

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 002-2020

A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as effected by the Local Planning Appeal Tribunal in its' decision dated the 24th day of December 2019 in LPAT Case File No. PL140155.

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

1. THAT the Amendment to City of Vaughan By-law 1-88, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 24th day of December 2019 (LPAT File No. PL140155), attached hereto as Schedule "C", is hereby designated as By-Law Number 002-2020.

Enacted by City of Vaughan Council this 28th day of January, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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



ISSUE DATE: December 24, 2019

CASE NO.:

PL140839
PL140154

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

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly):	Casertano Developments Corporation and Sandra Mammone
Appellants (jointly):	Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly):	Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly):	H & L Title Inc. and Ledbury Investments Ltd.
Appellant:	Canadian National Railway
Appellant:	Rutherford Land Development Corporation
Appellant:	281187 Ontario Ltd.
Appellant:	Anland Developments Inc.
Subject:	Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)
Municipality:	City of Vaughan
OMB Case No.:	PL140839
OMB File No.:	PL140839
OMB Case Name:	Mammone v. Vaughan (City)

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

Applicant and Appellant:	Rutherford Land Development Corp.
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	"Prestige Area" under Official Plan Amendment No. 450 (Employment Area Plan)
Proposed Designation:	"High Density Residential/Commercial" under Official Plan Amendment No. 600
Purpose:	To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square metres (110,868 square feet) of retail/institutional/community space and 4,500 square metres (48,437 square feet) of office space
Property Address/Description:	2901 Rutherford Road (south-east corner of Jane Street and Rutherford Road)
Municipality:	City of Vaughan
Approval Authority File No.:	OP.06.028
OMB Case No.:	PL140154
OMB File No.:	PL140154
OMB Case Name:	Rutherford Land Development Corp. 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:	Rutherford Land Development Corp.
Subject:	Application to amend Zoning By-law 1-88, as amended – refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	EM1 Prestige Employment Zone
Proposed Zoning:	"RA3(H)" Apartment Residential (Holding) Zone and "OS2" Open Space Park Zone
Purpose:	To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square

	metres (110,868 square feet) of
	retail/institutional/community space and 4,500 square
	metres (48,437 square feet) of office space
Property	2901 Rutherford Road (south-east corner of Jane Street
Address/Description:	and Rutherford Road)
Municipality:	City of Vaughan
Municipal File No.:	Z.06.075
OMB Case No.:	PL140154
OMB File No.:	PL140155

BEFORE:

MARIE HUBBARD)	Tuesday, the 24 th day of
ASSOCIATE CHAIR)	
)	December, 2019

THIS MATTER having come on for a motion hearing and the Tribunal, in its Decision issued on December 18, 2018, having withheld its Order until it is informed by the Appellant and CNR that their agreement has been registered on title;

THE TRIBUNAL ORDERS that the appeal with respect to Phase 1 of the Official Plan Amendment is allowed in part and the Official Plan for the City of Vaughan is modified in accordance with the amendment to the Vaughan Mills Centre Secondary Plan as set out in Exhibit 39 and as modified is approved;

AND THE TRIBUNAL ORDERS that the appeal with respect to Phase 1 of the Zoning By-law amendment is allowed in part, and By-law No. 1-88, as amended, is hereby amended in the manner set out in Exhibit 39. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

“Evelyn Dawes”

DEPUTY REGISTRAR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

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

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 002-2020

A By-law to amend City of Vaughan By-law 1-88

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - A. Rezoning the lands shown as “Subject Lands” on Schedule “2” attached hereto from EM1, Prestige Employment Zone, subject to Exception 9(1170), to RA3, Apartment Residential Zone, subject to site specific zone exceptions and with the addition of the Holding Symbol “H” in the manner shown on the attached Schedule “2”.
 - B. Adding the following paragraph to Section 9.0 “EXCEPTIONS”:

9(1488) The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E1619”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36 (3) or (4) of the Ontario Planning Act:

 - a) Lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the enactment of By-law 002-2020. Notwithstanding the foregoing, the following are permitted prior to the removal of the Holding Symbol “(H)”:

- i. One (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan By-law Number 1-88; and,
- ii. An underground parking structure.

b) Holding Symbol “(H)” Removal Conditions:

A By-law to remove the Holding Symbol “(H)” on the lands identified on Schedule “E-1619”, or any portion thereof, shall not be enacted until the following conditions are satisfied:

- i. The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V002, or phase thereof, from Vaughan Council or the Local Planning Appeal Tribunal;
- ii. Water and sewer servicing capacity being identified and allocated by the City of Vaughan;
- iii. The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition;
- iv. The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning By-law a “Rail

Yard” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant;

- v. The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require;
- vi. If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require;
- vii. The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Local Planning Appeal Tribunal for the Development;
- viii. The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City;

- ix. The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area;
- x. A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the Planning Act; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City; and
- xi. An agreement pursuant to Section 37 of the Planning Act has been executed and registered, providing for the contribution equivalent of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands, consisting of the payment of money, or the provision of facilities, services, or other matters or combination thereof, to the satisfaction of the City of Vaughan. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building

Permit for any above grade structure(s) (other than the temporary sales office).

C. Notwithstanding the provisions of:

- a) Section 2.0 respecting the Definition of “Car Share”, “Lot”, “Parking Space”, and “Underground Parking Structure”;
- b) Subsection 3.8 a) respecting Minimum Parking Requirements, 3.8 c) respecting Residential Visitor Parking, and 3.8 g) respecting access and/or driveway requirements;
- c) Subsection 3.9 respecting Loading Spaces;
- d) Subsection 3.13 respecting Minimum Landscaped Areas;
- e) Subsection 3.17 respecting Portions of Buildings Below Grade;
- f) Subsection 4.1.6 respecting Minimum Amenity Areas;
- g) Subsection 4.1.7, and Subsection 4.12 respecting permitted uses in the RA3 Apartment Residential Zone;
- h) Schedule ‘A’ respecting zone requirements in the RA3, Apartment Residential Zone.

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1619”:

- ai) The subject lands are designated as a Class 4 area pursuant to Ministry of Environment and Climate Change
Environmental Noise Guideline: Stationary and

*Transportation Sources – Approval and Planning –
Publication NPC-300*

- a ii) CAR SHARE means a membership based car rental service with a network of shared vehicles readily available 24 hours a day, 7 days a week. It does not include a Motor Vehicle Sales Establishment or Car Brokerage;
- a iii) LOT – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 50 of the Planning Act, R.S.O. 1990, CP. 13 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot. For the purposes of zoning conformity the lands shown as “Subject Lands” on Schedule “E-1619” shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted after the approval of this By-law, shall be deemed to comply with the provisions of this By-law;
- a iv) PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or

ingress and egress lanes, used for the temporary parking of motor vehicles.

- av) UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below grade used for the temporary parking of motor vehicles and shall not include the storage of impounded, scrap or derelict motor vehicles;
- bi) A minimum of 900 parking spaces are required on the subject lands subject to the following:
 - i) Residential Apartment Dwellings:
 - Bachelor/1 bedroom – 0.85 spaces per unit
 - 2 bedrooms – 0.95 spaces per unit
 - 3+ bedrooms – 1.15 space per unit
 - ii) Residential Visitor Spaces – 0.2 spaces per unit
 - iii) Commercial/Institutional Spaces – 3.0 parking spaces per 100 m² of GFA;
- bii) The parking spaces for Residential Visitors, Commercial and Institutional uses may be shared and do not need to be individually designated;
- biii) All parking, either in part or in whole, dedicated to parking either above or below ground shall remain fully unenclosed;
- biv) A two-way access driveway shall be a minimum of 6.0 metres and a maximum of 7.5 metres;
- ci) Subsection 3.9 shall not apply;

- di) A strip of land not less than 1.5 m in width shall be provided along a lot line which abuts a street line, and 0.0 metres abutting a sight triangle and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip;
- ei) The minimum setback from a streetline to the nearest part of a building below grade shall be 0.0 metres;
- fi) The minimum Amenity Area provided on the Subject Lands shall be 2.5 m² per Dwelling Unit;
- fii) A Privately Owned Publicly Accessible Open Space shall be provided on the subject lands, having a minimum area of 2,500 square metres, and subject to an easement in favour of the City of Vaughan;
- gi) The permitted uses within the site-specific RA3, Apartment Residential Zone as shown on Schedule "E-1619" shall include the following:
 - i. Residential Uses having a total maximum Gross Floor Area of 66,000 m² and a maximum total of 985 units.
Residential
Apartment Residential Dwelling
 - ii. Non-residential uses having a maximum Gross Floor Area of 1,800 m² restricted to the ground floor,

provided the uses are carried on within a wholly enclosed building without open storage as follows:

Commercial

- Bank or Financial Institution
- Brewers Retail Outlet
- Business or Professional Office
- Car Share
- Club or Health Centre
- Eating Establishment
- Eating Establishment, Convenience
- Eating Establishment, Take-Out
- Personal Service Shop
- Pet Grooming Establishment
- Pharmacy
- Retail Store
- Veterinary Clinic
- Video Store

Institutional Uses

- Community Centre
- Day Nursery
- Independent Living Facility
- Long Term Care Facility
- Public or Private School

- Technical or Commercial School

- Public Library

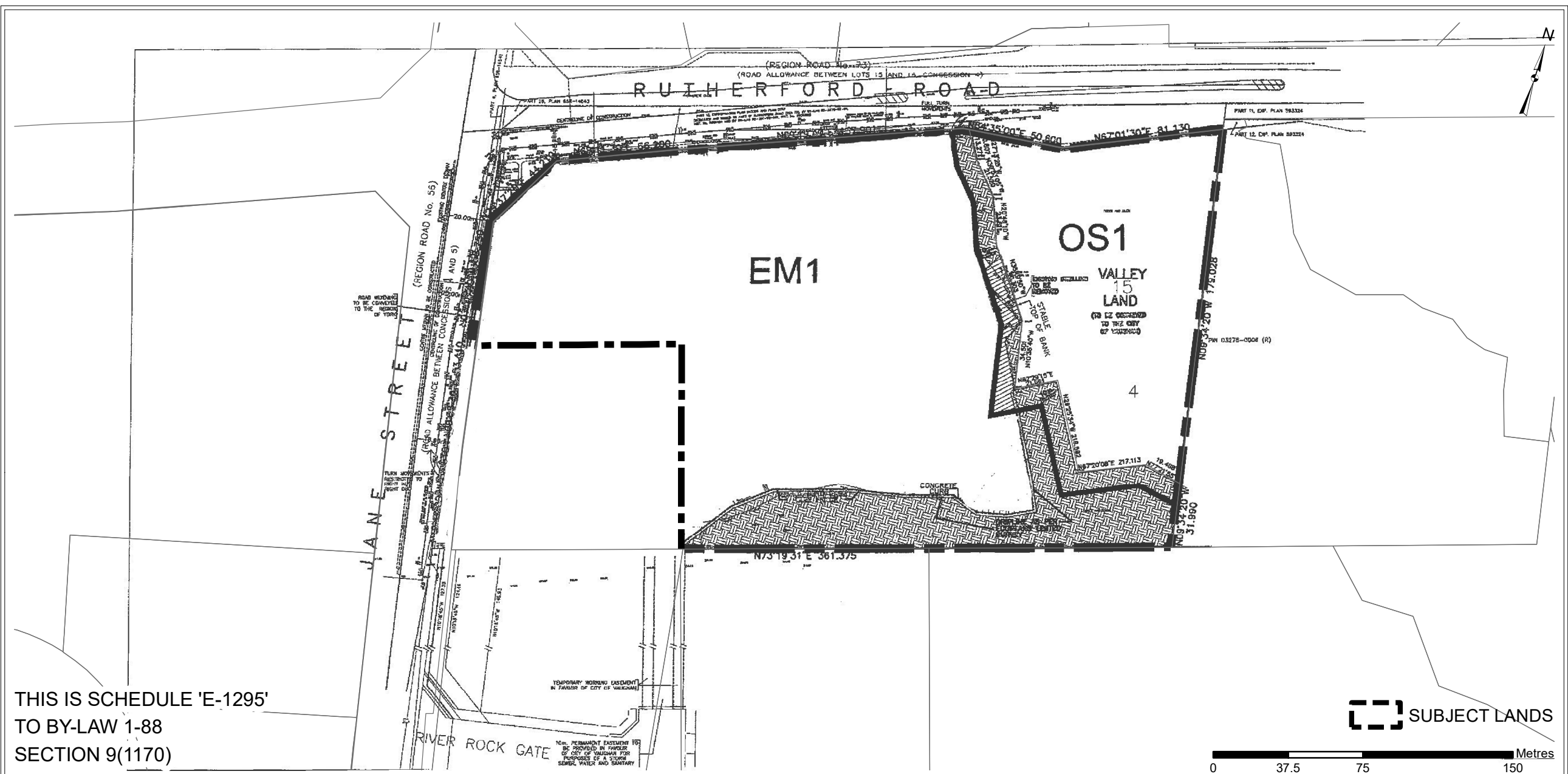
- gii) An outdoor patio shall only be permitted as an accessory use to an Eating Establishment, Convenience Eating Establishment, or Take-Out Eating Establishment and then only in accordance with the following provisions:
- a. The Outdoor Patio shall not exceed fifty percent (50%) of the gross floor area devoted to patron use of the eating establishment in conjunction with which the outdoor patio use is permitted;
 - b. Parking shall not be required for an Outdoor Patio;
 - c. An Outdoor Patio may be permitted in any yard;
 - d. Any lighting facilities illuminating an Outdoor Patio shall be arranged so as to deflect light away from adjoining properties and streets;
 - e. The use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audio-visual presentations, music concerts and shows, may be permitted in areas designated for Outdoor Patio use;
 - f. The ground surface of an Outdoor Patio shall be of concrete or other hard surface;

- g. An Outdoor Patio shall only be permitted in accordance with an approved Site Development Application;
- h. An outdoor patio of an eating establishment licensed to serve alcohol, in accordance with approvals from the Alcohol and Gaming Commission of Ontario, shall be completely enclosed by a physical barrier with access only from the interior of the said eating establishment, with the exception of at least one (1) exit to be used only in the case of emergency and which is not from the interior of the main building;
- hi) The minimum lot area per dwelling unit shall not apply;
- hii) The minimum distance between buildings above 7-storeys shall be 25.0 m;
- hiii) The maximum floorplate of a residential apartment tower above the podium shall not exceed 750 square metres;
- hiv) the maximum permitted Building Height shall be as follows:
 - a. Building A1 - 26 storeys (85.5m)
 - b. Building A2 - 26 storeys (85.5m)
 - c. Building A3 – 30 storeys (98.5m)

- hv) The minimum floor to floor height of a Commercial unit or Nonresidential unit on the ground floor shall be 4.5 m;
- hvi) The minimum setback to a sight triangle shall 0.0 metres;
- hvii) A minimum setback from the streetline to the first two-storeys of any building above finished grade shall be 3.0 metres;
- hvi) Any portion of the building above the first two-storeys (including balconies) may encroach into the minimum setback a distance of 1.5 metres."

- D.
 - a) Deleting Schedule "E-1295" and substituting therefore the schedule "E-1295"" attached hereto as Schedule "1".
 - b) Adding Schedule "E-1619" attached hereto as Schedule "2".
 - c) Deleting Key Map 4C and substituting therefor the Key Map 4C attached hereto as Schedule "3".

2. Schedules "1", "2" and "3" shall be and hereby form part of this By-law.



THIS IS SCHEDULE 'E-1295'
TO BY-LAW 1-88
SECTION 9(1170)

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT CORP.
CITY OF VAUGHAN

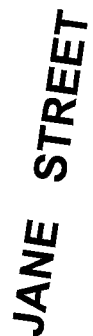
THIS IS SCHEDULE '1'
TO BY-LAW 002-2020
PASSED THE 28TH DAY OF JANUARY, 2020

SIGNING OFFICERS

Tribunal Order: PL140155
December 24, 2019

MAYOR

CLERK



NEW PUBLIC ROAD


RA3(H)
9()

A3

A1

A2

Future road widening

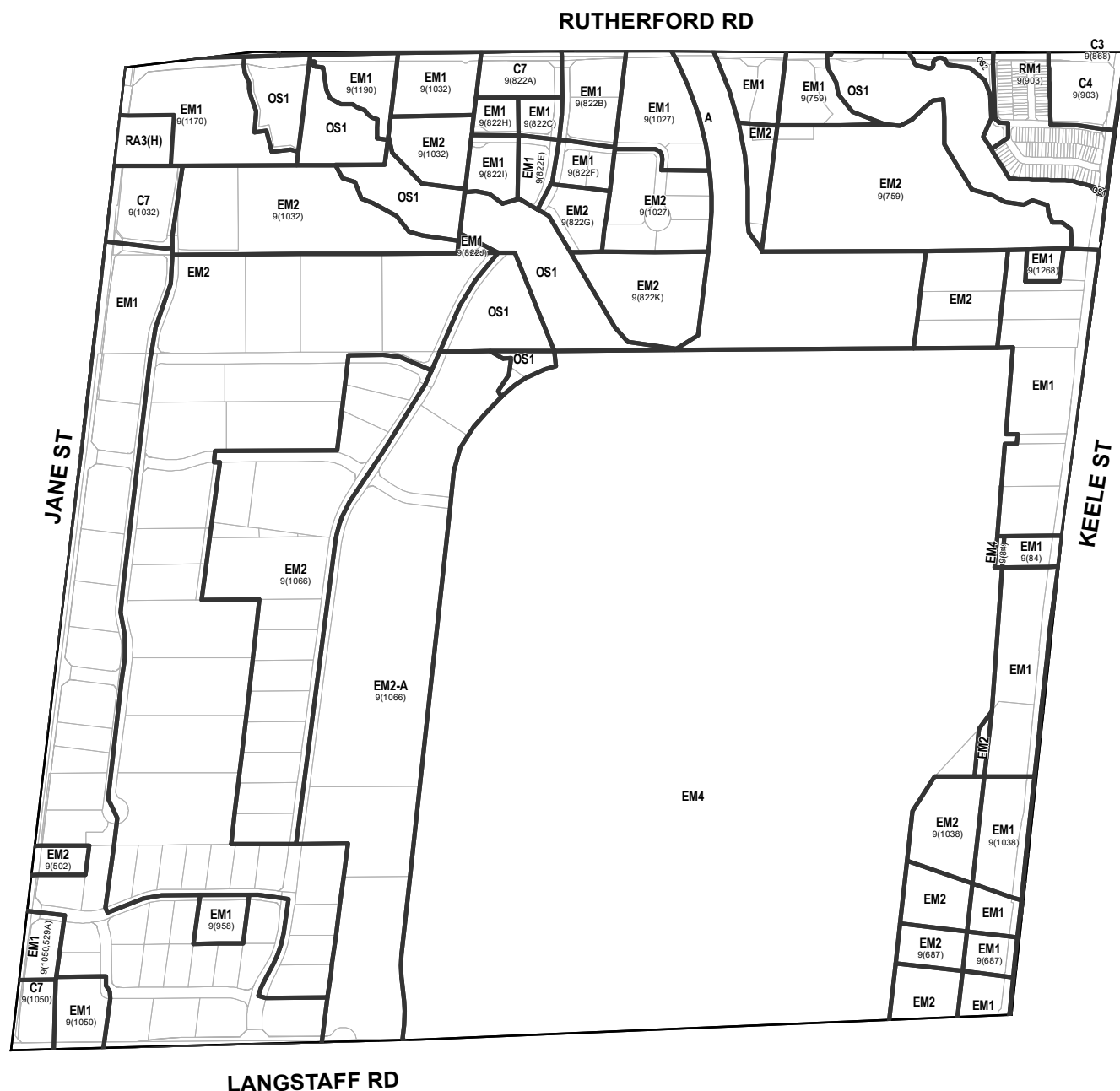
 SUBJECT LANDS

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT
CITY OF VAUGHAN

Tribunal Order: PL140155
December 24, 2019

MAYOR

CLERK



0 125 250 500 Metres

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT
CITY OF VAUGHAN

JANUARY, 2020

Tribunal Order: PL140155
December 24, 2019

MAYOR

MAYOR

CLERK

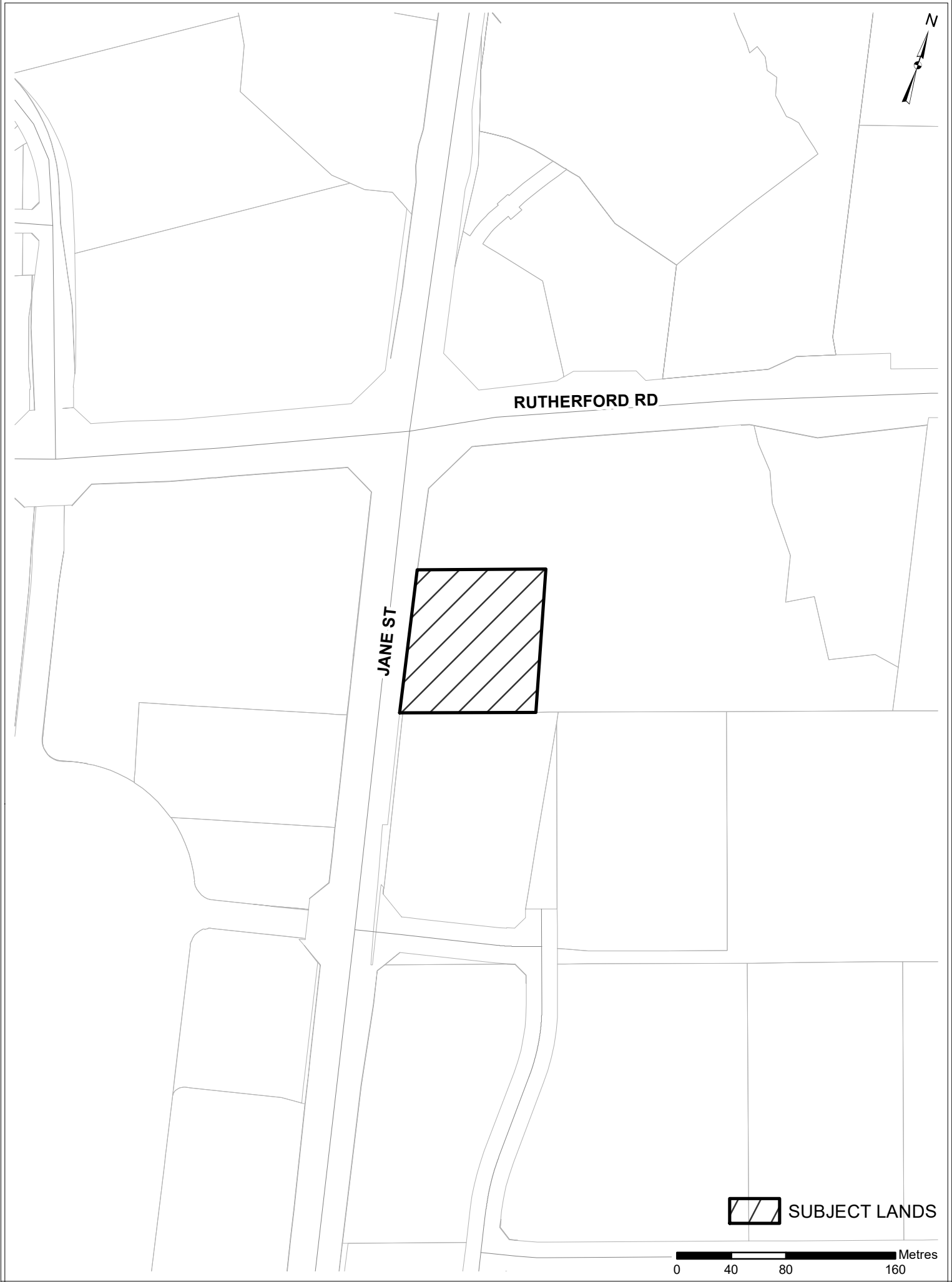
SUMMARY TO BY-LAW 002-2020

The lands subject to this By-law are generally located on the east side of Jane Street, South of Rutherford Road, in Part of Lots 15, Concession 4, City of Vaughan.

The purpose of this by-law is to rezone the subject lands from EM1 Prestige Employment to RA3 (H) Apartment Residential Zone, with the Holding Symbol, with site-specific zoning exceptions to permit the development of one (1) 30-storey and two (2) 26-storey residential apartment buildings, containing a total of 815 apartment units, and a maximum gross floor area of 1800 m² devoted to commercial uses.

The by-law includes conditions for removal of the Holding Symbol "(H)", including conditions for Section 37 Contributions. This By-law removes the lands subject to this Bylaw from the Exception 9(1170) and Schedule "E-1295" and creates a new Exception and Schedules, including the following site-specific zoning exceptions:

- a) site-specific definitions of "car share", "lot", "parking space" and "underground parking structure"
- b) reduced parking requirements
- c) reduced minimum setbacks from public streets to portions of the building above and below grade
- d) reduced setbacks to daylight triangles
- e) maximum building heights
- f) maximum number of residential apartment dwelling units
- g) provisions for density bonussing for the Subject Lands
- h) site-specific commercial uses with no open storage
- i) relief to the outdoor patio provisions.



LOCATION MAP
TO BY-LAW 002-2020

FILE: Z.06.075
RELATED FILES: OP.06.028
LOCATION: PART OF LOT 15, CONCESSION 4
APPLICANT: RUTHERFORD LAND DEVELOPMENT CORP.
CITY OF VAUGHAN