Encroachments, parking requirements, location of a required Loading Space, Minimum Landscape Strip along Mounsey Street, Minimum Amenity Area and to permit a portion of the proposed Underground Structure within the proposed OS4 Zone.

[37] The Comprehensive Zoning By-law(“CZBL”) ZBLA proposes to rezone the Subject Lands from a R2A (EN)Second Density Residential Zone-Established Neighbourhood to RM2(H) Multiple Unit Residential Zone with Holding Symbol “(H)”, EP Environmental Protection Zone (“EP zone”) and EP(H) Environmental Protection Zone with Holding Symbol “(H)”, along with site specific provisions pertaining to Mechanical Penthouse Height Exemption, Landscape Strip requirements, access width requirements, access requirements for proposed bicycle parking, Interior Side Yard Setbacks, removal of

Angular Plane, Podium and Tower requirements and to permit a portion of the proposed Underground Structure within the proposed EP Zone.

[38] Mr. Rogato informed the Tribunal that on October 20, 2021, the City enacted the new CZBL which applies to the Subject Lands. On November 11, 2021, the Applicant appealed the City's decision to enact the CZBL to the Tribunal, which appeal is assigned OLT Case No. OLT-22-002104 Appeal No. 002677 (the "CZBL Appeal" and collectively with the Site-Specific Appeals, the "Appeals").

[39] He opined the proposed OPA and ZBLAs are consistent with the PPS, conform to and do not conflict with the Growth Plan, conform to the YROP, VOP and Secondary Plan and represent good planning and in the interest of the public.

ANALYSIS AND DISPOSITION

[40] The Tribunal accepts the uncontested evidence of the Mr. Rogato in its entirety and finds the proposed instruments as put forward in the Proposed Settlement meet all the relevant policy tests of the *Planning Act*, PPS 2020, the Growth Plan and all relevant foundational policies of the VOP. It represents good planning and is in the public interest including, but not limited to, policies which speak to efficient development which provides for a range of housing.

[41] The Tribunal finds that the City has well established planning policy for the area surrounding the Subject Site and has followed a careful, complete, and comprehensive planning review of the revised proposal. The Proposed Settlement aligns with established principles of both provincial and VOP policy, making it an appropriate location for the proposed development.

[42] The Tribunal finds that the Proposed Development maintains the privacy and daylight/sunlight conditions of the nearby residential areas due to the site's unique location at the terminus of Mounsey Street and the presence of the existing woodlot which buffers and screens the proposed building from the nearby residential dwellings.

[43] The Tribunal is satisfied that with the setback from Mounsey Street, sufficiency of underground parking space provides for sufficient parking in compliance with the more current CZBL zoning requirements.

[44] The Tribunal finds the Proposed Development will make use of available water, storm, and sewer services with necessary connection upgrades.

[45] The Tribunal finds that the implementing ZBLAs are appropriate with the addition of an H provision to ensure servicing capacity, execution of a Section 37 Agreement, confirmation of a Development Agreement with the City, a letter of reliance for the completed Environmental Assessment, and confirmation of appropriate engineering plans to be submitted to be approved by the City.

[46] The Tribunal notes that the proposed development will be subject to Site Plan Control to ensure its design and features are consistent with the urban design guidelines of the City.

INTERIM ORDER

[47] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and that Official Plan 2010 for the City of Vaughan is modified as set out in **Attachment 1** to this Order, and as modified is approved.

[48] **THE TRIBUNAL ORDERS** that the appeal against By-law No. 1-88 of the City of Vaughan is allowed in part, and the Tribunal directs the municipality to amend By-law No.1-88 as set out in **Attachment 1** to this order. In all other respects, the Tribunal Orders the appeal is dismissed.

[49] **THE TRIBUNAL ORDERS** that the appeal against Comprehensive Zoning By-law No. 001-2021 of the City of Vaughan is allowed in part, and the Tribunal directs the municipality to amend Comprehensive Zoning By-law No. 001-2021 as set out in **Attachment 1** to this order. In all other respects, the Tribunal Orders the appeal is

dismissed.

[50] **THE TRIBUNAL ORDERS** that in accordance with subsections 17(50) and 34(26) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “**Act**”):

- (a) That the appeals to amend the Vaughan Official Plan 2010 and Zoning By-law No. 1-88 and of the passing of the CZBL are allowed, in part;
- (b) That the City of Vaughan Official Plan 2010 Volume 1 and Volume 2, Woodbridge Centre Secondary Plan 11.11, are hereby modified for the lands at 31 and 55 Mounsey Street in accordance with **Schedule “A”** to this Order;
- (c) That the City of Vaughan Zoning By-law No. 1-88 is hereby amended for the lands at 31 and 55 Mounsey Street in accordance with **Schedule “B”** to this Order;
- (d) That the CZBL is hereby amended by adding a new Section 14 Zone Exception in the form attached to this Order as **Schedule “C”** for the lands at 31 and 55 Mounsey Street and is approved as amended.
- (e) That the City of Vaughan Official Plan 2010 Volume 1 and Volume 2, Woodbridge Centre Secondary Plan 11.11, are hereby modified for the lands at 31 and 55 Mounsey Street in accordance with **Schedule “A”** to this Order;
- (f) That the City of Vaughan Zoning By-law No. 1-88 is hereby amended for the lands at 31 and 55 Mounsey Street in accordance with **Schedule “B”** to this Order;
- (g) That the CZBL is hereby amended by adding a new Section 14 Zone Exception in the form attached to this Order as **Schedule “C”** for the lands at 31 and 55 Mounsey Street and is approved as amended;

- (h) That the appeal against the Comprehensive Zoning By-law is resolved in full and the balance of the appeal is hereby dismissed; and
- (i) That approval of portions of the CZBL as attached hereto in **Schedule “C”** is without prejudice to the disposition of any other appeal of the CZBL.

“D. Chipman”

D. CHIPMAN
MEMBER

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.

SCHEDULE “C”

AMENDMENT TO ZONING BY-LAW 001-2021

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 215-2022

A By-law to amend City of Vaughan By-law 001-2021

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time.

AND WHEREAS there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity.

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 the “R2A(EN) Second Density Residential Zone - Established Neighbourhood” to the “RM2(H) Multiple Unit Residential Zone” with the addition of the Holding Symbol “H”, “EP Environmental Protection Zone” and “EP(H) Environmental Protection Zone” with the addition of the Holding Symbol “H”, in the manner shown on the said Schedule “1”.
 - b) Adding the following table, Exception Number 14.1130 to Section 14: Zone Exceptions:

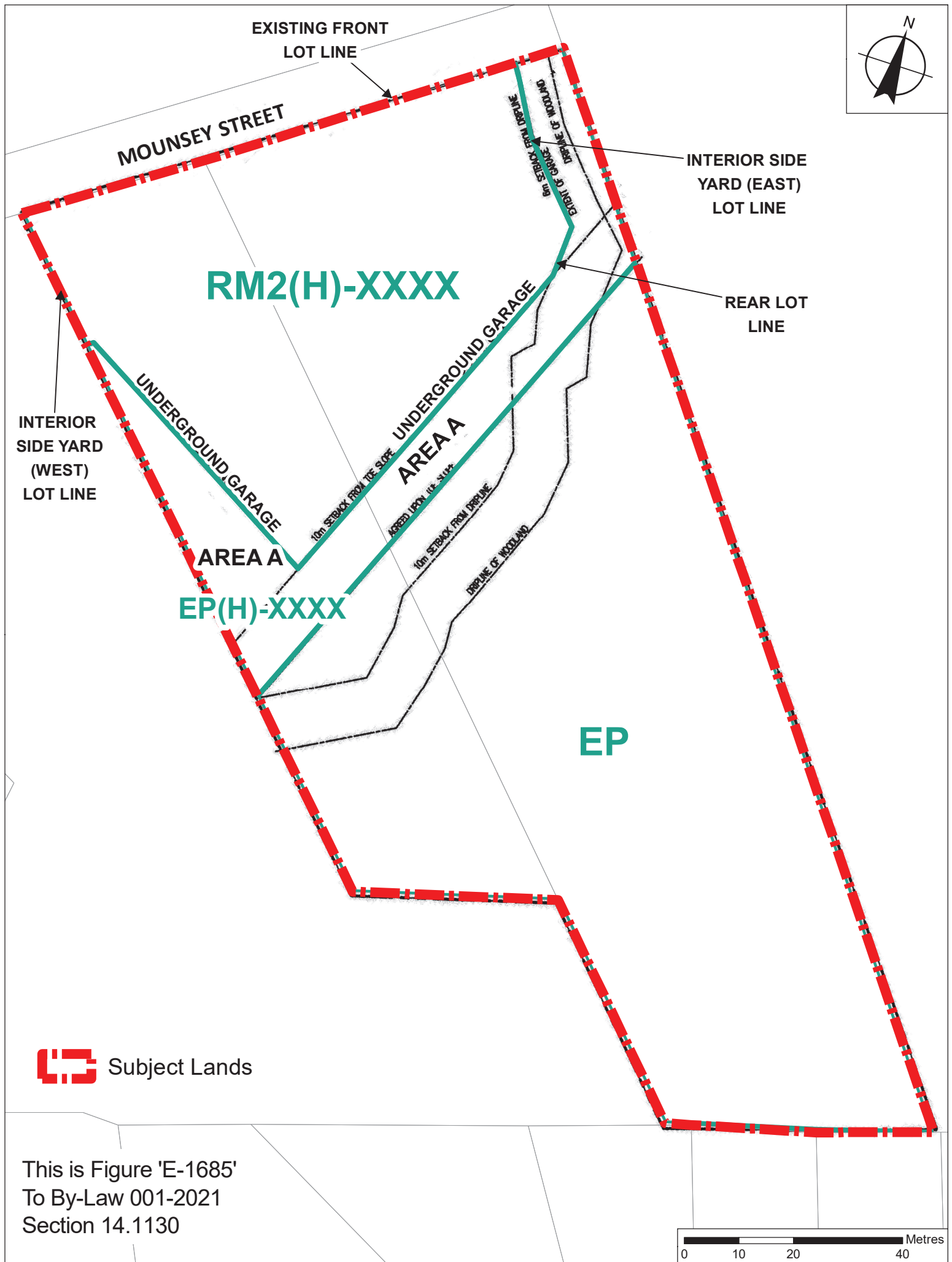
SECTION 14: ZONE EXCEPTIONS	
EXCEPTION NUMBER: 1130	Legal Description: South side of Mounsey Street and east of Clarence Street, in Part of Lot 9, Concession 7; municipally known as 31 and 55 Mounsey Street
By-law/Instrument No.: 215-2022	
Date By-law/Instrument Passed: September 28, 2022	
File No.: Z.16.051 Related File: OP.16.012	
Parent Zones: RM2 Multiple Unit Residential Zone and EP Environmental Protection Zone	


Schedule A Reference: 66	Figure E Link (if applicable):
By-law / Tribunal Decision Reference: Ontario Land Tribunal Case No. OLT-22-002486 / Legacy Case No. PL171136	Figure T Link (If applicable):
14.1130.1 Lot and Building Requirements	
<p>1. The following provisions shall apply to the lands shown as “Subject Lands” on Figure “E-1685”:</p> <ol style="list-style-type: none">1. The minimum front yard shall be 6 m and shall be measured from the existing front lot line shown on Schedule “1”, irrespective of future road widenings or conveyances along Mounsey Street.2. The minimum rear yard setback shall be 1.5 m to the rear lot line as shown on Figure “E-1685”.3. The minimum interior side yard (west) setback shall be 2.5 m to the interior side yard (west) lot line as shown on Figure “E-1685”.4. The minimum interior side yard (east) setback shall be 1 m to the interior side yard (east) lot line as shown on Figure “E-1685”.5. A balcony may encroach into the minimum required interior side yard a maximum of 1.5 m into the interior side yard (west) lot line and a maximum of 1 m into the interior side yard (east) lot line as shown on Figure “E-1685”.6. A balcony may have a minimum distance of 0 m from the rear lot line and interior side yard (west) lot line at the southwest end of the building.7. A minimum landscape strip of 3 m shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of exhausts or intake air shafts including access driveways across the said strip.8. The podium and tower requirements shall not apply.9. The 45-degree angular plane requirements shall not apply.	
14.1130.2 Other Provisions	
<p>1. The following provisions shall apply to the lands shown as “Subject Lands” on Figure “E-1685”:</p> <ol style="list-style-type: none">1. The rooftop mechanical penthouse height maximum of 5.0 m shall not apply.2. The minimum setback from the existing front lot line shown on Figure “E-1685” shall be 4 m for the underground parking structure.3. The minimum setback for an accessory building or structure being the air ventilation shall be 0.5 m from the interior side yard (west) lot line.4. The maximum cumulative width of the accesses to the circular driveway, as measured at the street line, shall not exceed 19 m.5. Direct access from the exterior of the building to long-term bicycle parking spaces shall not be required.	

<p>6. An underground parking structure shall be permitted within the portion of the Subject Lands identified as “Area A” on Figure “E-1685”.</p>
<p>14.1130.3 Holding Provisions</p>
<p>1. The following provisions shall apply to all the lands zoned with the Holding Symbol “H” as shown on Figure “E-1685”, until the Holding Symbol “H” is removed pursuant to Subsection 36(3) 04 (4) 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 use legally existing as of the date of the enactment of this By-law. Notwithstanding the foregoing, the following are permitted prior to the removal of the Holding Symbol “H”:</p> <ul style="list-style-type: none">i. One (1) Temporary Sales Office, in accordance with Subsection 5.11.2 respecting Temporary Sales Office in the City of Vaughan By-law Number 001-2021, as amended; andii. Underground Parking Structure including shoring and excavation work for a use permitted by the “RM2 Multiple Unit Residential Zone”. <p>b) Removal of the Holding Symbol “H” from the Subject Lands or a portion thereof shall be contingent on the following conditions being met:</p> <ul style="list-style-type: none">i. Water and sanitary servicing capacity shall be identified for the Subject Lands and allocated by Vaughan Council;ii. An agreement pursuant to Section 37 of the <i>Planning Act</i> has been executed and registered, providing for the payment of \$1,362,000.00 towards certain community benefits to be described in the Section 37 Agreement, in exchange for the increases in height and density permitted for the development of the lands;iii. Confirmation that the Applicant has entered into a Development Agreement to satisfy all conditions of the City, financial or otherwise, with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads, walkways, and municipal services, including required improvements of Mounsey Street right-of-way, proposed storm sewer on Mounsey Street, installation of new services, landscaping, and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the City;iv. Confirmation that a letter from a qualified and licensed Environmental Engineer for extending reliance for the use of a Phase I Environmental Site Assessment report; andv. Confirmation that the required engineering drawings and reports are approved to the satisfaction of the City’s Development Engineering

Department.
14.1130.4 Density and Height Bonusing
<p>1. Pursuant to Section 37 of the <i>Planning Act</i>, the increase in maximum building height and maximum density for the lands shown on Figure “E-1685” is subject to compliance with the conditions set out in this By-law and in the Section 37 Density Bonusing Agreement executed between the Owner of the Subject Lands and the City of Vaughan in return for the provisions of the following facilities, services and matters:</p> <p>a) The Owner of the Subject Lands shall make a cash contribution in the amount of \$1,362,000.00 to the City of Vaughan, payable prior to the application for the first Building Permit for any above grade structure(s) for the development, towards certain community benefits to be described in a Section 37 Agreement.</p>
14.1130.5 Figures
Figure E-1685

- c) Adding Figure E-1685 to Exception Zone 14.1130 Figures attached hereto as Schedule “1”.
 - d) Deleting Map 66 of Schedule A and substituting therefore the Map 66 attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall be and hereby form part of this By-law.



 Subject Lands

This is Figure 'E-1685'
To By-Law 001-2021
Section 14.1130

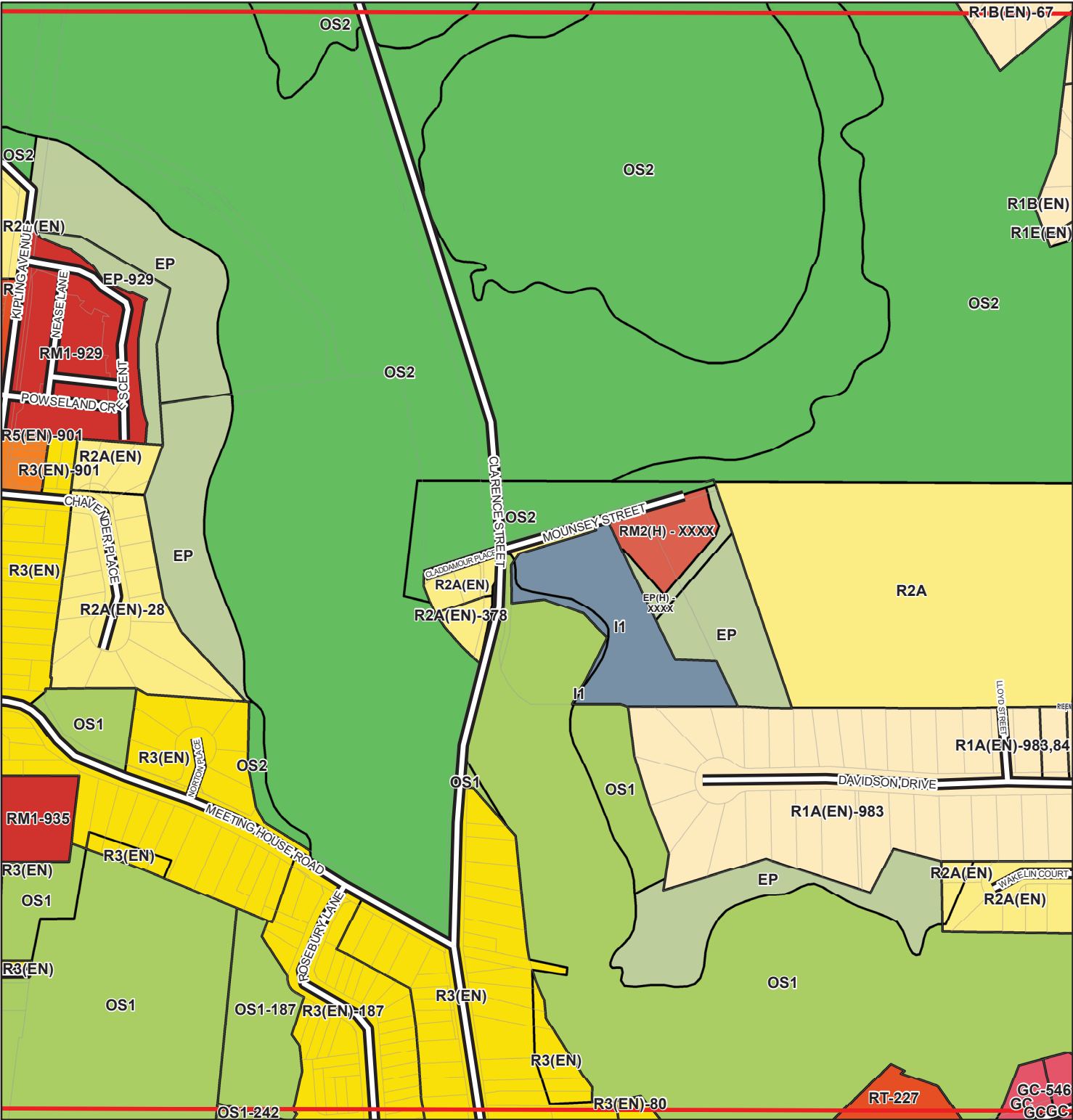
This is Schedule '1'
To By-Law 215-2022
Passed the 28th Day of September, 2022

File: Z.16.051
Related File: OP.16.012
Location: Part of Lot 9, Concession 7
Applicant: 2466571 Ontario Inc.
City of Vaughan

TRIBUNAL ORDER:
CASE NO. OLT-22-002486
AUGUST 23, 2022

Zoning By-law 001 - 2021

Schedule A | Map 66



Conservation, Open Space and Agricultural Zones

- A (Agriculture Zone)
- OS1 (Public Open Space Zone)
- OS2 (Private Open Space Zone)
- 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)
- RM1 (Multiple Residential Zone 1)
- RM2 (Multiple Residential Zone 2)
- RE (Estate Residential Zone)

Commercial Zones

- 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)
- CMU (Community Commercial Mixed-Use Zone)

Employment Zones

- EM1 (Prestige Employment Zone)
- EM2 (General Employment Zone)
- EM3 (Mineral Aggregate Operation Zone)

Other Zones

- 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)

Legend:

- 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)

Other:

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

1:5,000

VAUGHAN WSP					
102	103	104	105	106	
84	85	86	87	88	
64	65	66	67	68	
44	45	46	47	48	
24	25	26	27	28	
Final: July 2022					

This is Schedule '2'
To By-Law 215-2022
Passed the 28th Day of September, 2022

File: Z.16.051
Related File: OP.16.012
Location: Part of Lot 9, Concession 7
Applicant: 2466571 Ontario Inc.
City of Vaughan

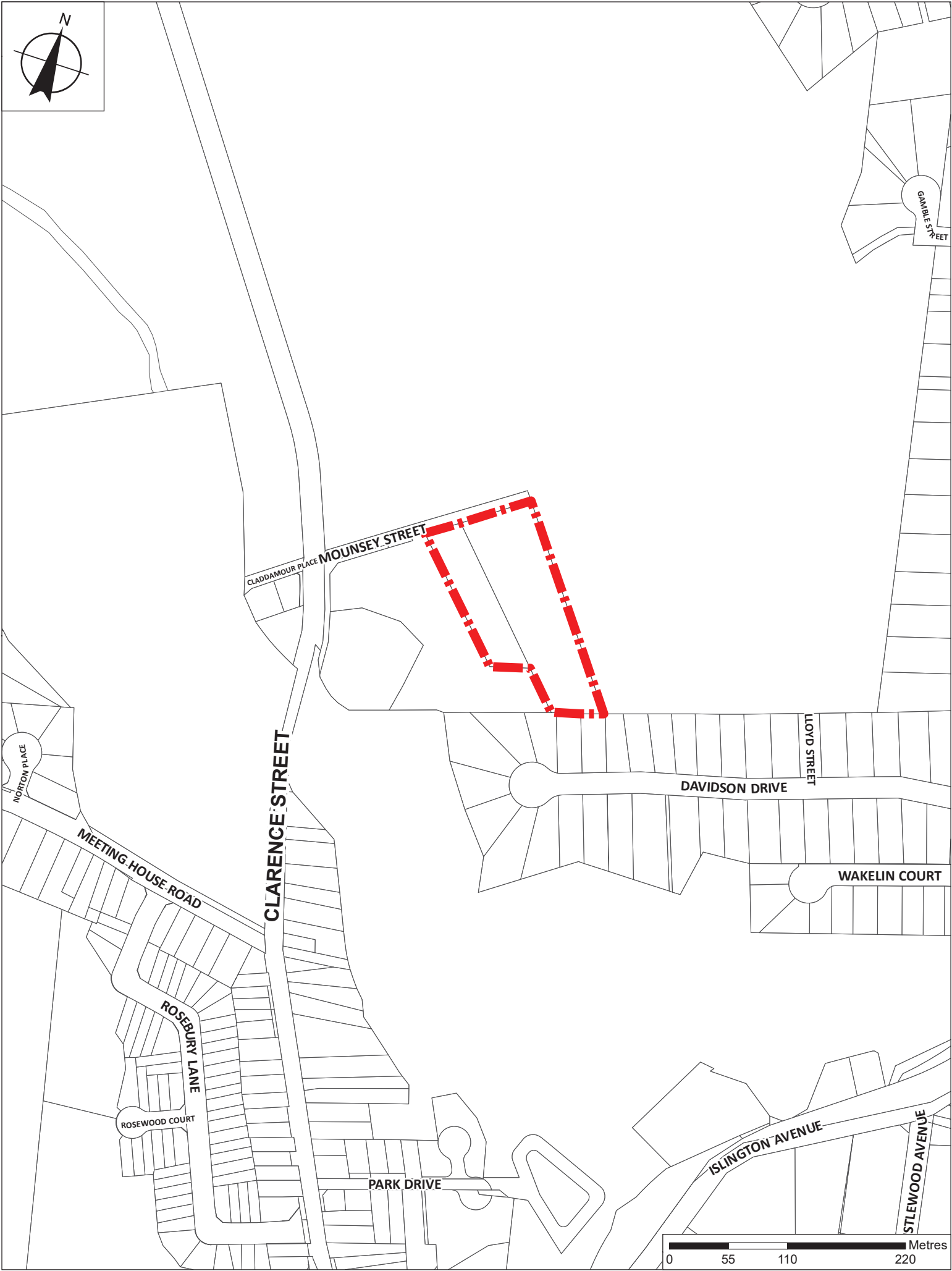
TRIBUNAL ORDER:
CASE NO. OLT-22-002486
AUGUST 23, 2022
CLERK

SUMMARY TO BY-LAW 215-2022

The lands subject to this By-law are located on the south side of Mounsey Street, east of Clarence Street, being Part of Lot 9, Concession 7, City of Vaughan, Regional Municipality of York and are municipally known as 31 and 55 Mounsey Street.

The purpose of this By-law is to rezone the Subject Lands from the “R2A(EN) Second Density Residential Zone - Established Neighbourhood” to the “RM2(H) Multiple Unit Residential Zone” with the addition of the Holding Symbol “H”, “EP Environmental Protection Zone” and “EP(H) Environmental Protection Zone” with the addition of the Holding Symbol “H” and site-specific exceptions to zoning requirements including the lot and building requirements.

The By-law also provides holding conditions and the provisions for the removal of the holding conditions.



Location Map
To By-Law 215-2022

File: Z.16.051
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